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TEXAS DOCUMENTS

# TEXAS REGISTER

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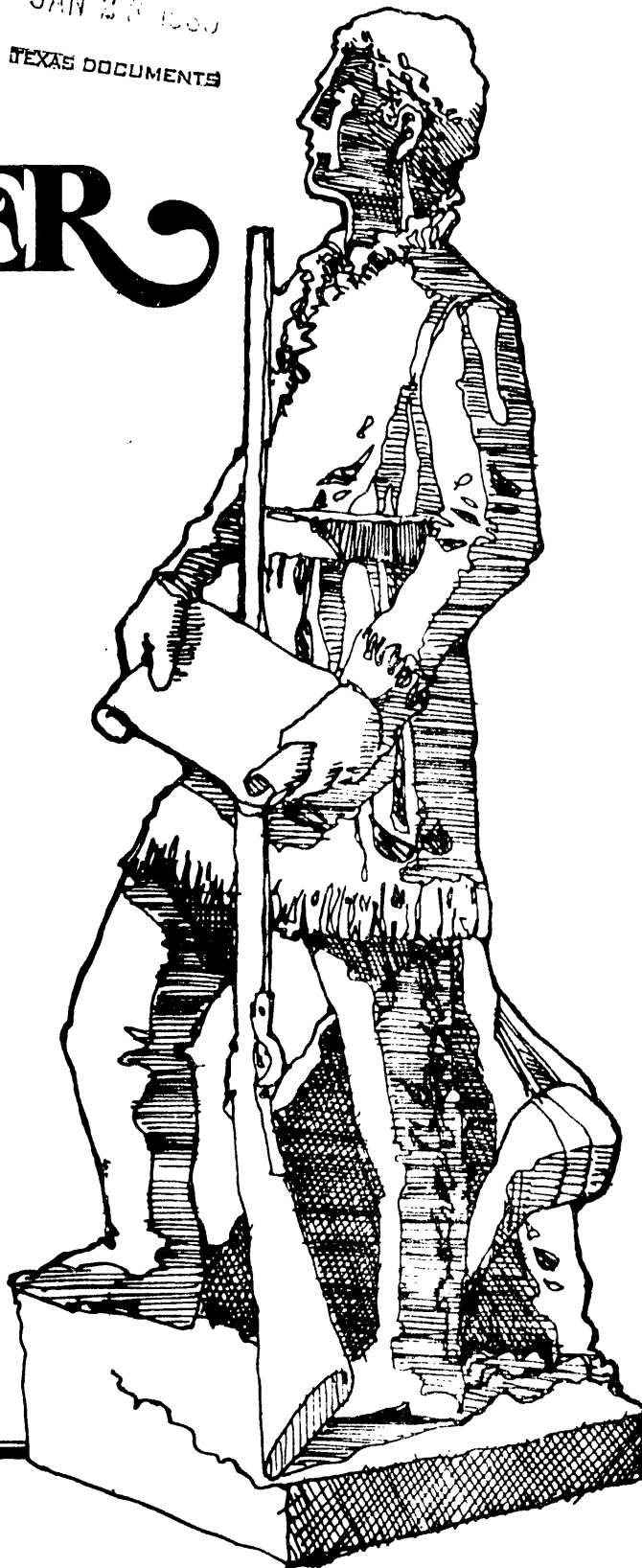
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Office of the Secretary of State

The *Texas Register* is currently in the process of converting to the numbering system found in the *Texas Administrative Code* (TAC). To aid the reader in this conversion, both the 10-digit *Register* number and the new TAC number will be listed for agencies whose rules have been published in the TAC. Emergency, proposed, and adopted rules sections of the *Register* are divided into two classifications: codified and noncodified. Codified rules appear in title number order. Non-codified rules appear in alphabetical order as they have in the past. An "Index of TAC Titles Affected" appears at the end of this issue.

Titles 1, 4, 7, 10, 13, 31, and 43 only of the TAC have now been published. Documents classified in the *Texas Register* to titles not yet published and certain documents affecting titles of the code have been accepted in the non-TAC format and may be renumbered or revised, or both, when initially codified in the TAC.

Under the TAC scheme, each agency rule is designated by a TAC number. For example, in the citation 1 TAC §27.15:

1 is the title (agencies grouped together by subject title which are arranged alphabetically)

TAC is the *Texas Administrative Code*

§27.15 is the section number (27 represents the chapter number and 15 represents the individual rule within the chapter)

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Latest Texas Code Reporter  
(Master Transmittal Sheet): No. 1, Oct. 79

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*Cover illustration represents Elisabet Ney's statue of Stephen F. Austin, which stands in the foyer of the State Capitol.*



George W. Strake, Jr.  
Secretary of State

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Linda Camp  
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## Appointments

### Texas Animal Health Commission

*For a six-year term to expire September 6, 1985:*

James B. Owen  
P.O. Box 546  
Tyler, Texas 75710

Mr. Owen is replacing James D. Sartwelle of Sealy, Austin County, whose term has expired, in the position of cattle raiser.

### Egg Marketing Advisory Board

*For a six-year term to expire September 27, 1985:*

Lonnie Alfred Pilgrim  
P.O. Box 93  
Pittsburg, Texas 75686 (egg producer)

Mr. Pilgrim is replacing Jack Mark Dubose of Gonzales, Gonzales County, whose term expired.

### Statewide Health Coordinating Council

*For a two-year term to expire October 21, 1981:*

Val Jean Hide  
P.O. Box 27203  
Houston, Texas 77027

Ms. Hide is being appointed to an at large Provider position.

### Metric System Advisory Council

*For a two-year term to expire August 29, 1981:*

Frances Jackson  
1205 Wells Drive  
Longview, Texas 75602 (member at large)

Mrs. Jackson is replacing James Ralph Meadows of Columbus, Colorado County, whose term expired.

### Texas Mining Council

*For two-year terms to expire May 8, 1981:*

Dan M. Krausse  
Earth Resources Company  
1200 One Energy Square  
Dallas, Texas 75206

Mr. Krausse is replacing Fred P. Bergeron of Rockdale, Milam County, whose term expired.

Nathan Irving Reiter, Jr.  
Route 5, Box 2850  
Texarkana, Texas 75501 (public member)

Colonel Reiter is replacing Max Sherman of Canyon, Randall County, whose term expired.

Issued in Austin, Texas, on January 17, 1980.

Doc. No 800452 William P. Clements, Jr.  
Governor of Texas

For further information, please call (512) 475-3021.

An agency may adopt emergency rules after determining what it considers to be an imminent peril to the public health, safety, or welfare. These rules may be effective immediately on filing with the secretary of state for no more than 120 days, renewable once for no more than 60 days. An agency must submit written reasons, published in the *Register*, for the emergency adoption of rules.

This section now contains two classifications: codified and noncodified. Agencies whose rules have been published in the *Texas Administrative Code* will appear under the heading "Codified." These rules will list the new TAC number, which will be followed immediately by the *Texas Register* 10-digit number. Agencies whose rules have not been published in the TAC will appear under the heading "Noncodified." The rules under the heading "Codified" will appear first, immediately followed by rules under the heading "Noncodified."

**Symbology**—Changes to existing material are indicated in **bold italics**. [Brackets] indicate deletion of existing material.

## NONCODIFIED

### Texas Board of Land Surveying

#### Procedures and Practices

#### Applications, Examinations, and Licensing

408.01.04

The Texas Board of Land Surveying is adopting an emergency amendment to emergency Rule 408.01.04.005, which was originally filed on December 10, 1979. In filing the board's emergency rules, a portion of the rule as it was adopted was omitted, which affects the meaning of the rule.

This emergency amendment to Rule .005 is adopted under the authority of Article 5282c, Vernon's Annotated Civil Statutes.

#### .005. *Examinations.*

(a)-(b) (No change.)

(c) All applicants reapplying under a second application for admission to a registered public surveyors' examination **and receiving an average of less than 50% of a possible 100% in the previous examination** must show an enrollment and completion of either a correspondence course in land surveying equivalent to an international correspondence school course, or land surveying course in a curriculum equal to that provided at an accredited junior college. This statement should be in the form of a certificate or a certified copy and must be accompanied by a transcript of the grades received.

Issued in Austin, Texas, on January 15, 1980.

Doc. No. 800420 Betty J. Pope  
Executive Secretary  
Texas Board of Land Surveying

Effective Date: January 16, 1980

Expiration Date: April 9, 1980

For further information, please call (512) 452-9427.

### Texas Real Estate Commission Provisions of the Real Estate License Act

#### Suspension and Revocation of Licensure 402.03.15

The Texas Real Estate Commission has, on an emergency basis, adopted an amendment to Rule 402.03.15.021, concerning advertising.

In November of 1979, the commission gave notice that it had amended Rule .021 by adding a new subsection (f); that amendment takes effect February 1, 1980. Subsection (f) concerns the use by a licensee of the phrase "by owner" or other similar language.

At its most recent regular meeting, the commission received inquiries concerning the applicability of new subsection (f). The commission decided to delay the effective date of new subsection (f) to March 1, 1980, by which time the questions raised can be resolved.

This emergency amendment to Rule .021 makes no changes to subsections (a)-(e) and simply deletes subsection (f). This emergency amendment takes effect February 1, 1980, and will be effective only until March 1, 1980. This emergency action is taken to postpone the effective date of the amendment which adds subsection (f) until March 1, 1980.

This amendment is adopted under the authority of Article 6573a, Vernon's Texas Civil Statutes.

.021. *Section 15(4)(P): Grounds for Suspension or Revocation—Misleading Advertising.*

(a)-(e) (No change.)

(f) Use by a licensee of the phrase "by owner" or any other language suggesting direct sale, rental, lease, or exchange of real property by its owner is misleading advertising for the purposes of this section unless the property is owned by the licensee.

Issued in Austin, Texas, on January 16, 1980.

Doc No 800434 Andy James  
Administrator  
Texas Real Estate Commission

Effective Date: February 1, 1980

Expiration Date: March 1, 1980

For further information, please call (512) 475-6693.



An agency may adopt a proposed rule no earlier than 30 days after publication in the *Register*, except where a federal statute or regulation requires implementation of a rule on shorter notice.

Upon request, an agency shall provide a statement of the reasons for and against adoption of a rule. Any interested person may request this statement from the agency before adoption or within 30 days afterward. The statement shall include the principal reasons for overruling objections to the agency's decision.

This section now contains two classifications: codified and noncodified. Agencies whose rules have been published in the *Texas Administrative Code* will appear under the heading "Codified." These rules will list the new TAC number, which will be followed immediately by the *Texas Register* 10-digit number. Agencies whose rules have not been published in the TAC will appear under the heading "Noncodified." The rules under the heading "Codified" will appear first, immediately followed by rules under the heading "Non-codified."

**Symbology**—Changes to existing material are indicated in *bold italics*. [Brackets] indicate deletion of existing material.

## CODIFIED

### TITLE 31. NATURAL RESOURCES AND CONSERVATION

#### Part II. Texas Parks and Wildlife Department

##### Chapter 51. Executive Administration

##### Public Hearings on Department Construction Projects

(Editor's note: The texts of the following rules proposed for repeal will not be published. The rules may be examined at office of the Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, or in the Texas Register Division office, 503E Sam Houston Building, Austin.)

The Texas Parks and Wildlife Department proposes to repeal §§51.121-51.125 (127.01.05.001-.005), relating to public hearings on department construction projects. These sections were previously implemented under a misinterpretation of the meaning and intent of Article 5421q, Vernon's Texas Civil Statutes. The department has determined that Article 5421q pertains to a fact situation where park land is taken and devoted to another purpose and not to a park development project where this agency is improving park sites for park purposes. The intent of the proposed repeal of §§51.121-51.125 (127.01.05.001-.005) is to discontinue all 5421q hearings for park development projects, and only conduct a hearing when a request is received to use park lands for other than park purposes (i.e., pipeline easements, new park roads, etc.). Notice of impending park development will still be published in the *Texas Register* when the commission agenda item is posted.

The department (Parks Division) has determined that the proposed repeal has no fiscal implications for the state or for units of local government other than the continuing saving in revenue expenditures, which will be realized through elimination of such public hearings, concomitant advertising costs, and the impact such hearings have on program scheduling construction costs.

Comments on the proposed repeal of §§51.121-51.125 (127.01.05.001-.005) are invited, and may be submitted by contacting Dr. Harold D. Toy, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Texas 78744, telephone (512) 475-4995. Comments must be received within 30 days of the publication of this proposal in the *Texas Register*.

This repeal is proposed under the authority of Article 5421q, Vernon's Texas Civil Statutes.

§51.121 (127.01.05.001). *Scope.*

§51.122 (127.01.05.002). *Delegation.*

§51.123 (127.01.05.003). *Hearing Officer.*

§51.124 (127.01.05.004). *Public Hearing.*

§51.125 (127.01.05.005). *Commission Action.*

Doc. No. 800435

## Chapter 59. Parks

### Park Planning and Development Projects

The Texas Parks and Wildlife Department proposes to amend §59.33 (127.40.03.003), relating to park planning and development projects. The proposal amends §59.33(b) (127.40.03.003) concerning a ruling rendered by the Parks and Wildlife Commission at specific public meetings of the commission when approval of a project budget for design and specifications or development is considered for purposes of Article 5421q, Texas Civil Statutes.

The proposed amendment will eliminate the requirement for the staff to conduct public hearings under Article 5421q, except in those cases pertaining to taking park land for other public use as discerned by legislative intent within the title of Article 5421q, Texas Civil Statutes.

The department (Parks Division) has determined that the proposed amendment has no fiscal implications for the state or for units of local government other than the continuing saving in revenue expenditures, which will be realized through elimination of such public hearings, concomitant advertising costs, and the impact such hearings have on program scheduling construction costs.

Comments on the proposed amendment of §59.33 (127.40.03.003) are invited, and may be submitted by contacting Dr. Harold D. Toy, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Texas 78744, telephone (512) 475-4995. Comments must be received within 30 days of the publication of this proposal in the *Texas Register*.

This amendment is proposed under the authority of Section 13.002 and Sections 13.301-13.313, Texas Parks and Wildlife Code.

§59.33 (127.40.03.003). *Staff Planning Process.*

(a) Future direction is received at review of a park development concept plan which visually depicts proposed

use areas, vehicular corridors, basic facility capacities, and the proposed first phase development. At this stage, commission direction precludes the possibility of wasted man-hours in preparing succeeding detailed development program and budget.

(b) During this stage, final direction is received at a public meeting of the commission when approval of a project budget for design and specifications or development is considered [and a ruling is rendered for the purposes of Article 5421q, Revised Civil Statutes].

Issued in Austin, Texas, on January 17, 1980.

Doc. No. 800436      Maurine Ray  
Administrative Assistant  
Texas Parks and Wildlife Department

Proposed Date of Adoption: February 25, 1980  
For further information, please call (512) 475-4995.

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## NONCODIFIED

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### Texas Department of Human Resources

#### Organization, Administration, and Management

##### Support Documents 326.51.99

The Department of Human Resources proposes to amend its rule which adopts by reference the Title XX Comprehensive Annual Services Program Plan (CASPP) for the program year October 1, 1979, to September 30, 1980. Title XX of the Social Security Act provides funds for social services such as day care, family planning, and emergency family services. DHR is responsible for administering the social service programs as described in the CASPP.

It is proposed that the current CASPP be amended to provide for a revised eligibility system in the Alternate Care for Aged, Blind, or Disabled Adults (ACABD) Program. It is proposed that a more simplified eligibility system than that described in the current Title XX CASPP be instituted. The proposed rule change is designed to serve clients with the most need and should expand the ACABD Program's capability for providing services to aged, blind, or disabled persons. The revised eligibility system would be effective April 1, 1980.

Another aspect of the proposed change is the deletion of health assessment and congregate meal services in the ACABD Program. It is proposed that the health assessments service and the congregate component only of the congregate and home-delivered meals services be deleted from the ACABD Program, effective April 1, 1980. These services are perceived as addressing clients with low levels of need. Funds formerly allocated to these services will be used to serve clients with a high level of need through other ACABD services, such as family care services.

A third proposal regarding the CASPP is that, effective April 1, 1980, community services would be deleted as a service

provided through interagency agreements (state contracts) if Congress does not increase the federal Title XX ceiling to \$2.9 billion. A major portion of the resources for these services is used to provide protective services for children and adults through contracts with community mental health and mental retardation centers across the state.

The department has determined that the proposed amendment to Rule 326.51.99.003 will have no fiscal implications for the state or units of local government. The amount of funds budgeted for social service programs under Title XX will be the same regardless of this policy change. This policy allows those limited funds to be spent on services of highest priorities and to clients with the greatest need.

A public hearing on the proposed amendment will be held at 9 a.m. on Tuesday, February 12, 1980, at the Sheraton Crest Inn, Nueces Room, 111 East 1st, Austin. Written comments are also invited and may be sent to Susan L. Johnson, administrator, Handbook and Procedures Development Division—013, Department of Human Resources, John H. Reagan Building, Austin, Texas 78701, within 30 days of publication in this *Register*.

This amendment is proposed under the authority of the Human Resources Code, Chapter 11.

.003. *Title XX Comprehensive Annual Services Program Plan.* The Department of Human Resources adopts by reference the Title XX Comprehensive Annual Services Program Plan for Texas for the services program year October 1, 1979, to September 30, 1980, *as amended April 1, 1980.*

Issued in Austin, Texas, on January 18, 1980.

Doc No 800453      Jerome Chapman  
Commissioner  
Texas Department of Human Resources

Proposed Date of Adoption: April 1, 1980  
For further information, please call (512) 475-4601.

### Alternate Care for Aged, Blind, and Disabled Adults

The Department of Human Resources proposes the following new rules and repeals of its rules concerning the Alternate Care Program for Aged, Blind, and Disabled Adults (ACABD) in Texas. The ACABD rules are being rewritten and reorganized at this time to make the language in these rules consistent with the current language and policies contained in Rule 326.51.99.003, the Comprehensive Annual Services Program Plan (CASPP). The CASPP, adopted by reference October 1, 1979, is a state plan which specifies the Title XX services which the department will provide, the number and characteristics of eligible clients to be served, and other budgetary and program information. To meet the goals of Title XX of the Social Security Act, the ACABD Program provides community or home-based care for aged, blind, or disabled adults of Texas, who are not self-sufficient and who are subject to inappropriate institutionalization.

The department has determined that there are fiscal implications for Rules 326.58.52.034 and 326.58.54.023, concerning individual provider family care services. The estimated costs to the state for implementing these rules, as appropriated by

the 66th Legislature, will be \$668,701 for fiscal year 1980 and \$1,762,795 for fiscal year 1981; and \$1,762,795 for fiscal years 1982-1984.

Written comments are invited and may be sent to Susan L. Johnson, administrator, Handbook and Procedures Development Division—417, Department of Human Resources, John H. Reagan Building, Austin, Texas 78701, within 30 days of publication in this *Register*.

## Protective Services for Adults

326.58.51.001-.003, .006, .017-.019

(Editor's note: The texts of the following rules proposed for repeal will not be published. The rules may be examined in the offices of the Texas Department of Human Resources, John H. Reagan Building, Austin, or in the Texas Register Division offices, 503E Sam Houston Building, Austin.)

These repeals are proposed under the authority of the Human Resources Code, Chapter 11.

- .001. *Definition and Description.*
- .002. *Protective Services Eligibility Determination.*
- .003. *Protective Services Priorities.*
- .006. *Assessment of Protective Services Needs.*
- .017. *Development of Service Plan for Protective Services.*
- .018. *Protective Services Case Characteristics.*
- .019. *Guardianship and Commitment for Aged, Blind, and Disabled Adults.*

Doc. No. 800454

## Alternate Care Services 326.58.51.020-.042

These new rules are proposed under the authority of the Human Resources Code, Chapter 11.

.020. *Program Description.* The ACABD Program provides community or home based care for aged, blind, or disabled adults of Texas, who are not self sufficient and who are subject to inappropriate institutionalization. The ACABD Program offers the following services to eligible clients: chore services, family care services, homemaker services, day activity services, home delivered and congregate meals, health assessments, case management services, protective services for adults, alternative living plans (ALP), and primary home care. ACABD also provides information and referral (I&R) services for adults as needed.

### .021. *Definitions of Program Terms*

(a) Alternate care—services provided within the client's own home, neighborhood, or community, as distinguished from institutional care services, to which this program is considered an appropriate alternative.

(b) Target population—aged, blind, or disabled adults in Texas, who qualify for ACABD services on the basis of age, income (recipients of supplemental security income or income eligible), and/or need. Clients receiving information and referral and adult protective services clients are identified on the basis of need only.

(c) Adult—a person 18 years old or older.

(d) Aged—a person 65 years old or older.

(e) Blind—a person having no more than 20/200 visual acuity in the better eye with corrective lenses; or visual acuity better than 20/200, but with a limitation in the field of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees.

(f) Disabled—an adult is considered to be disabled if he or she cannot engage in substantial, gainful activity because of a medically determined physical or mental impairment, which has lasted or can be expected to last for a continuous period of not less than 12 consecutive months, or which will result in death.

(g) Self-sufficiency—in the context of evaluating a person's needs for ACABD services, self-sufficiency means a situation in which a person fulfills all of the following criteria:

(1) is able to maintain his or her home in a safe and hazard-free condition;

(2) is able to maintain his or her nutritional, medical, physical, personal care needs, and personal safety; and

(3) is able to obtain other needed community resources.

(h) Supplemental security income (SSI)—monthly payments made by the Social Security Administration (SSA) to an aged, blind, or disabled individual who meets the requirements for such public aid. Eligibility for SSI is determined by the SSA.

(i) Income eligible (I.E.)—refers to an aged, blind, or disabled adult, who is not an SSI recipient, but who qualifies, in part, for ACABD services on the basis of having an income that is equal to or less than the level established by Rule 326.51.99.003, adjusted for family size.

(j) Home health agency—a public or private agency with Title XVIII and Title XIX certification, engaged in providing in-home care to clients requiring medical supplies and equipment, skilled nursing, home health aid, and other therapeutic services.

(k) Institution—refers to a nursing home; state school or hospital for the blind, handicapped, mentally ill, or mentally retarded; or other facility of care which is not regarded as a community-based living arrangement.

(l) Entitlement—any individual who meets ACABD eligibility requirements as specified in Rule 326.51.99.003 is regarded by DHR as possessing the right to receive the benefits of the appropriate service.

(m) Comprehensive Annual Services Program Plan (CASPP)—published each year, subject to public review and comment, and adopted by reference, Rule 326.51.99.003 specifies the Title XX services which the Department of Human Resources will provide, the number and characteristics of eligible clients to be served, and other budgetary and program information.

(n) Primary home care—Title XIX primary home care is a program which provides doctor-prescribed and nurse-supervised, long-term non-technical assistance with the activities of daily living for eligible Medicaid recipients, whose chronic health problems cause serious functional limitations.

.022. *Eligibility for services.* Client eligibility in each region is based on a broad scale of priority levels which include all potentially eligible groups. These groups are ranked so that those persons with greater needs are identified in an ordered scale, which allows regional staff to provide service first to those persons with greater needs. Upon consideration of projected expenditures, allocated funding, attrition rates of current client groups, and the rate of requests for service, regional administrative staff are able to determine how many client groups may be served. When this determination is made, regional staff declare in Rule 326.51.99.003 which groups will be served in each service area. If necessary, the rule is amended during the fiscal year in order to allow a



region to serve as many clients as possible within available funding.

**.023. Identification of Client Need Levels.**

Rating	Score on Client Needs Assessment	Need Indicator
Critical	60+	Severe mental or physical impairment resulting in life-endangering social and health needs.
High	50-59	Mental or physical impairment resulting in extreme dependency on others in performance of essential household and personal care tasks.
Medium	40-49	Mental or physical impairment which prevents client from performing most essential household and personal care tasks.
Low	25-39	Mental or physical impairment which prevents client from performing some essential household and personal care tasks.

**.024. Summary of In-Home Eligibility Characteristics.**

(a) Priority level 1—persons age 18 or older, who are SSI recipients or whose incomes are equal to or less than 70% of the state median income (SMI), and whose scores on the client needs assessment indicate "critical" needs.

(b) Priority level 2—persons age 18 or older, who are SSI recipients or whose incomes are equal to or less than 70% of the SMI, and whose scores on the client needs assessment indicate "high" needs.

(c) Priority level 3—persons age 18 or older, who are SSI recipients or whose incomes are equal to or less than 40% of the SMI, and whose scores on the client needs assessment indicate "medium" needs.

(d) Priority level 4—persons age 18 or older, whose incomes are equal to or less than 70% of the SMI, and whose scores on the client needs assessment indicate "medium" needs.

(e) Priority level 5—persons age 65 or older, who are recipients of SSI, and whose scores on the client needs assessment indicate "low" needs.

(f) Priority level 6—persons age 65 or older, whose incomes are equal to or less than 40% of SMI, and whose scores on the client needs assessment indicate "low" needs.

(g) Priority level 7—persons age 18 or older, whose incomes are equal to or less than 70% of the SMI, and whose scores on the client needs assessment indicate "medium" needs, or persons age 18 to 64, who are recipients of SSI, or whose incomes are equal to or less than 40% of SMI, and whose scores on the client needs assessment indicate "low" needs.

(h) Priority level 8—persons age 65 or older, whose incomes are equal to or less than 60% of the SMI, and whose scores on the client needs assessment indicate "low" needs.

(i) Priority level 9—persons age 18 or older, whose incomes are equal to or less than 70% of SMI, and whose scores on the client needs assessment indicate "low" needs.

**.025. Summary of Out-of-Home Eligibility Characteristics.**

Priority	Age Group	Income Level
1	85+	SSI recipients
2	75-84	SSI recipients
3	65-74	SSI recipients
4	55-64	SSI recipients
5	75+	40% of state median income (SMI)
6	45-54	SSI recipients
7	18-44	SSI recipients
8	65-74	40% of SMI
9	55-64	40% of SMI
10	18-54	40% of SMI
11	65+	60% of SMI
12	55-64	60% of SMI
13	18-54	60% of SMI
14	65+	70% of SMI
15	18-64	70% of SMI

**.026. Request for Services or Information**

(a) The intake process begins at the time a request for service is made. All contacts made by individuals requesting service must be recorded by the DHR worker. In the intake process the worker must:

(1) explore and record the individual's request to determine the nature and extent of the problem;

(2) assess the urgency of the individual's request to determine if services are needed immediately;

(3) provide general information regarding DHR services;

(4) accept an application for DHR services, if requested by the individual; and

(5) facilitate assignment of the request for service to the appropriate caseworker for further administrative and case work.

(b) When the request for service is received by a contract agency, the agency must refer the applicant to the local DHR office for further intake steps. However, at the discretion of DHR regional staff and as specified in the contract, case management or administrative procedures such as eligibility determination may be performed by a contract agency for a limited period of time.

**.027. Information and Referral.**

(a) At the time of the initial contact with the applicant, or upon receipt of a referral, the worker will assess the person's situation and determine if he or she needs social services through direct delivery or purchase of services, or if he or she requires services of other agencies. If a person needs more than information and if other agencies' services are indicated, a referral should be made to the appropriate agency or community resource after consulting with the client. DHR provides information about services provided under Title XX and related service programs, brief assessments and appropriate referrals, and follow-up with community resources.

(b) In making referrals to another agency or DHR office, the worker will give the applicant the office address; telephone number; name of person to contact, if known; appointment date; and any additional information which might be helpful.

(c) I&R services are provided without regard to income. The worker will maintain a record of I&R given.

**.028. Eligibility Certification.** The initial certification of eligibility for applicants is part of the intake process performed by the DHR worker—except for out-of-home services. The recertification of eligibility is a case management function performed at least every six months. The DHR worker performs this procedure for clients receiving services from contract provider agencies and must transmit documentation of eligibility to such agencies in order for these clients to receive services for which they are entitled.

**.029. Client's Rights and Responsibilities.**

(a) At the time of eligibility determination and redetermination, DHR staff must inform clients about their rights and obligations under the program. Applicants must be informed of the following:

(1) Right to fair hearing. The applicant/client or individual acting on his or her behalf may appeal denial, reduction, or termination of services, or failure to act upon requests for services with reasonable promptness. The worker must inform the applicant/client of the procedure for requesting fair hearings.

(2) Nondiscrimination. In accord with the Civil Rights Act of 1964 and the Rehabilitation Act of 1973 (Section 504), there must be no discrimination in regard to receiving social services on the basis of sex, religion, race, color, handicap, or national origin.

(3) Provision of information. The applicant/client must give all information necessary to establish eligibility. The worker must inform him or her that falsification of such information is grounds for prosecution.

(4) Reporting changes. The client must promptly report any changes in income or size of family, loss of assistance grant or Medicaid benefits, or any other changes in circumstances that affect eligibility for social services. Willful failure to report changes, which result in the continuation of services for which the client is no longer eligible, may constitute fraud.

(5) Confidential nature of client information. Information collected to determine eligibility for services, whether collected by DHR staff or contract agencies, is confidential under state and federal statutes and regulations.

(6) Citizenship and residency. An individual who resides in Texas may qualify to receive services regardless of citizenship or duration of residency.

(7) Freedom to reject services. An individual can reject offers of service except for child protective services and certain services required in WIN.

(b) In the case of denial, reduction, or termination of service by worker decision, the worker must notify the client of the action. In all cases of denial, termination, or reduction, the client has the right to request a fair hearing. The client makes the request to the worker, who in turn notifies the appeals officer. The worker must inform the client of this right at the time eligibility status is determined and at such time that service is denied, terminated, or reduced. The client may be asked to sign a statement giving the worker permission to obtain additional information deemed necessary to certify the client's eligibility status.

**.030. Eligibility for In-Home Services.** Eligibility for in-home services is determined on the basis of the client's income, age, and need for service.

(1) Income. The income component for eligibility is satisfied if the client or applicant is a recipient of SSI, or is otherwise eligible according to income qualifications as specified in Rule 326.51.99.003. Income eligibility certification is based on information provided by the applicant regarding family size and monthly gross income. The applicant signs and dates the application with the understanding of the penalties for fraud which may ensue if misinformation is deliberately provided. Nevertheless, prudent judgment must be exercised in certification of eligibility based on applicant-provided information.

(2) Age. ACABD in-home, Title XX services are delivered to adults only. Specific age criteria are published in Rule 326.51.99.003.

(3) Need. The need for in-home services is determined by a trained DHR case worker in a face-to-face interview. Specific characteristics of the need component of eligibility are published in Rule 326.51.99.003.

**.031. Eligibility for Out-of-Home Services.** Eligibility for out-of-home ACABD services is determined on the basis of income and age only. Specific characteristics of eligibility are published in Rule 326.51.99.003.

**.032. Eligibility for Case Management Services.** Persons who meet the eligibility criteria for any ACABD services (except protective services and information and referral) are regarded as eligible for case management services.

**.033. Eligibility for Protective Services.** Eligibility for adult protective services is determined on the basis of the client's need for protection from abuse, neglect, or exploitation.

**.034. Notification of Eligibility or Ineligibility.** The worker must notify applicants and clients of their eligibility or ineligibility. Eligible clients can be notified orally. The worker records the date of oral notification in the case record. Applicants who are ineligible for social services must be notified of the ineligibility. When possible, an oral explanation of the decision to reduce, deny, or terminate service should precede the notification.

**.035. Service Description.** Case management services, which are provided directly by DHR staff to eligible clients on an ongoing basis, include eligibility redetermination, client registration, assessment and reassessment of client needs, service plan development, arranging for transportation, counseling, interceding on the client's behalf, other casework activities to assist with problems coincidental to the service plan, formal case referral, follow-up, and monitoring of the client and service delivery.

**.036. Eligibility Recertification.** The recertification of eligibility is a case management function performed by the DHR worker at least every six months. If the client is a recipient of SSI, the income component of eligibility recertification is accomplished automatically through the Social Security Administration and SSMS. If the client is income eligible, the worker obtains the same appropriate information as described in the procedures for initial eligibility certification.

**.037. Assessment and Reassessment of Client's Needs.**

(a) Initially and at least every six months, the worker completes an assessment of the client's needs. The worker completes the assessment as soon as it is determined that the client requires services beyond I&R in order to determine the

client's eligibility for in-home services and identify the specific needs of the client. The worker matches services to the unique needs of the client. Information for assessing client need is obtained by face-to-face interviews with the client. Information may also be gathered from interviews with the client's family or designated representative; from interviews with the treating physician; and from evaluating all resources available to the client.

(b) Before making a referral for a service resource, the worker should discuss the available resources with the client and/or family, and with the appropriate social services agency. In some cases it may be necessary to discuss the recommendations with the treating physician. The client or guardian is free to accept or reject a particular service. DHR exercises the right to determine those cases in which vendor or provider payments will be made. However, DHR will not deny service to an eligible client.

(c) A complete reassessment of each client's needs must be done by the DHR worker during the sixth month after the last assessment, or earlier if necessary. This may result in an increase or reduction of benefits according to the worker's assessment of client needs and the availability of funds for purchasing service, and the client's eligibility for service. At the time of reassessment, the worker identifies any changes in the needs of the client or circumstances that warrant changes in the service plan.

#### *.038. Development of Service Plan.*

(a) The service plan developed by the worker is based on an assessment of the client's needs, the resources of the client and his or her family, other available community resources, the client's eligibility for services, and the availability of funds. It may consist of a single service or a combination of services. The client should participate in the planning and decision-making process to the fullest possible extent. The worker makes the final decisions regarding service delivery.

(b) The DHR worker will grant prior approval for eligible clients, whose service plans call for provision of a Title XX in-home service. Prior approval means the authorization of a specific number of units of service per week to be purchased for the client. If a health assessment has been completed, the worker will coordinate service planning with the nurse involved before issuing the prior approval.

(c) The service plan will be sent to a contract provider agency. The plan developed by the DHR worker may include specific tasks to be performed. The contract agency will carry out the plan indicated if there is availability of service. If the contract agency is operating at its full capacity and cannot provide authorized service to a client, the agency will return the referral to the DHR worker, who will place the client's name on a waiting list.

(d) Clients eligible for out-of-home services may or may not receive case management services. This is contingent upon the region's progress in converting the service delivery mode of family care from individual providers to contract agencies and, therefore, its capability in providing case management services to out of home clients.

(e) Disagreements between DHR and contract agency staff over service plans should be resolved by supervisory staff of the two agencies. This process of resolution should not delay initiation of service to clients.

*.039. Service Plan Elements.* The service plan will include:

- (1) identification of client's present problems;
- (2) assessment of client's physical health, functional well-being or impairment, mental health, social resources, and general needs;
- (3) clarification of goals he or she wishes to achieve;
- (4) specification of services to be administered to help the client reach stated goals;
- (5) designation of authorized or recommended dates of service initiation and termination or reassessment;
- (6) task assignment plan.

#### *.040. Referral to Contract Agencies.*

(a) For out-of-home services only, the type and amount of service are specified in the service authorization/referral, which is sent to the contract agency by the caseworker to effect the referral. The agency must respond to the referral from DHR within 10 working days from the date on the referral. The response must indicate when services will be initiated. The anticipated date of service initiation must be shown, and must be no later than 15 days after receipt by the agency. The specific type and amount of service to be delivered must also be indicated. If services will not be provided, the reason must be shown.

(b) If the worker does not receive a response by the 10th working day from the date on the referral, the worker must immediately contact the agency to determine the reason for the delay and the status of the referral. If service resources are operating at capacity when an eligible client applies for services, DHR staff must establish a waiting list. Clients must be served in the priority group order as listed for each service. While a client is on a waiting list, the DHR worker must keep the case open and provide case management services.

(c) The DHR worker will follow up referral of each new client to a contract agency within 10 working days after service initiation. The follow-up will involve a contact, home visit, or site visit with the client to determine if the quality of service is satisfactory and that the service is delivered according to the service plan.

(d) The DHR worker is responsible for monitoring the impact of purchased service upon the client. The worker must have regular contact with the client through home visits at least every three months.

*.041. Level of Care Denied.* When the client has been denied a level of care from the Long-Term Care Unit (LTCU), the ACABD worker contacts the LTCU worker within three working days to arrange an interview with the client. The worker completes a client needs assessment, and determines the type and amount of services required to support the client in the community. The worker informs the client of the resources available and reaches an agreement on the service plan. The ACABD worker coordinates the accepted plan with the LTCU worker to facilitate the client's move from the nursing home with 15 days from the date the level of care has been denied.

*.042. Potential Client for Alternate Care.* When potential clients for community care are identified, the LTCU worker forwards an exploratory referral to ACABD to determine whether resources are available to support the client in the community. The ACABD worker will, within 10 working days, notify the LTCU worker of the resources available. When resources are available, the LTCU worker discusses the possibility of alternate care with the client and/or family.

With the permission of the client, the LTCU worker coordinates with the ACABD worker to set up a joint visit to the client. If, as a result of the assessment, the ACABD social services worker does not recommend a home care plan, a copy of the assessment is sent to the LTCU for reconsideration of the referral.

Doc. No. 800455

## Home Care Program 326.58.52.001-.003, .006, .009, .012-.014, .018, .019, .023, .027, .028

(Editor's note: The texts of the following rules proposed for repeal will not be published. The rules may be examined in the office of the Texas Department of Human Resources, John H. Reagan Building, Austin, or in the Texas Register Division offices, 503E Sam Houston Building, Austin.)

These repeals are proposed under the authority of the Human Resources Code, Chapter 11.

- .001. *Definition.*
- .002. *Homemaker Services.*
- .003. *Chore Services.*
- .006. *Sources of Services.*
- .009. *Family Care Services.*
- .012. *Special Procedures for Individual Providers—Family Care.*
- .013. *Selection and Assessment of Family Care Services Provider.*
- .014. *Task Assignment—Individual Providers.*
- .018. *Individual Provider Agreement.*
- .019. *Approval for Payment for Family Care Services.*
- .023. *Termination of Approval for Payment.*
- .027. *Levels of Authorized Service—Individual Provider.*
- .028. *Special Procedures for Contract Agency Family Care.*

Doc. No. 800456

## Purchase of Service 326.58.52.029-.036

These new rules are proposed under the authority of the Human Resources Code, Chapter 11.

- .029. *Purchase of Service (POS) Procedures—Contracts.*
  - (a) Purchase of service (POS) is a procedure by which DHR develops agreements and contracts with individuals and agency providers to obtain service delivery to clients. DHR purchases services from:
    - (1) individual providers (family care agreements and foster family homes), and
    - (2) contract provider agencies (all other contracted services).
  - (b) Contracts and agreements must conform to federal regulations; agency rules; and applicable statutes.
- .030. *Definition—POS.*
  - (a) Purchase of service from individual providers—agreements with individual providers are established between the client and the provider with DHR assisting the client in arranging for the provision of social services under Title XX. The provider is an independent contractor and is not employed by DHR.
  - (b) Purchase of service from contract provider agencies—contracts between DHR and agencies or organizations in order to provide training, evaluation, consultation, and social services to eligible clients under Title XX.

(c) *Budgetary unit of service*—a designated amount of delivered service by which the service can be measured. The budgetary units of service are:

- (1) individual provider family care—30 minutes of direct service delivered to the client;
- (2) homemaker service, chore service, and contract agency family care—one hour of direct service to the clients;
- (3) congregate of home-delivered meals—one meal for one client;
- (4) day activity—one hour of attendance at the center (a minimum of two hours of service per client per day must be delivered);
- (5) health assessment—one visit to a client;
- (6) ALP—one day.

(d) *Budgetary unit cost*—a specified and agreed upon amount to be reimbursed by DHR to a provider for the delivery of one unit of service. The cost for a unit of service must not exceed the established ceilings.

### .031. *Purchase of Service Case Management Procedures.*

(a) DHR regional staff may waive the requirement that case management procedures be performed by DHR staff for out-of-home clients on a contract-by-contract basis until August 31, 1981, or until family care service has been converted to delivery by contract agencies whichever occurs first. When case management is performed by a contract agency, that agency is subject to the policies, procedures, and standards which apply to DHR case management services.

(b) In addition to compliance with rules for case management services, each region's administrative staff will establish procedures to be included in each contract for:

(1) the contract agency to report to the DHR worker changes in the client's condition or changes in the agency's provider/worker; and

(2) the resolution of differences between DHR and contract agency staff regarding the amount and type of service to be delivered to a client. Although the decision is DHR's, opportunity will be provided to the client and to the staffs of DHR and the contract agency to discuss the alternatives and to reach a mutually satisfactory decision. If the client is not satisfied with the decision, he or she may file an appeal through DHR's fair hearing procedures.

(c) In the event that the contract agency staff do not agree with the DHR worker's service plan, the matter will be referred to the supervisory staff of each for the purpose of resolving the disagreement. If this step does not yield an outcome satisfactory to both parties, the DHR regional program director for ACABD will make a final determination. Services to the client must not be delayed because of differing opinions between contract agency and DHR staffs. Contract agency staff will initiate services promptly in accordance with the authorized service plan. Consultation may be accomplished by telephone or conference, and will be documented by both parties. Final resolution of differences should be accomplished as soon as possible.

.032. *Cost Reimbursement Only.* Payment by this method is directly related to the allowable, reimbursable costs incurred by the contract agency. No budgetary unit rate is necessary when cost reimbursement is used. This method is applicable for the following services:

- (1) protective services;
- (2) day activity;
- (3) congregate meals;
- (4) home-delivered meals;

- (5) health assessment service;
- (6) alternative living plans (except foster family homes).

**.033. Cost Reimbursement with Ceiling on Budgetary Unit Cost.**

(a) Under this method, reimbursement is based on allowable, reimbursable costs incurred by the contract agency. In addition, this cost must be at or under the prescribed ceilings for the services. A flat rate is not utilized in payment, but a cost per unit is calculated for the purpose of determining the budgetary unit cost. Each contract agency is required to provide service at or below the established ceiling and may not exceed the ceiling. For contracts awarded at a budgetary unit cost below the state budgetary unit ceiling, the budgetary unit cost in the contract is the ceiling for that contract. Monthly deviations are allowable as long as the annual budgetary unit cost for the contract year is at or below the budgetary unit cost ceiling.

(b) Regional POS staff have the primary responsibility for ensuring compliance with ceilings on budgetary unit costs. State Office ACABD staff will conduct periodic reviews to monitor compliance. This method is applicable for the following services:

- (1) chore service;
- (2) family care, purchased from a contract agency;
- (3) homemaker service.

**.034. Start-Up Costs on Contracts.** In ACABD contracts, start-up costs may be allowed by the region for up to 30 days. In addition, for contracts requiring cost reimbursement with a ceiling, the ceiling may be waived by the region for up to six months. The start-up period is not included when calculating the annual budgetary unit cost for the contract year. When these options are used, a separate budget must be prepared for the start-up period.

**.035. Ceilings on Budgetary Unit Costs.**

(a) Listed below are the maximum ceilings in effect for the services listed including administration costs. No contract will be awarded for more than these ceilings except for start-up costs on contracts. Contracts may be awarded for less than these ceilings. When this occurs the annual budgetary unit cost stated in the contract is the ceiling for that contract. Agencies that exceed the budgetary unit cost ceiling effective for that contract are subject to audit exceptions. The ceilings for the following services are:

- (1) homemaker—\$9.07 per hour—not to exceed 10 hours per week per client;
- (2) chore—\$7.01 per hour—not to exceed eight hours per week per client;
- (3) family care agency—\$4.09 per hour per client—not to exceed 15 hours per week.

(b) In a case determined by the DHR worker as an extreme emergency, these established service ceilings for purchased services, listed above, may be exceeded for a specific period of time provided the DHR supervisor and program director approve the worker's service plan.

**.036. Contract Format.** An ACABD contract must include the following information:

- (1) Social Services Contract form.
- (2) Corporate Board of Directors Resolution form.
- (3) Information Sheet, Purchase of Service Contract form.

(4) Program description. The program description must include the following elements:

- (A) Description of the service(s) purchased.
- (B) Title XX goals addressed.
- (C) Statement of needs assessment for the service(s).
- (D) Measureable program objectives. Whenever possible, this should include the number of clients to be served and the number of units of service to be provided according to a planned delivery schedule.
- (E) Assurance of compliance with agency rules related to eligibility/priority system for the service(s).
- (F) Assurance of compliance with case management requirements for the service(s).
- (G) Assurance of compliance with the minimum standards for the service(s).
- (H) Description of any additional procedures that will be used in the delivery of service(s) in this contract, if any.
- (I) Description of manner in which this contract will exceed the minimum standards for the service(s), if any.
- (J) Assurance of compliance with any of the technical requirements appropriate to this service and contract, if any.
- (5) List of exhibits.
- (6) Budget for Purchase of Services form.

Doc. No. 800457

**Alternate Care Services 326.58.53.001-.005, .031-.049**

(Editor's note: The texts of the following rules proposed for repeal will not be published. The rules may be examined in the offices of the Texas Department of Human Resources, John H. Reagan Building, Austin, or in the Texas Register Division offices, 503E Sam Houston Building, Austin.)

These repeals are proposed under the authority of the Human Resources Code, Chapter 11.

- .001. Program Description.
- .002. Definition of Program Terms.
- .003. Applicable Title XX Goals.
- .004. Priorities for Service.
- .005. Authorization for New Clients—with Regard to Income.
- .031. Roles and Responsibilities of Workers.
- .032. Intake.
- .033. Information and Referral.
- .034. Eligibility Determination.
- .035. Notification of Eligibility or Ineligibility.
- .036. Client's Rights and Responsibilities.
- .037. Registration.
- .038. Assessment and Reassessment of Client's Needs.
- .039. Development of Service Plan.
- .040. Referral to Contracting Agencies.
- .041. Reporting and Recording.
- .042. Reassessment.
- .043. Purchase of Service (POS) Procedures—Contracts.
- .044. Purchase of Service Case Management Procedures.
- .045. Cost Reimbursement with Ceiling on Budgetary Unit Cost.

.046. *Start-Up Costs on Contracts.*

.047. *Contract Format.*

.048. *Productivity and Unit Rates.*

.049. *Budgetary Unit Costs.*

Doc. No. 800458

## Protective Services 326.58.53.050-.060

These new rules are proposed under the authority of the Human Resources Code, Chapter 11.

.050. *Service Description.* Protective services for eligible adults may include:

- (1) identifying adults who need protective assistance;
- (2) providing prompt response and investigation upon request of adults at risk or other persons acting on their behalf;
- (3) diagnosing the individual's situation and service needs;
- (4) providing counseling to such adults, their families, other responsible persons or to surrogates, such as representative payees, in handling the affairs of such adults;
- (5) assisting and arranging for appropriate living arrangements in the community or in an institution;
- (6) assisting in the location of medical care, legal services, and other resources in the community;
- (7) assisting in arranging for guardianship, commitment, or other protective placement as needed;
- (8) providing advocacy to assure receipt of rights and entitlements due to adults at risk;
- (9) providing needed support services such as transportation, information and referral, and needed integral but subordinate medical and remedial services.

.051. *Protective Services Definitions.*

(a) Target population—adults who are being abused, exploited, and/or neglected. Protective services are provided to adults who are mentally or physically unable to protect themselves from abuse or exploitation; are likely to be incapable of recognizing that their state of neglect is life-endangering; and have no one willing or able to act on their behalf.

(b) Abuse—the misuse or maltreatment of a person; inflicting harm to someone, deliberately causing physical or mental damage.

(c) Exploitation—an improper use of a person or his or her property for one's own advantage.

(d) Neglect—lack of sufficient or proper care; failure to give adequate attention to someone, resulting in a danger to the person's life or well-being. Neglect may be committed by someone presumed to be responsible for another, or it may be the failure of a person to care for one's own essential needs.

.052. *Protective Services Priorities.* Limitations on funds available to DHR necessitate the setting of priorities to determine when and under what conditions services may be provided to serve the greatest number of adults with the most critical need. Within available funds, priority for services is given to adults involved in or subject to:

- (1) life-endangering circumstances of physical abuse;
- (2) life-endangering circumstances of neglect—by self or others;

(3) circumstances of severe physical or mental exploitation;

(4) circumstances of physical or mental abuse, which may threaten the life of an individual;

(5) circumstances of neglect by self or others which may threaten the life of an individual;

(6) circumstances of exploitation which may result in a serious loss of an individual's property or well-being;

(7) other circumstances of abuse, neglect, or exploitation.

.053. *Protective Services Eligibility Determination.* The protective service activities of ACABD staff are provided without regard to income to adults who are mentally or physically unable to protect themselves from abuse, neglect, or exploitation, and have no one willing or able to act on their behalf. Such persons may be incapable of recognizing that their state of neglect is life-endangering. Eligibility for protective services is initially determined at the time of Intake. No written application is required. The worker documents the need for protective services by narrative recording in the case record. Need must be redetermined every six months for services to continue. Redetermination of need is documented in the case record.

.054. *Intake.*

(a) The casework process begins with the first contact with the referral source. In accepting complaints or reports of abuse, neglect, or exploitation, the intake worker will obtain from the complainant, to the extent possible, the following information:

- (1) the name and address of the alleged victim and caretaker(s), if any;
- (2) the nature and urgency of the reported situation;
- (3) the name(s) and address of any other person(s) thought to have knowledge of the situation;
- (4) any other information the complainant has that establishes the need for protective intervention;
- (5) the name, address, and phone number of the complainant.

(b) When the complainant alleges an individual is in a state of immediate and serious harm resulting from violence on the part of another person, or there is an imminent threat of such violence, the DHR worker advises the complainant to report immediately his or her knowledge of the situation to the appropriate law enforcement agency. The assigned worker assumes responsibility for verifying the report and contacting the appropriate authorities when the complainant is unwilling to make the contact.

.055. *Investigation.* The worker must investigate protective services requests or complaints within 24 hours of receipt, since the nature of protective services implies that an individual is or may be in danger. The purpose of an investigation of suspected abuse, neglect, or exploitation is to determine whether the reported situation does exist and to what extent it affects the individual involved. If possible, the individual should be the main source of information. All interviews must be conducted with regard for the individual's right to privacy. In addition to establishing a relationship with the client and/or family or significant others, an investigation includes the completion of a diagnostic evaluation and the development of a service plan.

.056. *Diagnostic Evaluation.* The diagnostic evaluation is a brief summary of the facts of the individual's situation, the

specific problems to be solved, and the individual's capacity to accept help. The worker will complete a diagnostic evaluation on all protective services requests. The summary will include all items pertinent to the individual situation:

(1) The worker's observation of the situation. What is the physical condition of the client, environmental aspects, reality of the complaint?

(2) Client's perception of the situation. Does the client feel he or she is being abused, neglected, or exploited? Does he or she recognize the danger of the situation?

(3) The individual's capacities. What is the worker's opinion regarding the individual's capacity to provide for his or her own care? Is the client capable of assessing the situation?

(4) Resources. What external resources or eligibility for resources does the client have for solution of the problem? What income or resources does the client have? How are they managed and by whom? What is the client's present living arrangement and how does this affect the problem?

(5) The individual's attitude toward receipt of the services. Is the client willing to accept protective services?

(6) Accessibility. Has admission to the person's residence been denied? If so, what other steps have or will be taken?

#### .057. *Service Plan Development.*

(a) During and upon completion of the diagnostic evaluation, the worker will develop an appropriate service plan for the client. Protective service casework is highly individualized in that the service must meet the individual needs of the client. The service plan should provide the maximum protection to the client in the least restrictive manner. The client should participate in all areas of designing the plan and in establishing immediate and long-term goals.

(b) The service plan must include:

(1) identification of the client's problem(s);

(2) immediate and long-term goals to be achieved;

(3) barriers to achievement of goals and steps to remove the barriers;

(4) services to be initiated;

(5) plan for follow-up visits based upon each individual situation;

(6) projected termination date.

.058. *Protective Case Management.* A protective services case is by nature crisis-oriented, demanding, immediate, and often intense activity. In most instances, the protective caseworker remains involved until the emergency situation is remedied or stabilized. No protective services case should be closed until the case has been reviewed and termination agreed upon in a supervisory conference. The reason for termination and a summary of the client's present situation must be recorded in the narrative.

.059. *Guardianship.* In cases involving guardianship, the worker should refer the client to the local "lawyer referral" or any free legal services available in the community, to obtain an attorney to represent the client in court. The worker must follow the referral to ensure that the assistance obtained is consistent with the client's service plan. The appointed guardian may need assistance from the worker in maintaining a relationship with the client and in arranging the least restrictive care plan.

#### .060. *Civil Commitment.*

(a) Commitment laws employ general standards such as "insanity" or "mental illness" combined with social criteria such as the patient's danger to himself or others, his or her inability to manage personal affairs, or the potential benefit to be derived from treatment. The five types of procedures used for admission to mental hospitals are:

(1) voluntary hospitalization;

(2) emergency admission procedures;

(3) order of protective custody;

(4) temporary hospitalization for observation and/or treatment;

(5) indefinite commitment.

(b) In case involving clients for whom commitment is being considered, the worker will document:

(1) The type of behavior exhibited by the client.

(2) Overt acts committed which were injurious to self or others.

(3) The name of the person filing the petition for commitment.

(4) Reasons why commitment action is being filed.

(5) The worker's opinion as to the appropriateness of the action.

(6) In the worker's opinion, should other alternatives be considered? If so, what alternatives are available?

(7) The result of the hearing.

(c) If the hearing results in commitment of the client, the worker must maintain an open case, keep in contact with the institution, and assist the client in making the transition back into the community. Only cases involving clients for whom indefinite commitment procedures were used may be closed.

Doc. No. 800459

### In-Home Services 326.58.54

These new rules are proposed under the authority of the Human Resources Code, Chapter 11.

.015. *Definitions.* In-home care, which is provided by DHR to meet the goals of Title XX, consists of services delivered in the homes of eligible clients. These services are:

(1) chore services;

(2) family care services; and

(3) homemaker services.

.016. *In-Home Service Plans.* DHR caseworkers develop general service plans for clients who are to receive in-home care from contract agencies. These service plans include an authorized number of units per week to be purchased by DHR from the contract agency. The DHR worker may authorize or recommend specific tasks to be performed for the client, according to regional policy and the terms of the contract.

.017. *Monitoring for In-Home Services.* Each agency provider will observe and report changes in the client's condition and circumstances. Changes that may require reporting include skin problems, development of incontinency, unusual complaints of pain, bruises, changes in behavior, and food intake. Other occurrences that may require reporting include significant problems with family relationships, assistance programs, and housing. Contract agency staff will report to the DHR caseworker these and any changes in agency staff directly serving the client.



**.018. Chore Services Description.** Chore services consists of the following activities: shopping, housekeeping, minor yard maintenance, and minor home maintenance. Service may also include support services such as transportation and referral. Chore services for an individual client will be delivered in accordance with the client's service plan. These plans will be prepared according to agency requirements.

**.019. Chore Service Task Descriptions.**

(a) Shopping—assisting the client in preparing shopping lists and purchasing groceries and essential household personal items.

(b) Housekeeping—cleaning client's bedroom, bathroom, and kitchen including stove, refrigerator, and windows; doing client's laundry; changing an unoccupied bed; arranging furniture and utensils for the safety and convenience of the client; emptying trash; and with the client's permission, removing hazardous accumulations of trash from the house.

(c) Minor yard maintenance—mowing yard, pruning, and cutting hazardous tree limbs and bushes; and with the client's permission, removal of hazardous accumulations of trash from the yard.

(d) Minor home maintenance—minor plumbing repairs, minor carpentry, remedying minor electrical and fire hazards, and insect and rodent control.

(e) Transportation—arranging for and/or accompanying clients on trips to the doctor, shopping, or other trips necessary to obtain services essential for daily living.

**.020. Family Care Services Description.**

(a) Family care services are provided through purchase of service agreements with individual providers or certified home health agencies. Under either type of agreement, family care services should be provided by a person having the capacity for a family-like relationship with the client. Family care services consist of the following activities: performance of household tasks, provision of personal care, and protective supervision. Services may also include support services, such as transportation, and information and referral.

(b) The department contracts with individual providers for the delivery of family care services to new clients only under the following circumstances:

(1) to provide service to eligible clients in an area where family care contract services have not been entirely phased in;

(2) to provide services to eligible clients on an interim basis when a region is terminating one type of contract service and phasing in another.

**.021. Family Care Task Descriptions.**

(a) Personal care—assistance in dressing, eating, grooming, bathing, toileting, transferring/ambulation, exercising, and self-administered medications.

(b) Household tasks—bedmaking, laundry services, light housekeeping, and other similar services related to the care of aged or infirm persons.

(c) Protective supervision—overseeing the activities of and/or looking in on the person who, because of failing eyesight, general frailty, or illness, needs some assistance in protecting himself or herself from physical harm.

(d) Transportation—arranging for or accompanying client to a doctor, shopping, or other errands.

(e) Meal preparation—planning menus with regard for the client's dietary needs and wishes; and shopping for and preparing food.

**.022. Recruitment.**

(a) The client, with the advice and assistance of the DHR worker, recruits individuals who are willing to provide family care services. DHR is responsible for approving payments. The worker assists the client in:

(1) interviewing the prospective family care services provider;

(2) determining whether the provider meets DHR's minimum standards;

(3) determining whether the provider has the ability to perform the tasks required for the particular client.

(b) To assess the provider's abilities, the client and worker should observe the provider's performance and contact personal references regarding the provider's reliability, competence, and integrity.

**.023. Task Assignment—Individual Providers.**

(a) Once the service plan has been developed for the client, the DHR worker assists the client in making specific task assignments to be required of the service provider. The Service Authorization—Provider Agreement lists the required tasks. The worker discusses the form with the client, the client's family, and prospective provider.

(b) The DHR worker uses the form to convert the time required for performance of tasks to units of service. The units when multiplied by the dollar rate per unit, yield a fee for service.

**.024. Individual Provider Agreement.**

(a) The service plan and the provider agreement should be discussed thoroughly with the client and the provider to gain mutual understanding as to the frequency and duration of services to be provided. The agreement states the number of units of service per week to be provided, the dollar rate per unit to be paid, and the beginning and termination dates of services. In the agreement, the provider acknowledges that:

(1) he or she is not an employee of DHR;

(2) he or she is responsible for reporting income and paying any income tax required in accordance with IRS requirements; and

(3) he or she understands that DHR acting as agent for the client, will deduct FICA (social security) from monthly payments.

(b) The Service Authorization—Provider Agreement is signed by the family care services provider and the client. The agreement must be renewed prior to the date the contract expires. Family care payments for services not covered in the contract are invalid.

**.025. Approval for Payment.** Continuing DHR approval for payment for family care services is indicated by monthly approval of a voucher. The DHR worker must provide a voucher to the family care services provider each month for signature.

**.026. Ceiling on Family Care Service by Individual Provider.** The maximum service allowable for family care service delivered by individual providers is 180 units per month or 42 units per week, unless provisions of Rule 326.58.53.027 are utilized.



**.027. Levels of Authorized Service—Individual Provider.** The following limits and conditions are placed on family care services to be purchased by DHR for clients:

(1) 1-90 units of service per month—may be approved and authorized by the experienced caseworker without approval of the supervisor. The supervisor still retains responsibility for decisions at this level. If a question about the case exists in the worker's mind, the supervisor should be consulted before a final decision is made.

(2) 91-180 units of service per month—may be recommended by the worker, but also requires approval of the supervisor.

(3) 181-300 units of service per month—if a client's need is determined to require this level of service, the worker may recommend it. Approval by supervisor and ABD regional program director is required.

(4) 301-480 units of service per month—considered as an extreme emergency, this level of service requires the same procedure as level (3) above. It may be authorized for not more than 30 days.

**.028. Termination of Approval for Payment.**

(a) The individual provider agreement indicates the planned date of service termination. If payment for services terminates prior to the agreed date, the DHR worker notifies the provider in writing that approval for payment terminates on a specific date. Some reasons for payment termination are:

- (1) the client's eligibility status changes;
- (2) death of the client or removal of the client from place of residence;
- (3) the client no longer wishes to receive the services of the family care services provider;
- (4) the DHR worker or client determines that the provider's performance of required tasks is unsatisfactory or that the provider has failed to meet DHR's minimum standards;

- (5) provider decides to terminate contract.

(b) Termination of approval for payment is effective on the date indicated on notification. The DHR worker must give the provider the notification of termination of services as soon as possible.

(c) Provision must be made for continuation of services to the client if approval for payment is terminated because the provider's performance of required tasks is unsatisfactory, the provider has failed to meet DHR's minimum standards, or the provider no longer wishes to provide services.

**.029. Interim Transition Procedures.**

(a) Individual providers of family care services will be transferred to certified home health agencies under purchase-of-service family care contracts. Agencies, which contract with DHR to deliver family care service, must employ, for a period of not less than 90 days, individual providers who are willing to transfer. Following that period, decisions about continued employment are made according to the contract agency's personnel policies.

(b) The DHR worker must notify both client and provider of the anticipated transfer plans as soon as possible after regional decisions are made regarding choice of contractor agency(ies). DHR staff must screen all individual providers to determine their willingness to be employed by a contract agency.

**.030. Homemaker Services Description.** Homemaker services consist of the following activities: personal care, meal preparation, housekeeping, home management, and shopping. Services may also include support services such as transportation and information and referral. Homemaker service for an individual client must be delivered in accordance with the client's service plan. These plans must be prepared according to agency requirements.

**.031. Homemaker Task Descriptions.**

(a) Personal care—assistance in dressing, feeding, grooming, bathing, toileting, transferring/ambulation, exercising, and self-administered medicines.

(b) Meal preparation—planning menus with regard for the client's dietary needs and wishes and shopping for, storing, preparing, and serving food.

(c) Home management—teaching the client and other household members or persons who can assist the client to perform tasks necessary for the client's well-being and self-sufficiency and assisting the client to plan expenditures, manage funds, and to cope with and solve problems of daily living.

(d) Housekeeping—cleaning client's bedroom, bathroom, and kitchen, doing client's laundry, changing an unoccupied bed, arranging furniture and utensils for the safety and convenience of the client, and emptying trash.

(e) Shopping—assisting the client in preparing shopping lists and purchasing groceries and essential household personal items.

(f) Transportation—arranging for and/or accompanying clients on trips to the doctor, shopping, or other places necessary to obtain services essential for daily living.

Doc. No. 800460

**Out-of-Home Care 326.58.55.001, .002, .017-.019**

(Editor's note: The texts of the following rules proposed for repeal will not be published. The rules may be examined in the offices of the Texas Department of Human Resources, John H. Reagan Building, Austin, or in the Texas Register Division offices, 503E Sam Houston Building, Austin.)

These repeals are proposed under the authority of the Human Resources Code, Chapter 11.

**.001. Definition.**

**.002. Definition of Home-Delivered Meals and Congregate Meals.**

**.017. Day Activity Services Description.**

**.018. Development of Service Plan for Day Activity Services.**

**.019. Implementation.**

Doc. No. 800461

**Out-of-Home Services 326.58.55.030.041**

These new rules are proposed under the authority of the Human Resources Code, Chapter 11.

**.030. Definition.** Out-of-home care, which is offered to meet the goals of Title XX, includes the following services:

- (1) day activity services;
- (2) home-delivered and congregate meals;
- (3) alternate living plans including special services provided by foster family homes and by group living homes;
- (4) health-assessment services.

**.031. Out-of-Home Service Plan.** Service plans for out-of-home services will be transmitted to contract agencies as a part of the referral procedure. The plans will indicate the number of units of service authorized for purchase along with other recommendations as appropriate.

**.032. Services Description—Day Activity.**

(a) Day activity services consist of limited personal care, protective supervision, meals and snacks, recreation, education, physical exercise, social and personal adjustment training, and vocational skill training. These services are provided during the day for adults in a protective setting approved by DHR. Support services such as transportation and information and referral may also be provided. The client's family and significant others must be informed about the client's condition and about the program plan and staff who administer it. The client must be provided orientation to the center, the staff, and the neighborhood in which the center is located.

(b) The premises must be safe, healthy, clean, and in good repair. Staff must administer first aid procedures when necessary. Clients must be provided the opportunity to receive medical attention when necessary and assistance in obtaining health services not provided by the agency.

(c) Sufficient space must be provided for clients, and activities must be accessible to the handicapped. The facility may be used only for authorized purposes.

**.033. Task Descriptions—Day Activity.**

(a) Protective supervision. Contract agency staff must provide companionship to each client. Clients must be carefully observed in all activities, especially physical exercise, medication, administration, and eating.

(b) Recreational and educational activities. Planned recreational and educational activities, including physical exercise, must be offered and available to each client; leisure-time recreation must be encouraged. Group meetings and speakers must be arranged and clients provided assistance in attending classes or meetings away from the center. For each day activity contract, regional staff must determine what activities will qualify as recreation, education, and exercise. Clients must be encouraged but not compelled to participate in activities.

(c) Counseling. Contract agency staff will counsel clients in the development of coping skills such as adjustment, adaptation, socialization, and problem solving. Counseling must be provided for or arranged as necessary. The client's family and peer group may be involved in the development of supportive relationships. Relatives of clients and significant others must be encouraged to visit the center and confer with staff.

(d) Meals. Clients must receive proper nutrition which is consistent with dietary needs. Hot, nutritious meals and snacks must be served at designated times in accordance with approved menus and special diets accommodated as much as possible. Clients must be assisted with eating when necessary.

(e) Personal care. Clients must receive assistance with personal hygiene, grooming, ambulation/transfer, toileting,

feeding, and the self-administration of medications. Clients must be provided the time, opportunity, and accommodations in order to rest or nap.

**.034. Home-Delivered and Congregate Meals.**

(a) Home-delivered and congregate meals provide supplemental nutrition, and include hot meals prepared and delivered to the client's residence or serviced in a central dining area. They may be two separate services or the two may be combined to allow flexibility in providing for nutritional needs of eligible clients. Home-delivered and congregate meals must be in accordance with approved menus, that is, contain 1/3 of the required daily allowance (RDA) per meal and served at the proper temperature at designated times. Special diets must be made available when possible.

(b) The premises of the congregate sites must be safe, clean, in good repair, and accessible to the handicapped. The facility must be used for authorized purposes only. Support services may include recreation, education, physical exercise, transportation, and information and referral.

(c) The client's family and significant others must be informed about the client's condition and about the program plan and staff who administer it. Clients must be provided orientation to the center, the staff, and the neighborhood in which the center is located. The client must be provided an opportunity to receive medical attention when needed and assisted in obtaining health services not available at the facility. Counseling must be arranged when necessary.

(d) Home-delivered meals must arrive at the client's home as scheduled and must not have been in transit for more than two hours. The individual making the delivery must note the condition of the client and report any illnesses, potential threats to the safety of the client, and absences of the client from the home to the agency director.

**.035. Purchasing and Storing of Food.** Contract agency staff must purchase fresh and prepared foods according to state and local health department requirements. Donated foods may be used where appropriate. Agency staff may apply for United States Department of Agriculture (USDA) surplus foods as a "charitable organization." Obtaining these foods is left to the discretion of the agency director.

**.036. Menu Planning, Preparation, and Service.** Menus must be planned at least two weeks in advance of service, posted in the establishment, prepared according to accepted procedures, and served at the appropriate temperature. Special diets must be prescribed by a physician. Substitutions of foods on the approved menus must be of equal nutritional value. Clients must receive proper nutrition which is consistent with dietary needs. Hot, nutritious meals and snacks must be served at designated times in accordance with approved menus. Special diets must be accommodated as much as possible, and clients must be assisted with eating when necessary.

**.037. Personal Care—Congregate Meals Only.** Contract agency staff must assist with personal hygiene, grooming, ambulation, transfer, toileting, and feeding when necessary. Clients must be provided the time, opportunity, and accommodations in order to rest or nap.

**.038. Counseling—Congregate Meals Only.** Contract agency staff must assist clients in the development of coping skills, such as adjustment, adaptation, and socialization. Agency staff must provide or arrange for counseling as

necessary. Agency staff must encourage relatives of clients and significant others to visit the center.

**.039. Recreational and Educational Activities—Congregate Meals Only.** Planned recreational and educational activities, including physical exercise, may be offered to each client who remains at the center for longer than the lunch hour. Leisure-time/recreation must be encouraged. Group meetings and speakers must be arranged and clients provided assistance in attending classes for meetings away from the center. Clients must be encouraged but not compelled to participate. Assistance in participating must be available. Staff must continually observe and provide companionship to each client.

**.040. Health Assessment Services.**

(a) Health assessment services are provided through purchase of service contracts. Contract agencies must comply with the department's Minimum Standards for the Organization and Administration of Agencies Contracting to Provide Health Assessments Services for Aged, Blind, or Disabled Adults.

(b) Health assessments are authorized for individuals either presently receiving services, or who are eligible for service and whose physical condition may warrant an assessment by a registered nurse. A health assessment consists of an assessment of the client's health history, a recording of the client's vital signs, and a nursing assessment of all body systems.

(c) Support services such as transportation and information and referral may be included. When health assessments are authorized by DHR staff, for clients not currently receiving services, coordination with the nurse completing the assessment must occur before issuing the final approval of the client's service plan. Health assessments must be completed within 10 working days of receipt by a registered nurse. DHR staff will make appropriate referrals that may be needed and identified through health assessments.

**.041. Health Assessment Services Casework Procedures.** All clients determined eligible for service and who require health or medical care may be referred to a home health agency in order to obtain a proper health assessment. The worker registers the client and determines eligibility status before referring the client to the agency for a purchased health assessment. When appropriate, the worker conducts a social needs assessment in addition to the health assessment.

Issued in Austin, Texas, on January 18, 1980.

Doc. No. 800462      Jerome Chapman  
Commissioner  
Texas Department of Human Resources

Proposed Date of Adoption: February 25, 1980  
For further information, please call (512) 475-4601.

## Texas Department of Public Safety Equipment and Vehicle Approval 201.11.00

The Texas Department of Public Safety is proposing to amend Rule 201.11.00.001, relating to minimum safety standards for vehicle equipment such as lamps, warning devices, safety glass, and glass coating materials. Proposed amendment 1 would create subsection (e) establishing standards and specifications for the installation and adjustment of safety glass (glazing) and glass coating materials.

The staff of the Texas Department of Public Safety has determined that there are no fiscal implications for the state as the amendment applies to standards and specifications for the installation and adjustment of safety glass (glazing) and glass coating materials.

Comments on the proposed amendment of Rule .001 are invited. Comments may be submitted by contacting Norman V. Suarez, Texas Department of Public Safety, Box 4087, Austin, Texas 78773, telephone (512) 452-0331. Comments must be received within 30 days of the publication of this proposal in the *Register*.

The amendments are proposed pursuant to the authority of Vernon's Civil Statutes, 6701i, and Vernon's Civil Statutes, 6701d, Article XIV, Section 108 and Section 108A.

**.001. Minimum Safety Standards for Vehicle Equipment.**

(a)-(d) (No change.)

**(e) Use of one-way glass and glass coating material on motor vehicles.** The following regulations establish standards and specifications for the use of one-way glass and glass coating material.

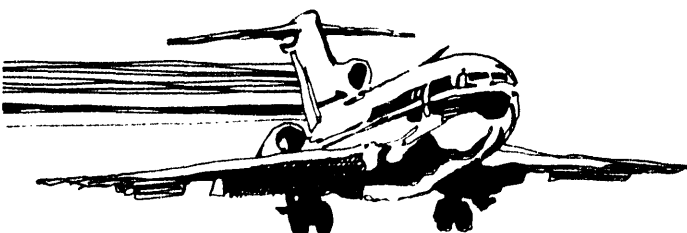
**(1) Use of one-way glass.** AS-3 safety glazing (one-way or privacy) glass is an option available on many new motor vehicles. It may be used anywhere in a bus, van, club wagon, truck, or truck tractor except in the windshield and front (side) windows to the immediate right and left of the driver, and in the rearmost window if such rearmost window is used for driving visibility. If the vehicle is equipped with outside rearview mirrors, then one-way (AS-3) glass may be used in the rearmost window. One-way glass may not be used in any window, interior partition, or aperture created for window purposes in a passenger automobile, station wagon, or taxicab.

**(2) Use of glass coating material.** Glass coating may be applied anywhere in a motor vehicle except on the windshield and front (side) windows to the immediate right and left of the driver and in the rearmost window if such rearmost window is used for driving visibility. If the motor vehicle is equipped with outside rearview mirrors, then glass coating material may be used in the rearmost window. The glass coating may be a spray-on tint, metalized mylar plastic, or other kinds of material. The use of curtains, blinds, or stick-on novelty designs is not prohibited.

Issued in Austin, Texas, on January 17, 1980.

Doc. No. 800448      James B. Adams  
Director  
Texas Department of Public Safety

Proposed Date of Adoption: February 25, 1980  
For further information, please call (512) 452-0331.



# ADOPTED RULES

An agency may adopt a proposed rule no earlier than 30 days after publication in the *Register*, and the adoption may go into effect no sooner than 20 days after filing, except where a federal statute or regulation requires implementation of a rule on shorter notice.

Upon request, an agency shall provide a statement of the reasons for and against adoption of a rule. Any interested person may request this statement from the agency before adoption or within 30 days afterward. The statement shall include the principal reasons for overruling objections to the agency's decision.

This section now contains two classifications: codified and noncodified. Agencies whose rules have been published in the *Texas Administrative Code* will appear under the heading "Codified." These rules will list the new TAC number, which will be followed immediately by the *Texas Register* 10-digit number. Agencies whose rules have not been published in the TAC will appear under the heading "Noncodified." The rules under the heading "Codified" will appear first, immediately followed by rules under the heading "Non-codified."

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## CODIFIED

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### TITLE 31. NATURAL RESOURCES AND CONSERVATION

#### Part II. Texas Parks and Wildlife Department

#### Chapter 65. Wildlife

#### Subchapter H. Wildlife Management Areas Hunting, Fishing, and Trapping

(Editor's note: The Parks and Wildlife Department is repealing the Management Areas Hunting, Fishing, and Trapping Proclamation, 1978-79 (127.70.13.100-.133) and adopting in its place the Wildlife Management Areas Hunting, Fishing, and Trapping Proclamation, 1979-80 (127.70.13.134-.165). Under the TAC numbering scheme, rules dealing with this same subject matter will be always numbered §§65.191-65.224, despite the fact that the 10-digit number is different.)

The Texas Parks and Wildlife Commission has adopted the repeal of §§65.191-65.224 (127.70.13.100-.133), Wildlife Management Areas Hunting, Fishing, and Trapping Proclamation, 1978-79. The proposed repeal was published in the August 28, 1979, issue of the *Texas Register* (4 TexReg 3077). The repeal of these sections was proposed since changes in game populations required that new sections be adopted.

Pursuant to the authority of Chapter 81, Subchapter E, Texas Parks and Wildlife Code, the Texas Parks and Wildlife Commission has repealed §§65.191-65.224 (.100-.133).

Doc. No. 800430

(Editor's note: The Parks and Wildlife Department is repealing the Wildlife Management Areas Hunting, Fishing, and Trapping Proclamation, 1978-79 (127.70.13.100-.133) and adopting in its place the Wildlife Management Areas Hunting, Fishing, and Trapping Proclamation, 1979-80 (127.70.19.134-.165). Under the TAC numbering scheme, rules dealing with this same subject matter will be always numbered §§65.191-65.224, despite the fact that the 10-digit number is different.)

The Texas Parks and Wildlife Commission has adopted §§65.191-65.224 (127.70.19.134-.165) which constitute the Wildlife Management Areas Hunting, Fishing, and Trapping Proclamation, 1979-80, with no change in the proposed text.

No comments were received from the public on the proposed sections.

These sections are adopted under the authority of Chapter 81, Subchapter E, Texas Parks and Wildlife Code.

§65.191 (127.70.19.134). *Application.* These sections apply to all of the wildlife resources in:

- (1) Eastern (Angelina) Wildlife Management Area:
  - (A) Dam "B" Unit (includes Angelina-Neches Scientific Area) in Jasper and Tyler Counties;
  - (B) Toledo Bend Unit in Shelby County;
  - (C) Stephen F. Austin Unit in Nacogdoches County;
- (2) Black Gap Wildlife Management Area in Brewster County;
- (3) Chaparral Wildlife Management Area in Dimmit and LaSalle Counties;
- (4) Sierra Diablo Wildlife Management Area in Culberson and Hudspeth Counties;
- (5) Gus Engeling Wildlife Management Area in Anderson County;
- (6) Granger Wildlife Management Area in Williamson County;
- (7) Gene Howe Wildlife Management Area in Hemphill County;
- (8) Kerr Wildlife Management Area in Kerr County;
- (9) Matador Wildlife Management Area in Cottle County;
- (10) Pat Mayse Wildlife Management Area in Lamar County;
- (11) J. D. Murphree Wildlife Management Area in Jefferson County;
- (12) Las Palomas Wildlife Management Area:
  - (A) Adams Unit in Hidalgo County;
  - (B) Frederick Unit in Willacy County;
  - (C) Grulla Unit in Starr County;
  - (D) Kelly Unit in Hidalgo County;
  - (E) Longoria Unit in Cameron County;
  - (F) Prieta Unit in Starr County;
  - (G) Voshell Unit in Cameron County;
- (13) Sheldon Wildlife Management Area in Harris County.

§65.193 (127.70.19.135). *Finding of Fact.* After having conducted continuous research and investigations of the supply, economic value, environment, breeding habits, and sex ratio of the wildlife resources, and the factors affecting their increase or decrease, it is deemed expedient and in the interest of sound conservation practices to allow such wildlife resources to be taken and possessed in accordance with these sections.

**§65.194 (127.70.19.136). Consent.**

(a) None of the wildlife resources of the wildlife management areas may be taken except by holders of permits that have been issued by the Parks and Wildlife Department; however, no permits are required for the Eastern (Angelina) Wildlife Management Area (Dam "B" and Toledo Bend Units), Granger Area, and Pat Mayse Wildlife Management Areas, except during the regular deer season. No permit is required for taking mourning doves on the Gene Howe, Matador, and Black Gap Wildlife Management Areas or white-winged doves on the Black Gap Area. No permit is required for taking fish.

(b) The department shall charge a permit fee based on the costs to the department in compliance with Section 81.403(c), Texas Parks and Wildlife Code.

(c) The permit fees are:

- (1) white-tailed deer—\$20;
- (2) mule deer—\$40;
- (3) javelina—\$10;
- (4) squirrel—\$4.00;
- (5) turkey—\$10;
- (6) quail—\$5.00;
- (7) mourning doves and/or white-winged doves—\$5.00;
- (8) waterfowl—\$4.00;
- (9) predatory animals (feral hogs)—\$10.

**§65.195 (127.70.19.137). Open Seasons: General Rules.**

(a) Open seasons are given by their opening and closing dates and include all days between the opening and closing dates.

(b) Open seasons may be closed earlier by order of the executive director of the department, if subsequent data indicate that a shorter season would be in the interest of sound conservation practices.

(c) Except for fishing, seasons are closed during the hours between one-half hour after sunset and one-half hour before sunrise.

(d) Hours during which migratory birds may be taken may be further restricted by the migratory game bird proclamation. Hours during which migratory birds may be taken are set out in §65.213 (.155) of this title.

(e) It is unlawful to take any wildlife resources on the wildlife management areas except during open seasons set out in these sections.

**§65.196 (127.70.19.138). Definitions.**

(a) "Department" or "Parks and Wildlife Department" is the Texas Parks and Wildlife Department or a specifically authorized employee of the department.

(b) "Game animals" are wild deer, wild elk, wild antelope, wild desert bighorn sheep, wild black bear, wild gray or cat squirrels, wild fox squirrels or red squirrels, and collared peccary or javelina.

(c) A "buck deer" is a deer having a hardened antler protruding through the skin.

(d) An "antlerless deer" is a deer having no hardened antler protruding through the skin.

(e) "Game birds" are wild turkey, wild ducks of all varieties, wild geese of all varieties, wild brant, wild grouse, wild prairie chickens, wild pheasants of all varieties, wild partridge, wild bobwhite quail, wild scaled quail, wild Mearns' quail, wild Gambel's quail, wild red-billed pigeons, wild band-tailed pigeons, wild mourning doves, wild white-winged doves, wild snipe of all varieties, wild shore birds of

all varieties, chachalacas, wild plover of all varieties, and wild sandhill cranes.

(f) "Migratory game birds" are wild ducks of all species, wild geese and wild brant of all species, wild coot, wild rail, wild gallinules, wild plovers, Wilson's snipe or jacksnipe, woodcock, mourning doves, white-winged doves, and sandhill cranes.

(g) A "bearded hen" is a female turkey possessing a clearly visible beard protruding through the feathers of the breast.

(h) "Fur-bearing animals" are wild beaver, otter, mink, ring-tailed cat, badger, skunk, raccoon, muskrat, opossum, fox, or civet cat.

(i) "Exotic mammals" on wildlife management areas are nonindigenous wild mammals.

(j) "Daily bag limit" is the quantity of a species of game that may be taken in one day.

(k) "Possession limit" is the maximum number of a species of game that may be possessed at one time.

(l) "Predatory animals" on wildlife management areas are coyotes, feral hogs, European wild hogs, and crosses thereof, feral house cats, bobcats, and mountain lions.

(m) Other nonprotected species on wildlife management areas are rabbits.

(n) "Wildlife resources" on wildlife management areas are game animals, game birds, fur-bearing animals, alligators, marine animals, fish, other aquatic life, exotic mammals, predatory animals, and other nonprotected species.

(o) "Paraplegic" means an individual afflicted with paralysis of lower half of body without movement of both legs usually due to disease or injury to spinal cord.

**§65.197 (127.70.19.139). General Regulations.**

(a) Camping on areas will be limited to authorized hunters and fishermen, except by a special permit. Hunters and fishermen will be required to occupy designated campsites only, except camping and camp fires are not permitted on the on the Granger, J. D. Murphree, Kerr, Eastern (Angelina) (Stephen F. Austin and Toledo Bend Units), Las Palomas (Adams, Frederick, Grulla, Kelly, Longoria, Prieta, and Voshell Units), and Sheldon Wildlife Management Areas. Camping on Dam "B" Unit of the Eastern (Angelina) Wildlife Management Area will be permit only. Permits will be available at the U.S. Corps of Engineers office at the reservoir site.

(b) All hunters and fishermen shall be required to register at area headquarters, designated check stations or boxes provided at access points, except on Granger, Dam "B" and Toledo Bend Units and Pat Mayse Areas. Deer hunters on the Pat Mayse Area shall register at hunt headquarters located on FM 1499.

(c) All vehicles shall be restricted to designated roads. Parking will be permitted only in designated areas. On the Granger Area, parking is permitted only along roads and in such manner as to not obstruct traffic.

(d) Fishermen shall be required to use Maravillas Canyon and Horse Canyon Roads only while going to and from the Rio Grande on the Black Gap Wildlife Management Area. From this point where the Maravillas Canyon Road enters the Rio Grande Valley downstream to the area boundary, all fishermen shall be confined to the area between the road and the river. From the same point upstream to the area boundary, all fishermen shall be confined to an area within 300 yards of the river.

(e) Use of firearms except during open hunting seasons, disturbance or removal of plants, rocks, artifacts, or other objects is prohibited. It is unlawful for any person to possess firearms, or bow and arrow, on a wildlife management area, except persons possessing an authorized permit issued by the Parks and Wildlife Department to hunt on the area, or commissioned law enforcement officers and department employees in the performance of their duties.

(f) Strewing of refuse, litter, trash, or garbage is prohibited.

(g) No person may hunt, take, or kill, or attempt to hunt, take, or kill any game bird, game animal, or other protected species of wildlife from a motor vehicle, motor-driven land conveyance, or from any aircraft or airborne device except paraplegics and single or double amputees of legs may take any legal wildlife during open seasons from any stationary motor vehicle or motor-driven land conveyance.

(h) No person may possess or consume alcoholic beverages within the areas.

(i) Employees of the department may remove parts from specimens harvested on management areas for scientific investigation.

(j) A person hunting any wildlife, except migratory birds and turkey, on a wildlife management area must visibly wear a minimum of 400 square inches of daylight fluorescent orange material with 144 square inches appearing on both the chest and back.

(k) Business concessions such as selling, renting, leasing, or peddling goods, merchandise, or services to the public may not be conducted on any area unless specifically authorized in writing by the executive director.

(l) No person may enter or attempt to enter a wildlife management area with a gun, rifle, or any other weapon, except persons duly selected to hunt on the areas or employees of the department in performance of their duties.

(m) No dogs are allowed within the J. D. Murphree Area, except one dog per permit-holding hunter is permitted to retrieve dead or wounded waterfowl.

(n) Dogs in camp on wildlife management areas shall be confined or leashed.

(o) Water skiing is prohibited.

(p) Airboats are prohibited on the J. D. Murphree Area, except in Big Hill Bayou.

(q) Boats, skiffs, or floating craft of any type may not be left overnight.

(r) Swimming is prohibited.

(s) Sheldon Wildlife Management Area shall be open for fishing from 5 a.m. to 9:30 p.m. each day, except Mondays when the area will be closed unless a federal or state legal holiday occurs on Monday. In that event, the area shall open Monday and close on the following Tuesday.

(t) Only persons with valid permits will be allowed afield during hunts on wildlife management areas, except on those areas where no permits are required.

#### *§65.198 (127.70.19.140). Rifle and Shotgun.*

(a) It is lawful to shoot game animals, predatory animals, and exotic mammals only with a rifle or shotgun capable of and designed for being shot from the shoulder.

(b) It is unlawful to shoot a game bird with a rifle, except turkey during the regular season, or to shoot a migratory game bird with a shotgun that is not permanently plugged to three-shell capacity.

(c) It is unlawful to use rimfire ammunition, jet gun, or rocket gun in shooting deer, javelina, predatory animals, and turkey.

(d) It is unlawful to use shotgun shells other than rifled slugs or buckshot in shooting predatory animals, except that feral house cats may be taken with any legal-type shotgun shell.

(e) It is unlawful to use a rifle to take turkey during the spring turkey gobbler season.

(f) It is unlawful to use a rifle for any purpose on the Granger, Pat Mayse, and Eastern (Angelina) (Dam "B" and Toledo Bend Units) Wildlife Management Areas, except for the hunting of deer during regular open deer season. Shotguns only may be used for the taking of game birds and animals.

#### *§65.199 (127.70.19.141). Archery.*

(a) It is lawful to hunt deer, exotic mammal, predatory animal, turkey, and javelina during the open seasons with a longbow and arrow only if:

(1) the bow is capable of shooting a hunting arrow equipped with a broadhead hunting point for a distance of 130 yards;

(2) the arrow is equipped with a broadhead hunting point at least 7/8 inch in width and not over 1-1/2 inches in width;

(3) the arrow bears the name and address of the user in a nonwater soluble medium; and

(4) the arrow is not poisoned, drugged, or explosive.

(b) It is unlawful to use a crossbow.

#### *§65.200 (127.70.19.142). Hunting with Dogs.*

(a) It is unlawful to use a dog or dogs in hunting, pursuing, or taking deer or predatory animals.

(b) It is lawful to use not more than two leashed dogs in trailing wounded deer.

(c) A wounded deer is defined as a deer leaving a blood trail.

#### *§65.201 (127.70.19.143). Migratory Birds: Means and Methods.*

(a) The following means and methods are lawful in taking migratory birds on wildlife management areas:

(1) artificial decoys, manual or mouth-operated birdcalls, shotguns not larger than 10-gauge and permanently plugged to three-shell capacity;

(2) taking from floating craft (other than a sink-box) which is beached, at anchor, or tied within or alongside a fixed hunting blind;

(3) taking by the use of power boats, sailboats, or other craft when used solely as a means of picking up dead or injured birds; and

(4) paraplegics and single or double amputees of legs may take from any stationary motor vehicle or motor-driven land conveyance.

(5) taking mourning and white-winged doves shall be in accordance with the current migratory bird proclamation.

(b) All other means and methods of taking migratory game birds on wildlife management areas are unlawful.

#### *§65.202 (127.70.19.144). Hunting Permits.*

(a) Permits for hunting wildlife species on wildlife management areas shall be issued by the department to applicants by means of an impartial method of distribution subject to limitations on the maximum number of permits to be issued.

(b) No person may receive a special permit for hunting on wildlife management areas for two consecutive years unless all applications from persons who applied but did not receive a permit for the preceding year are filled.

(c) All hunting and trapping shall be by special permit, except quail hunters on the Black Gap, Chaparral, Gus Engeling, Gene Howe, and Matador Wildlife Management Areas will be accepted on a first-come, first-served basis.

(d) No special permit is required for squirrel and duck hunting on the Engeling Area, squirrel on the Stephen F. Austin Unit, waterfowl hunting on the J. D. Murphree Area, or dove on the Chaparral Area.

(e) No permit is required for mourning dove hunting on the Matador, Gene Howe, and Black Gap Wildlife Management Areas or white-winged doves on the Black Gap Area (hunters must register at designated points).

(f) No permit is required for hunting on the Eastern (Angelina) Area (Dam "B" and Toledo Bend Units), Granger and Pat Mayse Wildlife Management Areas during the open seasons provided in these sections, except a special permit is required to hunt deer on the Pat Mayse Area during the regular season.

**§65.203 (127.70.19.145). Checking Game.** All game birds, game animals, exotic mammals, predatory animals, other nonprotected species and fur-bearers taken or killed on the wildlife management areas, except Pat Mayse Area, Granger Area, Eastern (Angelina) Area (Toledo Bend and Dam "B" Units), and doves on the Gene Howe, Matador, and Black Gap Areas, must be checked at designated check stations before the hunter or trapper leaves the premises. On the Pat Mayse Area during the regular deer season, hunters must check in at check stations located on FM 1499.

**§65.204 (127.70.19.146). Fishing Permits.** Fishing privileges shall be extended to the public in an impartial manner.

**§65.205 (127.70.19.147). Tagging of Game.**

(a) The sex of deer or turkey and definition of antlered buck to be taken shall be determined at the time of the hunt and stipulated on the permit issued by the department to the hunter.

(b) The carcass of deer or turkey in possession of a person shall have attached to it a tag issued to the person from his or her valid hunting license; in addition, a special tag issued from the wildlife management area must be attached to each deer or turkey until the deer or turkey is processed for consumption, except no special tag is required for deer or turkey killed on the Eastern (Angelina) Area (Dam "B" Unit) and the Pat Mayse Area during the deer archery season.

(c) No tag from the valid hunting license is required on exotic mammals; however, a special tag issued from the area must be attached to each exotic mammal until it is processed for consumption.

**§65.206 (127.70.19.148). Open Seasons and Bag Limits for Game Animals, Game Birds, Other Unprotected Species, Fur-Bearers, and Predators.** It is unlawful to take wildlife resources at any time other than during the open seasons provided in these sections, or to take more than the daily bag limits, or to have in possession more than the possession limits, as provided in these sections.

**§65.207 (127.70.19.149). Deer and Exotic Mammals.**

(a) By permit only, except during open seasons on Eastern (Angelina) Area (Dam "B" Unit).

(b) Archery season—open season:

(1) Eastern (Angelina) (Dam "B" Unit—includes Angelina-Neches Scientific Area): October 1-31, 1979;

(2) Gus Engeling: October 22-24, 25-27, 29-31, 1979;

(3) Pat Mayse: October 1-13, 1979;

(4) Other areas: no open season.

(c) Regular season—open season:

(1) Eastern (Angelina) (Dam "B" Unit—includes Angelina-Neches Scientific Area): November 17, 1979-January 1, 1980;

(2) Gus Engeling: November 17, 1979-January 1, 1980;

(3) Chaparral: November 17, 1979-December 31, 1979;

(4) Gene Howe: November 17-19, 24-26; December 1-3, 1979;

(5) Kerr: November 17, 1979-January 1, 1980;

(6) Pat Mayse: November 17-19, 19-21, 1979;

(7) Sierra Diablo: November 24-26, 26-28, 28-30, 30-December 2, 1979;

(8) Other areas: no open season.

(d) Bag and possession limit: on all areas, one deer or exotic mammal per person; sex, definition of antlered buck, and species to be determined at time of the hunt.

**§65.208 (127.70.19.150). Javelina.**

(a) Open season:

(1) Black Gap: November 10-12, 12-14, 14-16; December 15-17, 17-19, 19-21, 1979, January 12-14, 14-16, 16-18, 1980;

(2) Chaparral: February 11-13, 13-15, 1980;

(3) Other areas: no open season.

(b) Bag limit: one javelina.

(c) Possession limit: one javelina.

**§65.209 (127.70.19.151). Squirrel.**

(a) Open season:

(1) Eastern (Angelina):

(A) Stephen F. Austin Unit: October 19-20, 26-27, November 2-3, 1979;

(B) Dam "B" Unit (includes Angelina-Neches Scientific Area): October 1, 1979-January 15, 1980; May 1-31, 1980;

(C) Toledo Bend Unit: October 1-December 31, 1979;

(2) Gus Engeling: October 5-6, 12-13, 19-20, 1979, May 9-10, 16-17, 1980;

(3) Granger: October 1, 1979-January 15, 1980, May 1-31, 1980;

(4) Pat Mayse: October 1-November 11, 1979, December 1, 1979-January 15, 1980, May 1-31, 1980;

(5) Other areas: no open season.

(b) Bag limit: 10 squirrels per day.

(c) Possession limit: 20 squirrels.

**§65.210 (127.70.19.152). Turkey.**

(a) Open season:

(1) Gus Engeling: April 11-13, 18-20, 25-27, 1980 (spring season);

(2) Gene Howe: November 17-19, 24-26, December 1-3, 1979 (regular season), April 12-14, 19-21, 26-28, 1980 (spring season);

(3) Kerr: April 12-14, 19-21, 26-28, 1980 (spring season);

(4) Matador: April 12-14, 19-21, 26-28, 1980 (spring season);



- (5) Other areas: no open season.  
 (b) Bag limit: one gobbler or bearded hen, except during spring season where the limit is one gobbler only.  
 (c) Possession limit: one turkey.

**§65.211 (127.70.19.153). Quail.**

- (a) Open season:  
 (1) Eastern (Angelina):  
 (A) Toledo Bend Unit: December 1, 1979-January 31, 1980;  
 (B) Dam "B" Unit (includes Angelina-Neches Scientific Area): November 17, 1979-February 17, 1980;  
 (2) Black Gap: October 6-7, 13-14, 20-21, 27-28, November 3-4, 1979;  
 (3) Chaparral: October 27-28, 1979, November 3-4, 10-11, 1979, December 8-9, 15-16, 1979, January 5-6, 12-13, 19-20, 26-27, 1980, February 2-3, 9-10, 16-17, 23-24, 1980;  
 (4) Granger: November 17, 1979-February 17, 1980;  
 (5) Gene Howe: October 27-28, November 3-4, 10-11, December 8-9, 15-16, 1979, January 12-13, 26-27, February 9-10, 23-24, 1980;  
 (6) Matador: October 27-28, November 3-4, 10-11, 17-18, December 1-2, 8-9, 15-16, 1979, January 5-6, 12-13, 19-20, February 2-3, 9-10, 1980;  
 (7) Pat Mayse: November 22, 1979-February 17, 1980;  
 (8) Gus Engeling: November 2-3, 5-6, 1979;  
 (9) Other areas: no open season.  
 (b) Bag limit: 12 quail per day.  
 (c) Possession limit: 36 quail.

**§65.212 (127.70.19.154). Pheasant. No open season.**

**§65.213 (127.70.19.155). Migratory Birds.**

- (a) Mourning doves.  
 (1) Open season:  
 (A) Eastern (Angelina):  
 (i) Dam "B" Unit (includes Angelina-Neches Scientific Area): to correspond with the season set in Jasper County;  
 (ii) Toledo Bend Unit: to correspond with the season set in Shelby County;  
 (B) Black Gap: to correspond with the first 30 consecutive days of the season set in Brewster County;  
 (C) Chaparral: October 27-28, November 3-4, 1979; January 5-6, 12-13, 19-20, 1980;  
 (D) Granger: to correspond with the season set in Williamson County;  
 (E) Matador: to correspond with the first 30 consecutive days of the season set in Cottle County;  
 (F) Pat Mayse: to correspond with the season set in Lamar County;  
 (G) Gene Howe: to correspond with the first 30 consecutive days of the season set in Hemphill County;  
 (H) Other areas: no open season.  
 (2) Shooting hours: One-half hour before sunrise to sunset.  
 (3) Bag limit: 10 mourning doves.  
 (4) Possession limit: 20 mourning doves.  
 (b) White-winged doves.  
 (1) Open season:  
 (A) Black Gap: to correspond with the season set in Brewster County;  
 (B) Other areas: no open season.  
 (2) Shooting hours: noon to sunset.

- (3) Bag limit: 10 white-winged doves.  
 (4) Possession limit: 20 white-winged doves.  
 (c) Waterfowl.

(1) Open season:

(A) J. D. Murphree—teal ducks only: to correspond with the teal season set by the migratory game bird proclamation; other migratory waterfowl: every Tuesday, Thursday, and Saturday of the duck season for Jefferson County as set in the migratory game bird proclamation, except there shall be no hunting on Thanksgiving, Christmas, or New Year's Day. Should any of these holidays fall on a Tuesday, Thursday, or Saturday, the following Wednesday, Friday, or Monday shall be hunted in lieu thereof.

(B) Eastern (Angelina):

(i) Dam "B" Unit (includes Angelina-Neches Scientific Area): within the season set by the migratory game bird proclamation;

(ii) Toledo Bend Unit: within the season set by the migratory game bird proclamation.

(C) Gus Engeling: January 4, 5, 6, 11, 12, 13, 1980.

(D) Pat Mayse: within the season set by the migratory game bird proclamation.

(E) Other areas: no open season.

(2) Shooting hours: to correspond with the shooting hours set by the migratory game bird proclamation.

(3) Bag limit: to correspond with the bag limit set by the migratory game bird proclamation.

(4) Possession limit: to correspond with the possession limit set by the migratory game bird proclamation.

(5) Special regulation: on the J. D. Murphree Area, hunters using 12-gauge shotguns may possess only shotgun shells that contain steel shot.

(d) Other migratory birds: no open season.

**§65.214 (127.70.19.156). Other Nonprotected Species: Rabbits.** Granger: no closed season and no bag or possession limit.

**§65.215 (127.70.19.157). Fur-Bearing Animals.** No open season.

**§65.217 (127.70.19.158). Predatory Animals.** There is no open season on predatory animals; however, they may be taken by valid permit holders only during deer and javelina open seasons except that feral house cats may be taken during any open season, and on the Gus Engeling Area, feral hogs, European wild boars, and crosses thereof may be taken during the seasons provided.

(1) Open season:

(A) Gus Engeling: January 17-19, 21-23, 24-26, 28-30; February 11-13, 14-16, 19-21, 25-27; March 13-15, 17-19, 20-22, 24-26, 27-29, 1980;

(B) Other areas: no special hog hunt.

(2) Bag limit: none.

(3) Possession limit: none.

**§65.218 (127.70.19.159). Fish.** It is unlawful to take or possess fish in greater numbers or at any time other than as permitted in these sections.

**§65.219 (127.70.19.160). Seasons.**

(a) No closed season except that the Black Gap Area will be closed from June 16 of each year through March 14 of the succeeding year, and there shall be no open season on the Chaparral, Gene Howe, Las Palomas, or Matador Wildlife Management Areas.



(b) **Black Gap:** impoundments are closed to fishing. Access to the Rio Grande and camps on the Rio Grande are closed to fishermen during the deer and javelina seasons.

(c) **J. D. Murphree:**

(1) In that portion of Big Hill Bayou which lies within the J. D. Murphree Area, fishing shall be permitted from January 16 through October 31, both days inclusive, from 30 minutes before sunrise to 30 minutes after sunset.

(2) In the remainder of the area, fishing shall be permitted from March 1 through August 31, both days inclusive, from 30 minutes before sunrise to 30 minutes after sunset, except that when required by the department for the proper management of water fowl resources, compartments may be closed to fishing for temporary periods of time.

(3) Powered skiffs, powered boats, or powered floating craft of any type with motor not to exceed 25 horsepower shall be permitted within compartments during the period from March 1 through August 31.

(4) Boats, skiffs, or floating craft of any type are not permitted in the ditches along the west boundary of compartments 5, 6, 7, 8, and 9, and the north boundary of compartment 11 during the period from March 1 through August 31, both days inclusive.

(d) **Gus Engeling:** no fishing is permitted during public hunts.

**§65.220 (127.70.19.161). Means and Methods.**

(a) Means and methods of fishing are the same as provided by general and special laws and proclamations, except as provided in these sections issued by the commission for the county or counties where the management area is located.

(b) **J. D. Murphree.**

(1) A person may take fish within compartment and borrow ditch areas only by means of rod and reel, pole and line, and throw line.

(2) No fishing lines shall be left unattended at any time within compartment and borrow ditch areas.

(3) Means and methods of fishing in the Big Hill Bayou shall be the same as provided by general and special laws and proclamations issued by the Parks and Wildlife Commission for Jefferson County except seines and nets other than 20-foot minnow seines are prohibited.

(c) **Sheldon.**

(1) Fishing is permitted in accordance with fishing regulations in Harris County, except handlines and trotlines are prohibited.

(2) Fishing is closed to boat and wade fishermen between the period October 1 through February 1, both days inclusive.

(3) Boat motors over 10 horsepower are prohibited.

**§65.221 (127.70.19.162). Bag Limits.** Bag limits for fish shall be the same as provided by general and special laws and proclamations issued by the Parks and Wildlife Commission for the county or counties where the management area is located.

**§65.222 (127.70.19.163). Fish Size Limits.** Fish size limits shall be the same as provided by general and special laws and proclamations issued by the Parks and Wildlife Commission for the county or counties where the management area is located.

**§65.223 (127.70.19.164). Alligators.** No open season.

**§65.224 (127.70.19.165). Penalties.**

(a) Section 81.006, Texas Parks and Wildlife Code, provides a penalty of not less than \$25 nor more than \$100 upon conviction of a person who shall violate any of the sections, or who shall hunt or fish at any time other than the times specified by the Parks and Wildlife Commission.

(b) The sections herein promulgated are cumulative of all general and special laws enacted by the legislature regulating the taking of wildlife.

Issued in Austin, Texas, on January 15, 1980.

Doc. No. 800431

Maurine Ray

Administrative Assistant

Texas Parks and Wildlife Department

Effective Date: February 6, 1980

Proposal Publication Date: August 28, 1979

For further information, please call (512) 475-4875.

## Part X. Texas Water Development Board

### Chapter 341. Waste Discharge Permits

#### Procedure for Obtaining Waste Discharge Permits

These sections are adopted under the authority of Sections 5.131 and 5.132, Texas Water Code.

**§341.23 (156.25.05.003). Map Required.** The application shall be accompanied by an application map and, if needed as explained below, a supplemental map. Maps must be of material suitable for a permanent record, and shall be on sheets 8-1/2 inches by 14 inches or folded to that size, and shall be on a scale of not less than one inch equals one mile. The application map should be an ownership map, if available, (ownership maps may usually be obtained from commercial map companies, some county offices, and some abstract companies) or it may be a county highway map (county highway maps may be ordered either through the State Department of Highways and Public Transportation, Austin, Texas, or through the State District Highway Engineer for the county) or a map prepared by a registered professional engineer or a registered surveyor. The map shall show the approximate boundaries of the tract of land owned or used by the applicant on which the waste disposal activity is or will be conducted. The applicant shall locate on the map each outfall, disposal well, place of deposit, and other place of disposal used or to be used by the applicant for the disposal of any defined waste. The map shall also show known geographic features, such as public roads, towns, streams, and watercourses; the general character of the areas adjacent to the place or places of disposal, such as residential, commercial, recreational, agricultural, undeveloped, and so forth; and the location of any other waste disposal activities conducted on the tract by the applicant not included in the application. To enable the department to send notices to persons who may be affected, the application map or a supplemental map shall show the ownerships of the tracts of land within a reasonable distance from the applied for point or points of discharge, deposit, injection, or other place of disposal or defined waste; in case the application is for the disposal of any defined waste into or adjacent to a watercourse, the application map or supplemental map shall show the ownerships of the tracts of land for a reasonable distance along the watercourse. The

applicant shall list on the map, or on a separate sheet attached to the map, the names and addresses of the owners of the tracts of land as determined from the current county tax rolls or other reliable resources. As part of his application, the applicant shall submit an affidavit which lists the names and addresses of the owners of tracts of land affected by the application and includes the source of the list.

**§341.30 (156.25.05.010). Action on Application.**

(a) Public notice shall be given on every application for a waste discharge permit, permit amendment, or renewal of a permit before it is acted upon by the commission. The applicant shall pay all of the costs of publication and service of notice. The cost of service of notice shall be \$5.00 or the actual cost of mailing, whichever is greater.

(b) The commission may hold a public hearing on an application for a waste discharge permit before the commission takes action on the application. If the commission holds a public hearing on an application, notice shall be given in accordance with §341.32 (.012) of this title.

(1) The commission may act on the application without holding a public hearing if notice has been given and an opportunity for a public hearing has been provided in accordance with the following requirements:

(A) Not less than 45 days before the date of action on the application by the commission, the applicant shall publish the commission's notice of the application at least once in a newspaper regularly published or circulated within each county where the proposed facility or discharge is located and in each county affected by the discharge;

(B) Not less than 45 days before the date of action on the application by the commission, the applicant shall serve or mail the commission's notice of the application to persons who in the judgment of the commission may be affected;

(C) Within 45 days after the date of the newspaper publication of the commission's notice of the application, neither a commissioner, the executive director, nor an affected person who objects to the application has requested a public hearing.

(2) The commission shall hold a public hearing if it receives a request in accordance with §341.37 (.017) of this title.

**§341.31 (156.25.05.011). Application Forwarded to Commission.** When an application for a waste discharge permit is in proper form, the executive director shall forward the application to the commission, accompanied by the executive director's recommendation. For the purpose of providing adequate notice, the executive director will include a recommendation to the commission of the area wherein the application, if granted, would have potential impact.

**§341.37 (156.25.05.017). Requests for Public Hearing.**

(a) If a commissioner or the executive director requests a public hearing, the commission shall conduct a public hearing on an application for a permit.

(b) Within 45 days of the publication of notice of an application for a permit, permit amendment, or permit renewal, any affected person may request that the commission hold a public hearing on the application. Any request under this rule shall be in writing and contain the following information:

(1) name, mailing address, and phone number of the person making the request;

(2) a brief description of how the requester, or persons represented by the requester, would be adversely affected by the granting of the application.

(c) If the commission determines that the request sets out an issue which is relevant to the waste discharge permit decision, or that a public hearing would serve the public interest, the commission shall conduct a public hearing.

(d) The commission may extend the time allowed for submitting hearing requests.

Doc. No. 800424

## Renovation, Suspension, and Amendment of Waste Discharge Permits

These amendments are adopted under the authority of Sections 5.131 and 5.132, Texas Water Code.

**§341.53 (156.25.10.003). Amendment with Consent.**

(a) (No change.)

(b) An application to amend a permit to improve the quality of waste authorized to be discharged may be set for consideration and may be acted on by the commission at a regular meeting without the necessity of holding a separate public hearing if the applicant does not seek to increase significantly the quantity of waste authorized to be discharged or change materially the pattern or place of discharge. Notice of the application shall be mailed to the mayor and health authorities for the city or town and the county judge and health authorities for the county in which the waste is or will be discharged at least 10 days before the commission meeting.

Doc. No. 800425

## Renewals

These amendments are adopted under the authority of Sections 5.131 and 5.132, Texas Water Code.

**§341.83 (156.25.20.003). Public Hearing, Notice.**

(a) (No change.)

(b) Notice of the proposed renewal shall be given to the persons who in the judgment of the commission and the executive director may be affected not less than 45 days in advance of commission consideration of the application for renewal.

(c) (No change.)

(d) No hearing is required for the renewal of a permit for a confined animal feeding operation which was issued between July 1, 1974, and December 31, 1977, when the applicant does not seek to discharge into or adjacent to water in the state and does not seek to change materially the pattern or place of disposal. When the commission determines that no hearing is required under this subsection, the commission shall require that notice of the application for renewal and proposed action be sent at least 10 days before the commission's meeting to the mayor and health authorities for the city or town and the county judge and health authority for the county in which the operation is located and to any other

person who in the judgment of the commission may be affected.

Issued in Austin, Texas, on January 16, 1980.

Doc. No. 800426      Bruce Bigelow  
General Counsel  
Texas Department of Water Resources

Effective Date: February 7, 1980  
Proposal Publication Date: October 2, 1979  
For further information, please call (512) 475-7841.

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## NONCODIFIED

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### Texas State Board of Dental Examiners Conduct

#### Newspaper and Professional Card Listings 382.19.02

This amendment is promulgated under the authority of Article 4551d of the Revised Civil Statutes as amended.

.003. *Practice Prohibitions.* The display of any representation of any dental device, dental appliance, tooth, teeth, denture, dental equipment, or dental instruments is prohibited in any announcement, sign, advertisement, listing, or notice provided in these rules. However, a dentist may use a dental caduceus in any permitted announcement, advertisement, or notice.

Issued in Austin, Texas, on January 14, 1980.

Doc. No. 800423      Carl C. Hardin, Jr.  
Executive Director  
Texas State Board of Dental Examiners

Effective Date: February 6, 1980  
Proposal Publication Date: December 4, 1979  
For further information, please call (512) 475-2443.

### Texas Department of Human Resources

#### Food Stamps

The Department of Human Resources adopts the amendments to numerous rules in the Food Stamp Program. These rule changes were proposed in the September 28, 1979, issue of the *Texas Register* (4 TexReg 3536). These changes are technical clarifications of policies and procedures which will assist service delivery staff in implementing the program requirements. Rules which have been clarified concern the procedures for filing an application, handling head of household, month of application, expedited service, PA application, resources, computation of income, special households, and ATP replacements.

During the public comment period, comments were received from the United States Department of Agriculture. As a result, the rule about exempt resources has been changed to

eliminate the statement that the concept of inaccessibility applies to real property only. In addition, the rule regarding calculation of net income and benefits when daily or weekly earnings vary has been changed to allow the caseworker and household to agree upon an amount which represents a normal week's pay. This figure would then be used to compute monthly income. These rules are therefore adopted with changes to the proposed text.

#### Household Concept 326.15.22

These amendments are adopted under the authority of the Human Resources Code, Chapter 33, with the approval of the Texas Board of Human Resources.

##### .012. *Head of Household.*

(a) The head of household is the person in whose name application is made for participation in the program, and normally is the person who is the household's primary source of income. The applicant has the primary responsibility to designate the head of household; however, the worker should suggest that individuals serving as AFDC case name be considered head of household, when appropriate. A disqualified person may be designated head of household under the same restrictions as apply to authorized representatives. An ineligible alien may serve when there is no other adult member reasonably able to do so.

(b) (No change.)

.018. *Designation of an Emergency A/R.* A tear-off portion of the ID card is used by the household to designate the emergency authorized representative. The head of the household or spouse whose signatures already appear on the ID card may designate an emergency A/R. The following entries must be completed:

- (1) signature of the member making the designation and date;
- (2) the name of the individual being designated as the emergency A/R;
- (3) signature of the emergency A/R obtained in the presence of the household;
- (4) the serial number of the specific ATP to be redeemed. Only one ATP can be redeemed with one designation. This designation cannot be reused.

.020. *Authorized Representative Using Food Stamps.* An authorized representative may use food stamps to purchase eligible foods for the household provided the individual has the household's food stamp ID card. Designation in writing is not a requirement for A/Rs to use food stamps to purchase eligible foods for a household.

Doc. No. 800463

#### Application Process 326.15.23

These amendments are adopted under the authority of the Human Resources Code, Chapter 33, with the approval of the Texas Board of Human Resources.

##### .006. *Filing an Application.*

(a) Application for food stamps is made on the application form. The application may be filed in person or by mail and may be submitted through an authorized representative. The date the application is received is the file date. Day one of the application process is the day after the application is

received by DHR in the appropriate food stamp office, and is the first day in the application-processing period for determining timeliness requirements. If the preliminary tear-off application is received prior to the application form, the date of its receipt is the file date. The household must be advised it has the right to file an application at any time during office hours, including the same day the application form is requested. DHR may not require the household to be interviewed before filing its application and must accept any application when filed, even an incomplete application, as long as it contains the applicant's name and address and is signed by a responsible member of the household or by the authorized representative. The household should date the application. The date the application is received must be recorded on the form. Upon request, the household will be given a receipt to serve as a record for the household of the date an application was filed.

(b)-(c) (No change.)

**.007. Availability of Application Form.** Application forms must be made readily available to potential applicants. Groups, individuals, or other agencies involved in outreach such as county welfare offices or community action agencies may obtain application forms through the regional or State Office outreach coordinators. In addition, a notice must be posted in each PA or non-PA certification office to inform the household of application-processing standards and its right to file an application on the day of its initial contact.

Doc. No. 800464

## Non-PA Eligibility and Application 326.15.24

This amendment is adopted under the authority of the Human Resources Code, Chapter 33, with the approval of the Texas Board of Human Resources.

### **.010. Month of Application.**

(a) Eligibility and allotments for most households submitting an application for eligibility determination must be based on the circumstances of the entire calendar month in which the application is submitted even though the eligibility decision is not made until a subsequent month.

(b)-(d) (No change.)

Doc. No. 800465

## Expedited Service 326.15.25

This amendment is adopted under the authority of the Human Resources Code, Chapter 33, with the approval of the Texas Board of Human Resources.

### **.005. Requirements.**

(a) (No change.)  
(b) Incoming applications, and requests for applications, must be screened for indications that the household meets either of the above criteria. Information on expedited service should be provided to all households which request assistance. Households requesting, but not entitled to, expedited service must be certified under normal procedures. Households wishing to contest a denial of expedited service must be offered a conference with the supervisor or other appropriate staff.

Doc. No. 800466

## PA Application 326.15.27

This amendment is adopted under the authority of the Human Resources Code, Chapter 33, with the approval of the Texas Board of Human Resources.

### **.026. When AFDC Eligibility Is Uncertain.**

(a) When AFDC eligibility is uncertain, the AFDC worker must certify the household for non-PA benefits and assign an appropriate non-PA certification period. The household's notice of eligibility must explain that food stamp benefits may be reduced or denied if AFDC is granted

(b) (No change.)

(c) The non-PA certification cannot be extended if it has already expired prior to the AFDC decision. Therefore, the household must submit a new application form and have its food stamp eligibility redetermined, if the AFDC decision is delayed past the end of the initial non-PA certification period.

Doc. No. 800467

## Resources 326.15.35

These amendments are adopted under the authority of the Human Resources Code, Chapter 33, with the approval of the Texas Board of Human Resources.

**.017. Exempt Resources.** Only the following are not considered household resources in determining eligibility.

(1)-(4) (No change.)

(5) Other vehicles.

(A)-(B) (No change.)

(C) Any other licensed vehicles not exempt as income-producing, the household's primary vehicle, or for employment or training purposes shall be evaluated for both fair market value in excess of \$4,500 and equity value.

(6)-(18) (No change.)

### **.021. Personal Property.**

(a) The fair market value of licensed automobiles, trucks, and vans will be determined by the average trade-in value or the wholesale value as listed in the National Automobile Dealers Used Car Guide or blue book. If the household indicates that the blue book value is inappropriate because the vehicle is in less than average condition, the household may provide verification of the true value from a reliable source. Never should the basic value of the vehicle be increased by the worker because of factors such as low mileage or optional equipment. Households must be asked to acquire verification of the value of licensed antique, custom made, or classic vehicles, if the caseworker is unable to make an accurate appraisal. For vehicles especially equipped with apparatus for the handicapped, a blue book value will be assigned as if the vehicle were not so equipped. The household's estimate of the value of automobiles no longer listed in the blue book will be accepted unless the worker has reasons to believe the estimate is incorrect. If the vehicle's value would affect the household's eligibility, the household is required to obtain an appraisal or provide other evidence of its value. To determine the value of new automobiles not yet listed in the blue book, attempts should be made to obtain the wholesale or trade-in value. If the wholesale or trade-in value cannot be obtained, the client's estimate of the value should be accepted unless it is questionable and would affect

the household's eligibility. As a last resort, the worker may use the car's loan value.

(b) Determining the value of licensed vehicles shall be handled as follows:

(1)-(3) (No change.)

Doc. No. 800468

### Computation of Income 326.15.43

This amendment is adopted under the authority of the Human Resources Code, Chapter 33, with the approval of the Texas Board of Human Resources.

#### .009. Calculating Net Income and Benefits.

(a) The following procedures for calculating the household's net income and benefits should be followed by the worker.

(1) (No change.)

(2) Multiply the total gross earned income by 20% and subtract that amount to determine the net monthly earned income.

(3)-(6) (No change.)

(7) Total the allowable shelter expenses to determine shelter costs. Subtract from total shelter costs 50% of the household's monthly income after all allowable deductions have been subtracted. The remaining amount, if any, is the excess shelter costs. If there is no excess shelter cost, the net monthly income has been determined. If there is excess shelter cost, compute the shelter deduction as follows.

(8) (No change.)

(b) In calculating net monthly income, amounts must be rounded down to whole dollar amounts by dropping all cents. With the exception of medical and shelter costs, such rounding must occur before and after each calculation. When income is received on an hourly wage or piece-work basis, monthly income may fluctuate if the household member works fewer hours than his or her normal schedule or works overtime. In this situation, the worker should consult with the household and determine the normal amount of income to be expected for one week's work. A determination should also be made to ensure that this amount is reasonably certain to be available during the certification period. Cents should be dropped from this amount and the weekly conversion factor applied to determine monthly income. In addition, when several household members receive individual monthly unearned income from the same source, the cents should be dropped from each individual's benefits before adding them together.

(c) These procedures could result in a significant decrease in the household's medical and shelter expenses. Therefore, the household is entitled to use the actual costs for allowable medical and shelter expenses, in determining excess shelter and medical costs. The cents will be dropped from the total medical and shelter costs prior to determining the deduction from the household's net monthly income.

Doc. No. 800469

### Drug Addicts, Alcoholics, and Participants in Prepared Meal Services 326.15.53

These amendments are adopted under the authority of the Human Resources Code, Chapter 33, with the approval of the Texas Board of Human Resources.

#### .014. List of Resident Participants.

(a) Each center must provide the local food stamp office with a monthly list of residents currently participating in the Food Stamp Program. The list must be certified by an officer of the center and must be provided within five working days after the end of the month for which the list is prepared. The list should identify the following about each participant: name; birthdate; food stamp case number; date entered center; date left center; and indicate whether an ID card, partial allotment, and change report form were provided to departing participants.

(b) (No change.)

#### .020. Center Responsibility.

(a) The organization administering the treatment center will designate an employee to act as an authorized representative to apply on behalf of the residents, to exchange the ATP for food stamps on their behalf, and to use the stamps to purchase food for preparation at the center or to purchase meals served at the center. However, the resident must personally sign the food stamp application form in addition to the authorized representative.

(b)-(c) (No change.)

Issued in Austin, Texas, on January 18, 1980.

Doc. No. 800470

Jerome Chapman  
Commissioner  
Texas Department of Human Resources

Effective Date: February 8, 1980

Proposal Publication Date: September 28, 1979

For further information, please call (512) 475-4601.

### Change Report Form 326.15.64

The Texas Department of Human Resources has withdrawn amendments to Rule 326.15.64.015, which were proposed in the September 28, 1979, issue of the *Texas Register* (4 TexReg 3536).

Issued in Austin, Texas, on January 18, 1980.

Doc. No. 800471

Susan L. Johnson, Assistant Chief  
Systems and Procedures Bureau  
Texas Department of Human Resources

Filed: January 18, 1980, 11:02 a.m.

For further information, please call (512) 475-4601.

The Department of Human Resources adopts the amendments to numerous rules in the Food Stamp Program. These rule changes were published in the September 28, 1979, issue of the *Texas Register* (4 TexReg 3536). These changes are technical clarifications of policies and procedures which will assist service delivery staff in implementing the program requirements. Rules which have been clarified concern the procedures for filing an application, handling head of household, month of application, expedited service, PA application, resources, computation of income, special households, and ATP replacements.

During the public comment period, comments were received from the United States Department of Agriculture. As a result, the rule about exempt resources has been changed to eliminate the statement that the concept of inaccessibility applies to real property only. In addition, the rule regarding calculation of net income and benefits when daily or weekly

earnings vary has been changed to allow the caseworker and household to agree upon an amount which represents a normal week's pay. This figure would then be used to compute monthly income. These rules are therefore adopted with changes to the proposed text.

## Fair Hearings 326.15.71

This amendment is adopted under the authority of the Human Resources Code, Chapter 33, with the approval of the Texas Board of Human Resources.

### .013. *Continued Benefits.*

(a) Households which receive a notice of denial/reduction, and request a fair hearing during the 10-day advance notice period, will continue to participate on the basis authorized immediately prior to the notice of adverse action provided the certification period has not expired. The worker must provide for continuation of benefits at the old level unless the household specifically waives this service.

(b) If the household waives the right to continuation of benefits, the worker must take action to reduce or deny benefits, as appropriate, upon expiration of the 10-day notice of adverse action period. If the household does not positively indicate that it has waived continuation of benefits, the worker will ensure that benefits at the old level are continued.

(c)-(e) (No change.)

Doc. No. 800472

## Replacement Procedures 326.15.74

This amendment is adopted under the authority of the Human Resources Code, Chapter 33, with the approval of the Texas Board of Human Resources.

### .008. *Replacing Lost or Stolen ATPs.*

(a) ATPs which have been received but were subsequently lost, stolen, destroyed, or not received may be replaced. When a client reports nonreceipt of an ATP, the worker should examine facts such as recent address changes. If it appears the ATP is lost or stolen, the head of the household, spouse, responsible household member, or authorized representative must complete an affidavit for lost ATP and stolen or destroyed food stamps in the presence of the worker. On signing this form, the client certifies that the ATP was not received, and if later received, the client will return it to the office. The worker must explain to the client the significance of the form and the client's responsibilities to return any ATPs reported lost and later received and to return to the certification office any stamps that were stolen or destroyed and are later recovered. If two consecutive losses of ATPs through the mail are reported, an alternative means of ATP delivery should be considered.

(b)-(c) (No change.)

Doc. No. 800473

## Food Stamp Assistance in Disasters 326.15.76

These amendments are adopted under the authority of the Human Resources Code, Chapter 33, with the approval of the Texas Board of Human Resources.

### .028. *Background.*

(a) The current food distribution and food stamp programs of USDA, which are designed to provide food assistance to schools, institutions, and low income households can be converted immediately with USDA approval to serve people affected by disasters. In such situations persons other than those normally served by these programs may qualify for participation. Food distribution from USDA food stocks in school storerooms or state commodity district warehouses may be authorized in some circumstances. If sufficient retail food outlets authorized to accept food stamps are available and have adequate stocks of food, the Food Stamp Program may be used. Household needs may be met through ongoing program rules or USDA may authorize disaster food stamp issuance for the affected area.

(b) (No change.)

.029. *Legal Base.* Authority for the issuance of disaster food stamp assistance is contained in the Disaster Relief Act of 1974, and the Food Stamp Act of 1977. Food Stamp Program regulations provide general terms and conditions for disaster food stamp issuance. Disaster food stamp assistance may be authorized by USDA as a result of a catastrophe determined by the president to be a major disaster. USDA also may authorize disaster food stamp assistance in situations which do not receive a presidential disaster declaration.

### .033. *Ongoing Program.*

(a) The ongoing program rules provide several methods of assisting disaster victims. Among these are the expedited service manual ATP provisions and certification pending verification. However, ongoing program rules for eligibility and basis of issuance must be applied.

(b) (No change.)

Doc. No. 800474

## Sixty-Day Continuation of Certification 326.15.82

This amendment is adopted under the authority of the Human Resources Code, Chapter 33, with the approval of the Texas Board of Human Resources.

.022. *Entitlement to Restored Benefits.* Households that are moving and are entitled to restored benefits should be provided the benefits in a lump sum on a supplemental ATP prior to the move.

Doc. No. 800475

## ATP System 326.15.92

These amendments are adopted under the authority of the Human Resources Code, Chapter 33, with the approval of the Texas Board of Human Resources.

.021. *Supplemental ATPs.* Supplemental ATPs are issued separately from initial ATPs. This kind of ATP can be used to provide additional benefits to a household in connection with a currently valid ATP when changes in income or household size occur. Supplemental ATPs are also used in restoring benefits lost to households because of DHR error. Manual ATPs are used to restore supplemental benefits to households whether or not they are currently certified.

**.022. Replacement ATPs.**

- (a) (No change.)
- (b) Prior to issuing the replacement ATP, the worker must determine if:
  - (1)-(3) (No change.)
  - (4) The household has experienced two consecutive losses of ATPs through the mail. In this case, an alternative means of ATP delivery should be considered.

Issued in Austin, Texas, on January 18, 1980.

Doc. No. 800476      Jerome Chapman  
                                  Commissioner  
                                  Texas Department of Human Resources

Effective Date: February 8, 1980

Proposal Publication Date: September 28, 1979

For further information, please call (512) 475-4601.

## Texas Department of Labor and Standards

### Employment Agency Division

#### Labor Agencies 063.22.10.003, .014

The Texas Department of Labor and Standards has adopted amendments to its Rules 063.22.10.003 and .014, concerning forms for licensing, transporting workers out of state, and insurance requirements, respectively. These amendments are being proposed to bring the existing rules in accord with revisions to the Labor Agency Law passed by the 66th Legislature, Regular Session, and signed into law by the governor.

These amendments are promulgated under the authority of the Texas Labor Agency Law, Article 5221a-5.

**.003. Forms.**

- (a) (No change.)
- (b) The requirements for application and bonding are described specifically in Section 3 of the labor agency law, and applicants should consult these sections for requirements for licensing.
- (c) (No change.)

**.014. Liability Insurance.**

- (a)-(d) (No change.)
- (e) Satisfactory evidence that other insurance is in force which satisfies in whole or in part the insurance coverage requirements will be accepted as showing compliance with the insurance requirement to the extent of such coverage. (Example: License with existing worker's compensation insurance may meet part of the liability requirements of this Act.)

Doc. No. 800449

#### 063.22.10.008

The Texas Department of Labor and Standards has repealed Rule 063.22.10.008 concerning subagents. This repeal was necessitated by legislative revisions to the labor agency law passed by the 66th Legislature, Regular Session. Notice of the proposed repeal was published in the December 18, 1979, issue of the *Texas Register* (4 TexReg 4577).

This repeal is authorized by Texas Revised Civil Statutes, Article 5221a-5.

Doc. No. 800450

### Licensing and Regulating Auctioneers 063.44.00

The Department of Labor and Standards has adopted amendments to Rules 063.44.00.002-.004, .007-.009, .011, .013, and .020, concerning the licensing and regulating of auctioneers.

These amendments are promulgated under the authority of Texas Revised Civil Statutes, Article 8700, Section 9.

**.002. Mailing Address.** To expedite communications to the department, all correspondence should be addressed to the Texas Department of Labor and Standards, P.O. Box 12157, Capitol Station, Austin, Texas 78711.

**.003. Licenses.**

(a) Any person, as defined in Section 1 of Article 8700, Texas Revised Civil Statutes, who as a bid caller, with or without receiving or collecting a fee, commission, or other valuable consideration, sells or offers to sell property at an auction must first obtain an auctioneer or associate auctioneer's license from the Texas Department of Labor and Standards.

(b) All applicants for an auctioneer's or associate auctioneer's license are to obtain all necessary forms from the Texas Department of Labor and Standards.

(c) All licenses expire one year from date of issuance.

(d) Report any change of address to the Austin office of the Texas Department of Labor and Standards.

**.004. License Requirements.**

(a) Auctioneer license requirements.

(1) A person applying for an examination must complete an application for an auctioneer's license, furnish a \$5,000 surety bond, and pay the required license and examination fee; furnish a limited sales tax number or proof of exemption, furnish two identification photographs one by 1-1/2 inches in order to establish his eligibility to take the examination. All fees are to be cash, postal money order, or certified funds made payable to the State of Texas. A nonresident's application must be accompanied by a written irrevocable consent to service of process.

(2) Examination date and time will be set by the department.

(3) A fee of \$25 will be charged for each examination.

(4) The examination fee cannot be refunded if study material has been mailed even if the examination is not taken, unless the department is notified 10 days prior to the exam date.

(5) In case of failure of the examination, the examination fee will not be refunded.

(6) The license fee will be refunded if applicant fails examinations.

(7) Oral examinations will be given only to persons who are incapable of reading or writing.

(8) Examination for an auctioneer license will not be required if applicant shows proof on a form furnished by this department that he or she has held an associate auctioneer license, and has bid-called in at least five auctions during a 12-consecutive month period since May 30, 1977, under supervision of licensed auctioneers.



(b) Associate auctioneer license requirements.

(1) A person applying for an associate auctioneer license must complete an application for an associate auctioneer license, furnish a \$5,000 surety bond, two identification photos one by 1-1/2 inches, and pay the required license fee. Fees are to be cash, postal money order, or certified funds made payable to the State of Texas. A nonresident's application must be accompanied by a written irrevocable consent of service of process.

(2) Associate auctioneer applicants or licensees will be required to provide a limited sales tax permit number if one has been issued by comptroller of public accounts.

(3) Associate auctioneers must be employed by and under the direct on-premises supervision of a licensed Texas auctioneer while selling or offering to sell at an auction. An associate auctioneer shall offer his or her services only to a Texas licensed auctioneer. There must be a legitimate employee-employer relationship between the associate and the licensed auctioneer.

(4) Any change of employment by a licensed associate auctioneer must be submitted to this office prior to such action, and a letter must be submitted from the former employer stating number of auction sales at which the associate participated in as bid-caller.

(c) License and bond renewal. Each auctioneer and associate auctioneer license and bond must be renewed within 30 days after expiration. A bond renewal certificate issued by the bonding company must accompany the renewal application. An auctioneer or associate auctioneer license not renewed within 30 days of the expiration date will not be issued without first taking and passing the written examination administered by the department. Whoever acts as an auctioneer within that 30-day period after expiration of the license may be subject to the penalties under Section 11(a) of the Act.

(d) Report change of address immediately to Austin office of Texas Department of Labor and Standards.

.007. *Cancelling Surety Bond.* The surety company issuing a bond pursuant to the provisions of the Texas Auctioneer Law, Article 8700, Texas Revised Civil Statutes, may at any time cancel this bond by giving 30 days written notice to the Texas Department of Labor and Standards prior to the cancellation of the bond.

.008. *Cash Performance Alternative.* A cash performance alternative filed pursuant to the provisions of the Texas Auctioneer Law, Article 8700, Texas Revised Civil Statutes, in lieu of a surety bond, may be an irrevocable assignment of

security issued by a national or state bank, or savings and loan association, subject to the express approval of the commissioner of the Texas Department of Labor and Standards. Each assignment shall remain in effect for a period of three years in order to be approved by the commissioner. Forms for filing a letter of assignment of security are provided by the department upon request.

.009. *Maintaining Bond.* The \$5,000 surety or cash performance bond shall be maintained in full for one year from issued date of license. Failure to do so, in compliance with the Texas Auctioneer Law, Article 8700, Texas Revised Civil Statutes, will be cause for the commissioner of Texas Department of Labor and Standards to call an administrative hearing to suspend, revoke, or leave in good standing the auctioneer's license.

.011. *Limited Sales Tax Permit Number Provisions.* A limited sales tax permit number obtained from the Comptroller of Public Accounts of Texas must be furnished on the application form. If no limited sales tax permit is required of an applicant by the comptroller of public accounts, then the applicant must furnish this department an affidavit from the Austin office of the comptroller of public accounts stating the reasons no sales tax permit number is needed.

.013. *Charitable or Nonprofit.* The exemption contained in Section 2(3) of Article 8700, Texas Revised Civil Statutes, consists of an auction of assets or donated property which is conducted by a charitable or nonprofit organization for the organization's sole benefit. Otherwise, the statute will require that a licensed auctioneer be used to conduct the auction.

.020. *Administrative Procedures.* When a preliminary administrative determination is made that a license will not be issued to an applicant, or before a license is suspended, or before a license is revoked, the applicant or licensee will be given a hearing which shall substantially comply with the Administrative Procedure and Texas Register Act, Article 6252-13a, Texas Revised Civil Statutes.

Issued in Austin, Texas, on January 18, 1980.

Doc. No. 800451      Lias B. "Bubba" Steen  
Commissioner  
Texas Department of Labor and  
Standards

Effective Date: February 8, 1980

Proposal Publication Date: December 18, 1979

For further information, please call (512) 475-6560.



The Open Meetings Act (Article 6252-17, Texas Civil Statutes) requires that an agency with statewide jurisdiction have notice posted for at least seven days before the day of a meeting. A political subdivision covering all or part of four or more counties, or an institution of higher education, must have notice posted for at least 72 hours before the scheduled meeting time. Notice of an emergency meeting or an emergency addition or amendment to an agenda must be posted for at least two hours before the meeting is convened. Although some notices may be received and filed too late for publication before the meetings are held, all filed notices will be published in the *Register*. Each notice published includes an agenda or a summary of the agenda as furnished for publication by the agency and the date and time of filing. Notices are posted on the bulletin board outside the offices of the secretary of state on the first floor in the East Wing of the State Capitol. These notices may contain more detailed agendas than space allows to be published in the *Register*.

## State Board of Barber Examiners

**Monday, February 4, 1980, 8 a.m.** Members of the State Board of Barber Examiners will meet in Room H-111 at 5555 North Lamar in Austin. The board members will sign teachers licenses and school permits; interview out-of-state applicants; review letters to the board; review rules per study requested by Governor Clements; and review a reply prepared by the board regarding the Texas State Government Effectiveness Program. The members will also meet in executive session and hold an inspectors meeting at 1 p.m.

Additional information may be obtained from Mary Jo McCrorey, 5555 North Lamar, H-111, Austin, Texas 78751, telephone (512) 458-2241.

Filed: January 18, 1980, 10:16 a.m.  
Doc. No. 800499

## Coordinating Board, Texas College and University System

**Thursday, February 7, 1980, 9 a.m.** The Administrative Council Division of the Coordinating Board, Texas College and University System, will meet in the Bluebonnet Room, 1300 San Pedro, Lofton Student Center, San Antonio Community College District, San Antonio, to consider final adoption of proposed amendments to Rules 251.20.02.002(3) (definition of retired employee); 251.20.004(k) (basic procedural and administrative practices); 251.20.20.020 (coverage for dependents); proposed amendment to Rule 251.20.02.008 (basic coverage standards); staff recommendations on competitive bidding and the designation of a beneficiary; advisory committee recommendations on annual meeting date and biennial certification date; and institutional program review.

Additional information may be obtained from James McWhorter, 200 East Riverside Drive, Austin, Texas 78704, telephone (512) 475-2033.

Filed: January 17, 1980, 4 p.m.  
Doc. No. 800440

## State Board of Registration for Professional Engineers

**Wednesday, February 20, 1980, 8:30 a.m.** The State Board of Registration for Professional Engineers will meet at 1917 IH 35 South, Austin. According to the agenda summary, the board will convene in the board room and then move to the Sheraton Crest Inn for a meeting with the Texas Board of Land Surveyors at 9 a.m. The purpose of the meeting is to coordinate the registration of those engineers who qualify for grandfather registration as public land surveyors. After the joint meeting, the engineering board will reconvene in its quarters to handle other business.

Additional information may be obtained from Donald C. Klein, 1917 IH 35 South, Austin, Texas, telephone (512) 475-3141.

Filed: January 21, 1980, 9:24 a.m.  
Doc. No. 800516

## Texas Department of Health

**Saturday, February 2, 1980, 1-3 p.m.** The Hypertension Advisory Committee of the Texas Department of Health will meet in Room G-107 at 1100 West 49th Street in Austin. The summarized agenda includes consideration of the Hypertension Detection and Follow-Up Program; the annual report for fiscal year 1979; a project grant award for fiscal year 1980; a supplementary grant award; priorities for establishing allocations; committee participation in the HSA review process; and committee membership and travel forms.

Additional information may be obtained from Jack Andrews, 1100 West 49th Street, Austin, Texas 78756, telephone (512) 458-7534.

Filed: January 18, 1980, 3:55 p.m.  
Doc. No. 800506

## Texas Health Facilities Commission

**Thursday, January 31, 1980, 10 a.m.** The Texas Health Facilities Commission will meet in Suite 315 of the Jefferson Building, 1600 West 38th Street, Austin. According to the agenda summary, the commission will consider the following applications:

- certificate of need
- Victoria Surgical Center, Victoria  
AO79-0227-027
- Spohn Hospital, Corpus Christi  
AH79-0829-007
- Providence Memorial Hospital, El Paso  
AH79-0830-021
- MH/MR of Southeast Texas, Beaumont  
AA79-1001-010
- Women's Hospital of Texas, Inc., Houston  
AH79-0907-007
- Su Clinica Familiar/Raymondville Clinic  
Raymondville, AS79-0501-003
- Su Clinica Familiar/Southern Cameron County Clinic  
Intersection of FM 511 and Old Port Isabel Road  
AS79-0501-011

Bayou Glen Northwest Nursing Center, Houston  
AN79-0622-027

declaratory ruling

Southern Heritage Retirement Home, Palestine  
AN79-0924-027

Community Services Agency Family Planning  
Centers, Hondo, AO79-1023-030

Crossroads Development Center, Haltom City  
AN79-1126-031

exemption certificate

McCuistion Regional Medical Center, Paris  
AH79-1116-040

Twelve Oaks Hospital, Houston  
AH79-1119-013

Twelve Oaks Hospital, Houston  
AH79-1119-017

Home Health-Home Care, Inc.  
Galveston, AS79-1126-018

The Good Shepherd Hospital, Longview  
AH79-1203-013

Further information may be obtained from Dan R. McNery,  
P.O. Box 15023, Austin, Texas 78761, telephone (512)  
475-6940.

Filed: January 18, 1980, 11:58 a.m.  
Doc. No. 800495

## Texas Board of Irrigators

**Monday, February 4, 1980, 7:30 a.m.** The Texas Board of Irrigators will meet in Room 117 at the Sam Houston Building, 201 East 14th Street, Austin. The board will consider the amendment of Rule 401.02.05.015 to allow an applicant who failed to appear for his examination to avoid the forfeiture of his examination fee by filing a written request showing good cause why he failed to appear, as determined by the board. The board will also consider whether Louis Warren should be excepted from forfeiting his examination fee because of his failure to appear for the October 1979 examination.

Additional information may be obtained from Joyce Watson, Stephen F. Austin Building, Room 519, 1700 North Congress, Austin, Texas 78701, telephone (512) 475-8161.

Filed: January 18, 1980, 4:23 p.m.  
Doc. No. 800507

**Wednesday, February 6, 1980, 9 a.m.** The Texas Board of Irrigators will meet in Executive Conference Room 513 at the Stephen F. Austin Building, 1700 North Congress, Austin. As summarized on the agenda, the board will consider the certification of the February 4 and 5, 1980, licensed irrigator examination results and the eligibility of those who passed the examination to register as licensed irrigators; the formulation of a policy for the re-examination of applicants for certificates of registration; means of advising cities of the authority of Article 8751, Vernon's Texas Civil Statutes, which authorizes licensed irrigators and licensed installers to make connections to private or public raw or potable water supply systems; and the proposed permanent rules published in the *Texas Register* on January 8, 1980, and public comment.

Additional information may be obtained from Joyce Watson, P.O. Box 12337, Austin, Texas 78711, telephone (512) 475-8161.

Filed: January 18, 1980, 4:23 p.m.  
Doc. No. 800508

## Joint Committee (State Board of Vocational Education; Coordinating Board, Texas College and University System; and Advisory Council of Technical-Vocational Education)

**Tuesday, January 29, 1980, 10 a.m.** The Joint Committee will meet in the board room, 150 East Riverside Drive, Riverside Square-North Building, Austin, to consider review of proposed formula rates for vocational-technical programs in junior/community colleges for recommendation to the State Board of Education; progress report of action and recommendations for unified data collection effort for vocational education; and a recommendation to legislature to abolish the Joint Committee.

Additional information may be obtained from W. A. Grusy, 201 East 11th Street, Austin, Texas 78701, telephone (512) 475-3589.

Filed: January 17, 1980, 2:58 p.m.  
Doc. No. 800446

## Texas Commission on Law Enforcement Officer Standards and Education

**Thursday, February 7, 1980, 10 a.m.** The Texas Commission on Law Enforcement Officer Standards and Education will meet at 1106 Clayton Lane, Austin. According to the agenda summary, the commission will consider entry of official orders for issuance of peace officer proficiency certificates and instructor certificates; entry of final order in contested case Docket 452-48-1576CF, in the matter of Alford Bush, for revocation of certificate; adoption of new Rule 210.01.02.011; adoption of amendments to Rule 210.01.02.009; staff proposal to implement mandated jail training at selected sites; adoption of Governor Clements' proposed resolution calling for a 5.0% reduction of staff positions.

Additional information may be obtained from Fred Toler, 1106 Clayton Lane, Austin, Texas, telephone (512) 459-1171.

Filed: January 17, 1980, 4 p.m.  
Doc. No. 800441

## State Board of Morticians

**Tuesday, February 5, 1980, 9 a.m.** The State Board of Morticians will meet at 1513 South Interstate 35 in Austin. The summarized agenda includes a progress report by John Flach, interagency services, State Purchasing and General Services Commission; introduction of newly appointed at-

torney from the Attorney General's Office; attorneys' discussion of subcommittees for informal hearings; continuation of informal hearing in the Worth Cox complaint; appearance by applicant for license by reciprocity; determination of employee sick leave status; progress report by the Examination Committee; discussion and approval of letter to be mailed to funeral homes; progress reports on complaints; and discussion of new complaints.

Additional information may be obtained from Ann Lloyd, 1513 South Interstate 35, Austin, Texas 78741, telephone (512) 442-6721.

Filed: January 18, 1980, 3:54 p.m.  
Doc. No. 800504

## Texas State Board of Public Accountancy

**Monday and Tuesday, January 28 and 29, 1980, 9 a.m. daily.** The Texas State Board of Public Accountancy will meet at 940 American Bank Tower, 221 West 6th Street, Austin. According to the agenda summary, the board will consider the following: approval of minutes; questions relating to papers written November 1979 exam; review of November 1979 CPA exams written and release of grades; board member assignments for May 1980 exam; reports from board on CPA exam Critique Program for unsuccessful candidates for November 1979; ratification of approved applications for registration of individuals or firms; approval of applications for reciprocity; ratification of CPA certificates; ratification of name changes 1979; consideration of revocation of CPA certificate or registration of public accountants who have failed to obtain permit for 3 years; consideration of reinstatement of CPAs and public accountants whose permit revoked; enforcement matters; discussion pending litigation; consideration of proposed substantive rules; report on office space; report on status of computer processing; review of board's financial statements; review of amendments to fiscal year ending August 31, 1980, operating budget; personnel and merit salary increases; NASBA meetings report; discussion of committee concept; report on El Paso exam site; annual report to governor; letter from governor; consideration of printing roster; control of certificates; AICPA candidate characteristic and performance survey; and NASBA CPE standards.

Additional information may be obtained from Bob E. Bradley, 940 American Bank Tower, Austin, Texas 78701, telephone (512) 476-6971.

Filed: January 17, 1980, 3:59 p.m.  
Doc. No. 800443

## Public Utility Commission of Texas

**Monday, January 21, 1980, 2 p.m.** The Hearings Division of the Public Utility Commission of Texas met in emergency session in Suite 400N, 7800 Shoal Creek Boulevard, Austin, to conduct a prehearing conference in Docket 2466, complaint of Southwestern Bell Telephone Company against San Marcos Telephone Company. The emergency prehearing was necessitated in order to expedite discovery in this case.

Additional information may be obtained from Philip F. Ricketts, 7800 Shoal Creek Boulevard, Suite 400N, Austin, Texas 78757, telephone (512) 458-0100.

Filed: January 17, 1980, 3:59 p.m.  
Doc. No. 800444

**Thursday, January 31, 1980, 1:30 p.m.** The Public Utility Commission of Texas will meet in Suite 400N, 7800 Shoal Creek Boulevard, Austin, to conduct a prehearing on Docket 2875, application of Gulf Coast Electronic, Inc. for a certificate of convenience and necessity for radio-telephone services within Jefferson and surrounding counties.

Additional information may be obtained from Philip F. Ricketts, 7800 Shoal Creek Boulevard, Suite 400N, Austin, Texas 78757, telephone (512) 458-0100.

Filed: January 17, 1980, 3:59 p.m.  
Doc. No. 800445

**Tuesday, February 5, 1980, 10 a.m.** The Hearings Division of the Public Utility Commission of Texas will conduct a hearing in Suite 400N, 7800 Shoal Creek Boulevard, Austin. The hearing concerns Docket 2820—appeals of Texas Electric Service Company from rate-setting actions of various municipalities.

Additional information may be obtained from Philip F. Ricketts, 7800 Shoal Creek Boulevard, Suite 400N, Austin, Texas 78757, telephone (512) 458-0100.

Filed: January 18, 1980, 3:55 p.m.  
Doc. No. 800501

**Thursday, February 7, 1980, 10 a.m.** The Hearings Division of the Public Utility Commission of Texas will conduct a prehearing in Suite 400N, 7800 Shoal Creek Boulevard, Austin. The prehearing concerns Docket 2653—complaint of the Coalition of Texas Organizations Serving the Deaf against Southwestern Bell Telephone Company, General Telephone Company of the Southwest, and Continental Telephone Company of Texas.

Additional information may be obtained from Philip F. Ricketts, 7800 Shoal Creek Boulevard, Suite 400N, Austin, Texas 78757, telephone (512) 458-0100.

Filed: January 18, 1980, 10:17 a.m.  
Doc. No. 800497

**Tuesday, February 12, 1980, 2 p.m.** The Hearings Division of the Public Utility Commission of Texas will conduct a prehearing in Suite 400N, 7800 Shoal Creek Boulevard, Austin. The prehearing concerns Docket 1634—application of Southwestern Bell Telephone Company for an interim order and for a determination of certain public interest issues.

Additional information may be obtained from Philip F. Ricketts, 7800 Shoal Creek Boulevard, Suite 400N, Austin, Texas 78757, telephone (512) 458-0100.

Filed: January 18, 1980, 10:17 a.m.  
Doc. No. 800498

**Thursday, February 21, 1980, 10 a.m.** The Hearings Division of the Public Utility Commission of Texas will conduct a prehearing conference in Suite 400N, 7800 Shoal Creek Boulevard, Austin. The prehearing conference concerns Docket 2782—petition of the Woodlands Development Corporation and Mading Fixtures Company, Inc., doing business as Jack Eckerd Drug Company, for amendments to the certificate of convenience and necessity of Conroe Telephone Company and Southwestern Bell Telephone Company, for the establishment of local measured service and for other relief.

Additional information may be obtained from Philip F. Ricketts, 7800 Shoal Creek Boulevard, Suite 400N, Austin, Texas 78757, telephone (512) 458-0100.

Filed: January 18, 1980, 3:55 p.m.  
Doc. No. 800502

**Thursday, March 20, 1980, 9 a.m.** The Hearings Division of the Public Utility Commission of Texas will conduct a hearing in Suite 400N, 7800 Shoal Creek Boulevard, Austin. The hearing concerns Docket 2268—complaint of Texas Alarm and Signal Association against Southwestern Bell Telephone Company.

Additional information may be obtained from Philip F. Ricketts, 7800 Shoal Creek Boulevard, Suite 400N, Austin, Texas 78757, telephone (512) 458-0100.

Filed: January 18, 1980, 3:55 p.m.  
Doc. No. 800503

## Railroad Commission of Texas

**Monday, January 21, 1980, 9 a.m.** The Oil and Gas Division of the Railroad Commission of Texas has made an emergency addition to a meeting held in the first floor auditorium at 1124 South IH 35 in Austin. As summarized in the agenda, the emergency addition concerns items that were properly noticed for conference on January 14, 1980, were passed at the conference and are now being considered on less than seven days notice as a matter of urgent public necessity.

Additional information may be obtained from John G. Soule, P.O. Drawer 12967, Austin, Texas 78711, telephone (512) 445-1281.

Filed: January 18, 1980, 11:39 a.m.  
Doc. No. 800479

**Monday, January 21, 1980, 9 a.m.** The Transportation Division of the Railroad Commission of Texas has made an emergency addition to the agenda of a meeting held in Room 107, 1124 South IH 35, Austin. According to the agenda, the addition concerned consideration of emergency procedures for rate applications based on increased fuel costs, Rule 051.03.50.106. Consideration on less than seven days' notice is required as a matter of urgent public necessity because a serious curtailment of transportation services essential to the public could result if immediate action is not taken.

Additional information may be obtained from Owen T. Kinney, P.O. Drawer 12967, Austin, Texas 78711, telephone (512) 445-1330.

Filed: January 18, 1980, 11:35 a.m.  
Doc. No. 800478

**Monday, January 21, 1980, 12:30 p.m.** The Surface Mining Division of the Railroad Commission of Texas has made an emergency addition to a meeting held in the first floor auditorium, 1124 South IH 35, Austin. According to the agenda, the division discussed adopting three rules amending the "Surface Coal Mining Regulations" to assure compliance with the federal Office of Surface Mining criteria for an approvable state program. Specifically, the amendments which are proposed relate to (1) the basis for interpreting the document relied upon to establish "valid existing rights;" (2) the definition of "close of public comment period;" and (3) award of cost expense. As a matter of urgent public necessity, consideration of this subject on less than seven days notice is essential in order to comply with the requirements for the state program submission to the Office of Surface Mining.

Additional information may be obtained from J. Randel (Jerry) Hill, P.O. Drawer 12967, Austin, Texas 78711, telephone (512) 445-1176.

Filed: January 21, 1980, 10:27 a.m.  
Doc. No. 800518

**Monday, January 28, 1980, 9 a.m.** The Finance and Procurement Division of the Railroad Commission of Texas will meet in the first floor auditorium, 1124 South IH 35, Austin. According to the agenda, the commission will consider approval of a letter of representation to the state auditor concerning their audit for fiscal year 1979; and consideration of a lease agreement for office space in Tyler for the Commission's Surface Mining and Liquefied-Petroleum Gas Divisions.

Additional information may be obtained from Rex King, 1124 South IH 35, Austin, Texas, telephone (512) 445-1211.

Filed: January 18, 1980, 11:37 a.m.  
Doc. No. 800487

**Monday, January 28, 1980, 9 a.m.** The Gas Utilities Division of the Railroad Commission of Texas will meet in Room 107, 1124 South IH 35, Austin. According to the agenda, the division will consider Gas Utilities Dockets 1718, 1758, 2337, 2338, 2339, 2321, 2331, and the director's report.

Additional information may be obtained from Lucia Sturdevant, P.O. Drawer 12967, Austin, Texas, telephone (512) 445-1126.

Filed: January 18, 1980, 11:32 p.m.  
Doc. No. 800480

**Monday, January 28, 1980, 9 a.m.** The Liquefied Petroleum Gas Division of the Railroad Commission of Texas will meet in the first floor auditorium, 1124 South IH 35, Austin. According to the agenda, the division will consider the director's report.

Additional information may be obtained from Guy G. Mathews, P.O. Drawer 12967, Austin, Texas 78711, telephone (512) 445-1189.

Filed: January 18, 1980, 11:36 p.m.  
Doc. No. 800486

**Monday, January 28, 1980, 9 a.m.** The Oil and Gas Division of the Railroad Commission of Texas will meet in the first floor auditorium, 1124 South IH 35, Austin. According to the agenda summary, the division will consider various matters falling within the Railroad Commission's oil and gas regulatory jurisdiction.

Additional information may be obtained from Jan Burris, P.O. Drawer 12967, Austin, Texas 78711, telephone (512) 445-1307.

Filed: January 18, 1980, 11:36 a.m.  
Doc. No. 800484

**Monday, January 28, 1980, 9 a.m.** The Oil and Gas Division of the Railroad Commission of Texas makes an addition to the agenda of a meeting to be held in the first floor auditorium at 1124 South IH 35 in Austin. The addition concerns consideration of emergency amendments to RRC/NGPA rules eliminating the requirement for a formal hearing in unprotested category determinations.

Additional information may be obtained from John G. Soule, P.O. Drawer 12967, Austin, Texas 78711, telephone (512) 445-1281.

Filed: January 18, 1980, 11:37 a.m.  
Doc. No. 800488

**Monday, January 28, 1980, 9 a.m.** The Oil and Gas Division of the Railroad Commission of Texas makes an addition to the agenda of a meeting to be held in the first floor auditorium at 1124 South IH 35 in Austin. The addition concerns acceptance of Environmental Protection Agency UIC grant award for fiscal year 1980.

Additional information may be obtained from John G. Soule, P.O. Drawer 12967, Austin, Texas 78711, telephone (512) 445-1281.

Filed: January 18, 1980, 11:37 a.m.  
Doc. No. 800489

**Monday, January 28, 1980, 9 a.m.** The Oil and Gas Division of the Railroad Commission of Texas has made an addition to the agenda of a meeting to be held in the first floor auditorium, 1124 South IH 35, Austin. According to the agenda summary, the division will also consider category determinations under Section 102(c)(1)(B), 102(c)(1)(C), 103, 107, and 108 of the Natural Gas Policy Act of 1978.

Additional information may be obtained from Linda D. Carr, P.O. Drawer 12967, Austin, Texas 78711, telephone (512) 445-1278.

Filed: January 18, 1980, 11:38 a.m.  
Doc. No. 800490

**Monday, January 28, 1980, 9 a.m.** The Oil and Gas Division of the Railroad Commission of Texas makes an addition to a meeting to be held in the first floor auditorium at 1124 South IH 35 in Austin. The addition concerns consideration of a name change order involving Sohio Petroleum Company.

Additional information may be obtained from John G. Soule, P.O. Drawer 12967, Austin, Texas 78711, telephone (512) 445-1281.

Filed: January 18, 1980, 11:38 a.m.  
Doc. No. 800491

**Monday, January 28, 1980, 9 a.m.** The Personnel Division of the Railroad Commission of Texas will meet in first floor auditorium, 1124 South IH 35, Austin. According to the agenda, the commission will consider update of EEOC guidelines and affirmative action plan.

Additional information may be obtained from Pete Edgar, 1124 South IH 35, Austin, Texas, telephone (512) 445-1121.

Filed: January 18, 1980, 11:36 a.m.  
Doc. No. 800485

**Monday, January 28, 1980, 9 a.m.** The Railroad Commission of Texas will meet in the third floor conference room, 1124 South IH 35, Austin. According to the agenda, the commission will go into executive session to discuss personnel actions for all divisions and to consult with its legal staff on prospective and pending litigation pursuant to Sections 2g and 2e of the Act, respectively.

Additional information may be obtained from James P. Grove IV, 1124 South IH 35, Austin, Texas 78704, telephone (512) 445-1186.

Filed: January 18, 1980, 11:39 p.m.  
Doc. No. 800492

**Monday, January 28, 1980, 9 a.m.** The Surface Mining Division of the Railroad Commission of Texas will meet in the first floor auditorium, 1124 South IH 35, Austin. According to the agenda, the division will consider the following: the performance bond and permit issuance for Chevron USA, Inc., (Docket 024) for the Jack Pump Mine site; areal extent of permit area included in a surface mining operation; and the director's report.

Additional information may be obtained from J. Randel (Jerry) Hill, P.O. Drawer 12967, Austin, Texas 78711, telephone (512) 445-1176.

Filed: January 18, 1980, 11:33 a.m.  
Doc. No. 800481

**Monday, January 28, 1980, 9 a.m.** The Transportation Division of the Railroad Commission of Texas will meet in Room 107, 1124 South IH 35, Austin. According to the agenda summary, the division will consider various matters falling within the Railroad Commission's Transportation regulatory jurisdiction.

Additional information may be obtained from Owen T. Kinney, P.O. Drawer 12967, Austin, Texas 78711, telephone (512) 445-1330.

Filed: January 18, 1980, 11:34 a.m.  
Doc. No. 800482

**Monday, January 28, 1980, 9 a.m.** The Transportation Division of the Railroad Commission of Texas has made an addition to the agenda of a meeting to be held in Room 107, 1124 South IH 35, Austin. According to the agenda, the addition concerns consideration of corrected orders in Docket 004448A1N, Bryce Delivery Service, Inc., and Docket 002627B8A, Central Freight Lines, Inc.

Additional information may be obtained from Owen T. Kinney, P.O. Drawer 12967, Austin, Texas 78711, telephone (512) 445-1330.

Filed: January 18, 1980, 11:35 a.m.  
Doc. No. 800483

**Monday, February 20, 1980, 9 a.m.** The Oil and Gas Division of the Railroad Commission of Texas will meet at the Quality Inn South at 2200 South IH 35 in Austin. According to the summarized agenda, the division will conduct a statewide oil and gas hearing.

Additional information may be obtained from Don R. Jones, P.O. Drawer 12967, Austin, Texas 78711, telephone (512) 445-1297.

Filed: January 18, 1980, 11:40 a.m.  
Doc. No. 800493

## Advisory Council for Technical-Vocational Education

**Monday, February 11, 1980, 1:30 p.m.** The Advisory Council for Technical-Vocational Education will meet in the Crockett/Bonham Room at the Stephen F. Austin Hotel in Austin. As summarized on the agenda, the council will hear reports on a study of the Texas curriculum and on developing a state policy base for vocational education and review plans for the Statewide Conference on Vocational, Technical, Adult Education, and Other Training. The council will also hear committee reports.

Additional information may be obtained from Valeria J. Blaschke, P.O. Box 1886, Austin, Texas 78767, or 1700 South Lamar, Suite 202, Austin, Texas 78704, telephone (512) 475-2046.

Filed: January 18, 1980, 10:14 a.m.  
Doc. No. 800500

## Texas Tech University

**Monday, January 21, 1980, 9:30 a.m.** The Board of Regents of Texas Tech University and Texas Tech University Health Sciences Center met in emergency session in the Board of Regents' suite at the Administration Building on campus in Lubbock. The meeting was an executive session only.

Additional information may be obtained from Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, telephone (806) 742-2161.

Filed: January 18, 1980, 10:51 a.m.  
Doc. No. 800496

## Board of Vocational Nurse Examiners

**Monday-Wednesday, February 4-6, 1980, 11 a.m. Monday and 8 a.m. daily thereafter.** The Board of Vocational Nurse Examiners will meet at 111 East 1st Street, Sheraton Crest Inn, Austin. According to the agenda summary, the board will consider the following: February 4, 1980, 8-10:15 a.m., closed meeting for orientation for new board members; 10:15-11 a.m., executive session; February 4, 1980, 11 a.m., business meeting to consider minutes of previous meeting, report of executive secretary, report of director of education, special reports, unfinished business, new business, and miscellaneous announcements; February 5, 1980, 8 a.m., administrative hearings; February 6, 1980, 8 a.m., administrative hearings continued.

Additional information may be obtained from Waldeen D. Wilson, 5555 North Lamar, Commerce Park, Building H, Suite 131, Austin, Texas 78751, telephone (512) 458-1203.

Filed: January 17, 1980, 4 p.m.  
Doc. No. 800442

**Monday-Wednesday, February 4-6, 1980, 11 a.m. on Monday and 8 a.m. daily thereafter.** The Board of Vocational Nurse Examiners made an addition to a meeting to be held at the Sheraton-Crest Inn, 111 East First Street, Austin. According to the agenda summary, the board will also consider

enforcement problems. This item was inadvertently omitted from the agenda submitted originally.

Additional information may be obtained from Waldeen D. Wilson, 5555 North Lamar, Commerce Park, Building H, Suite 131, Austin, Texas 78751, telephone (512) 458-1203.

Filed: January 21, 1980, 9:23 a.m.  
Doc. No. 800517

## Texas Water Commission

**Monday, January 21, 1980, 10 a.m.** The Texas Water Commission made an emergency addition to the agenda of a meeting held in the Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the addition concerned the consideration of an application by Dean Slaughter for renewal of water quality Permit 02274.

Additional information may be obtained from Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-4514.

Filed: January 18, 1980, 3:36 p.m.  
Doc. No. 800511

**Monday-Friday, January 21-25, 1980, 2 p.m. on Monday and 9 a.m. daily thereafter.** The Texas Water Commission met in emergency session at the Milam County Commissioners Courtroom, Milam County Courthouse, Cameron. According to the agenda summary, the commission considered the docket on adjudication hearings on the Little River Segment of the Brazos River Basin. Each claimant appeared at the time specified on the docket and presented evidence to substantiate his claim. Certified mail notice of the adjudication hearings was mailed to all claimants and other persons possibly affected on September 24, 1979, and on December 7, 1979, together with the publication of the original notice in several newspapers in the vicinity of the river segment.

Additional information may be obtained from Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-4514.

Filed: January 18, 1980, 3:36 p.m.  
Doc. No. 800510

**Monday, January 28, 1980, 10 a.m.** The Texas Water Commission will meet at 1700 North Congress Avenue, Stephen F. Austin Building, Austin. According to the agenda summary, the commission will consider applications for district bond issues; use of surplus funds; escrow release; water quality permits; amendments and renewals; voluntary cancellation; water rights applications; extension of time applications; and filing and setting of hearing dates on applications.

Additional information may be obtained from Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-4514.

Filed: January 17, 1980, 3:47 p.m.  
Doc. No. 800437

**Thursday, February 28, 1980, 10 a.m.** The Texas Water Commission will meet at the Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will conduct a hearing on Application 4016 of Camp Trail, Inc., and La Junta, Inc., for a permit to repair and maintain an existing dam creating a reservoir on South Fork Guadalupe River, Guadalupe River Basin, and to use the water for recreational purposes in Kerr County.

Additional information may be obtained from Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-4514.

Filed: January 18, 1980, 3:13 p.m.  
Doc. No. 800512

**Friday, February 29, 1980, 10 a.m.** The Texas Water Commission will meet in a rescheduled session in the Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will conduct a hearing on Application 2987A by Texas Parks and Wildlife Department for an amendment to Permit 2725 in order to increase water diverted from its three reservoirs on Clear Fork Plum Creek, tributary Plum Creek, tributary San Marcos River, tributary Guadalupe River, Guadalupe River Basin; to increase maximum authorized diversion rate and decrease the number of acres irrigated in Caldwell County.

Additional information may be obtained from Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-4514.

Filed: January 18, 1980, 3:14 p.m.  
Doc. No. 800513

**Friday, February 29, 1980, 10 a.m.** The Texas Water Commission will meet at the Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will conduct a hearing on Application 3677A by Guadalupe-Blanco River Authority for an amendment to Permit 3400 to increase the authorized maximum rate of diversion from 3.88 cfs (1740 gpm) to 5.12 cfs (2300 gpm) for the water directly diverted from the San Marcos River, tributary Guadalupe River, for municipal purposes in Caldwell County.

Additional information may be obtained from Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-4514.

Filed: January 18, 1980, 3:13 p.m.  
Doc. No. 800514

**Thursday, March 6, 1980, 10 a.m.** The Texas Water Commission will meet at the Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will conduct a hearing on RE-0121 by D.L.G. Companies, Inc., for approval of preliminary plans for construction of certain improvements on Kee Branch, tributary of Rush Creek, Tarrant County.

Additional information may be obtained from Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-4514.

Filed: January 18, 1980, 3:14 p.m.  
Doc. No. 800515

## Regional Agencies

### Meetings Filed January 17, 1980.

*The Austin-Travis County MH/MR Center, Personnel Committee*, met at 2326 East First Street, Room 2, Austin, on January 21, 1980, at noon. Further information may be obtained from Cynthia C. Garcia, 1430 Collier Street, Austin, Texas 78704, telephone (512) 447-4141.

*The Austin-Travis County MH/MR Center, Board of Trustees*, met at 1430 Collier Street, Board Room, Austin, on January 24, 1980, at 7 p.m. Further information may be obtained from Debbie DuPuy, 1430 Collier Street, Austin, Texas 78704, telephone (512) 447-4141.

*The South Texas Development Council, Government Application Review Committee*, will meet at the Zapata Civic Center, Zapata, on January 24, 1980, at 4 p.m. Further information may be obtained from Julie Saldana, P.O. Box 2187, Laredo, Texas 78041, telephone (512) 722-3995.

Doc. No. 800433

### Meetings Filed January 18, 1980

*The Coastal Bend Council of Governments*, will meet in the central jury room, County Courthouse, 901 Leopard, Corpus Christi, on January 25, 1980, at 2 p.m. Further information may be obtained from John P. Buckner, P.O. Box 9909, Corpus Christi, Texas 78408, telephone (512) 883-5743.

*The Copano Bay Soil Conservation District No. 329*, will meet at 106 South Alamo, Shay Plaza, Refugio, on January 28, 1980, at 7:30 p.m. Further information may be obtained from Jim Wales, Drawer 340, Refugio, Texas 78377, telephone (512) 526-2334.

*The Heart of Texas Region MH/MR Center, Board of Trustees*, met in the second floor conference room, Cameron Building, 110 South 12th Street, Waco, on January 22, 1980, at 3 p.m. Further information may be obtained from Dean Maberry, P.O. Box 1277, Waco, Texas, telephone (817) 752-3451, ext. 201.

*The Lubbock Regional MH/MR Center* met at 1210 Texas Avenue, Lubbock, on January 22, 1980, at 4:30 p.m. Further information may be obtained from Gene Menefee, 1210 Texas Avenue, Lubbock, Texas 79401, telephone (806) 763-4213.

*The MH/MR Regional Center of East Texas, Board of Trustees*, met in the board room, 2323 West Front, Tyler, on January 24, 1980, at 4 p.m. Further information may be obtained from Richard J. DeSanto, 2323 West Front, Tyler, Texas 75712, telephone (214) 597-1351.

*The Panhandle Rural Health Corporation, Board of Directors*, met at the Donley County Medical Center, Highway 70 North, Clarendon, on January 22, 1980, at 7:30 p.m. Further information may be obtained from Kenneth Rascoe, 168 Hamlet Shopping Center, 2600 Highway 287 North, Amarillo, Texas 79107, telephone (806) 383-8111.

*The West Central Texas Municipal Water District* will meet in the conference room, third floor, 174 Cypress Street, Abilene, on January 29, 1980, at 9:30 a.m. Further information may be obtained from Victor Jaeggli, P.O. Box 2362, Abilene, Texas 79604, telephone (915) 673-8254.

Doc. No. 800509

### Meetings Filed January 21, 1980

*The Panhandle Regional Planning Commission, Texas Panhandle Employment and Training Alliance*, will meet in the Chamber of Commerce Conference Room, Amarillo Building, Third and Polk Streets, on January 31, 1980, at 3 p.m. Further information may be obtained from James Barrington, P.O. Box 9257, Amarillo, Texas 79105, telephone (806) 372-3381.

*The Panhandle Regional Planning Commission, Alcohol/Drug Abuse Services Coordinating Board*, will meet in Room 216, Amarillo Building, Third and Polk Streets, Amarillo, on January 31, 1980, at 9 a.m. Further information may be obtained from Harold Daniel, P.O. Box 9257, Amarillo, Texas 79105, telephone (806) 372-3381.

Doc. No. 800519





## State Banking Department Applications to Purchase Control of State Banks

Article 342-401a, Vernon's Texas Civil Statutes, requires any person who intends to buy control of a state bank to file an application with the banking commissioner for the commissioner's approval to purchase control of a particular bank. A hearing may be held if the application is denied by the commissioner.

On January 16, 1980, the banking commissioner received an application to acquire control of First Bank in Houston by C. N. Papadopoulos of Houston. Additional information may be obtained from Robert E. Stewart, 2601 North Lamar, Austin, Texas 78705, telephone (512) 475-4451.

Issued in Austin, Texas, on January 16, 1980.

Doc. No. 800432 Robert E. Stewart  
Banking Commissioner

Filed: January 17, 1980, 12 p.m.  
For further information, please call (512) 475-4451.



## Central Texas Council of Governments Consultant Contract Award

Central Texas Council of Governments has awarded a consulting contract to Baylor University in Waco.

**Description of Study.** The 1979-80 annual work plan for the Killeen-Temple Area-wide Water Quality Planning Program will address pollution entering Belton Lake and Stillhouse Hollow Lake. Sources of pollution resulting from septic systems, rural runoff, and wastewater treatment plants will be analyzed for their effects on the lakes. Water samples will be gathered from lake tributaries, nonpoint runoff sources, and both lakes.

**Contract Amount.** The total contract amount is \$30,149 (25% local match).

**Contract Start and End Dates.** January 31, 1980, through December 31, 1980.

### Report Dates.

- (1) Rural runoff—full report, December 1980
- (2) Septic systems—interim report, March 1980  
full report, December 1980
- (3) Wastewater plants—interim report, June 1980  
full report, December 1980

Issued in Waco, Texas, on January 16, 1980.

Doc. No. 800439 Walton B. Reedy  
Executive Director  
Central Texas Council of Governments

Filed: January 17, 1980, 3:06 p.m.  
For further information, please call (817) 939-1801.

## Texas Energy and Natural Resources Advisory Council

### Consultant Proposal Request

#### Development of Management Information System

The Texas Energy and Natural Resources Advisory Council (TENRAC) requests proposals from interested parties for the development of a management information system as described below to be used in the operation of the Emergency Fuel Allocation Program administered by the agency.

**Description of the System Desired.** Proposals shall address the analysis, system design, and complete software programming of computerized management information system for use in operation of the fuel allocation program. This system shall consist of two stages:

**Stage One:** Consists of a record keeping system for fuel allocations which is to be interfaced with a CRT for updating, file building, and interrogation. System will be used to provide daily feedback of allocation decisions and activities as a management tool to monitor all allocation decisions within the state.

**Stage Two:** To be used after the first stage is operational, is a decision algorithm which will ultimately make the bulk of the actual decisions for fuel assignments. The algorithm will consist of a set of decision rules which involve primarily the priority of and amount of fuel requested by applicants. The decision algorithm will also interface with a CRT and will link to the file structure of the stage one system.

Both stages of the proposed information system are to be put up on a main frame in one of the computer facilities of several stage agencies with the installation of the necessary CRTs within the office of TENRAC.

Proposals shall address each stage independently with estimates of cost and timetables for completion. It shall be a requirement of the selected proposal that stage one be completed and implemented on or before April 1, 1980, with corresponding completion and implementation of stage two by May 1, 1980. Proposals will be accepted until February 8, 1980.

**Selection Criteria.** Proposal selection will be based upon the criteria of development cost, system design, and timeliness of development schedule. Experience level and stability of developer will also be considered since post-development support will be required by the agency.

The above description is intended to be for information purposes and not as a complete specification for the desired system. Interested parties should contact Ron Hagquist, 411 West 13th Street, Austin, Texas 78701, telephone (512) 475-5588.

Issued in Austin, Texas, on January 18, 1980.

Doc. No. 800447 Milton L. Holloway, Director  
Energy Analysis and Development  
Division  
Texas Energy and Natural Resources  
Advisory Council

Filed: January 18, 1980, 8:58 a.m.

For further information, please call (512) 475-5588.

## Texas Health Facilities Commission

### Applications for Declaratory Ruling, Exemption Certificate, and Transfer and Amendment of Certificate

Notice is hereby given by the Texas Health Facilities Commission of application (including a general project description) for declaratory ruling, exemption certificate, transfer of certificate, and amendment of certificate accepted during the period of January 15-16, 1980.

Should any person wish to become a formal party to any of the above-stated applications, that person must file a request to become a party to the application with the chairman of the commission within 25 days after the application is accepted. The first day for calculating this 25-day period is the first calendar day following the date of acceptance of the application. The 25th day will expire at 5 p.m. on the 25th consecutive day after the date said application is accepted. If the 25th day is a Saturday, Sunday, or state holiday, the last day shall be extended to 5 p.m. of the next day that is not a Saturday, Sunday, or state holiday. A request to become a party should be mailed to the chairman of the commission, P.O. Box 15023, Austin, Texas 78761, and must be received at the commission no later than 5 p.m. of the last day allowed for filing of a request to become a party.

The contents and form of a request to become a party to an application for a declaratory ruling, exemption certificate, transfer of certificate, or amendment of certificate must meet the minimum criteria set out in Rule 315.20.01.050. Failure of a party to supply the minimum necessary information in the correct form will result in a defective request to become a party and such application will be considered uncontested.

The fact that an application is uncontested will not mean that it will be approved. The application will be approved only if the commission determines that it qualifies under the criteria of Sections 3.02 or 3.03 of Article 4418(h), Texas Revised Civil Statutes, and Rules 315.17.04.010-.030, 315.17.05.010-.030, 315.18.04.010-.030, and 315.18.05.010-.030.

In the following list, the applicant and date of acceptance are listed first, the file number second, the relief sought third, and description of the project fourth. EC indicates exemption certificate, DR indicates declaratory ruling, TR indicates

transfer of ownership of certificate, AMD indicates amendment of certificate, and CN indicates certificate of need.

Angleton Danbury General Hospital, Angleton  
(1/16/80)

AH79-0417-011A(121479)

AMD/EC—Request amendment of EC which authorized construction of one trauma room, install a dumb waiter from the pharmacy to the second floor nurses station, remodel the ambulance entrance, and install automatic doors at the service and emergency entrances by extension of completion deadline to March 21, 1980

The Methodist Hospital, Houston (1/16/80)

AH80-0114-006

EC—Acquisition of a bio sound system for existing peripheral vascular laboratory

Doctors Nursing Center Foundation, Inc., Dallas  
(1/16/80)

AN80-0114-009

EC—Construct a 10-room, 20-bed semi-private wing as replacement for 20 semi-private beds which will be lost when 10 existing semi-private rooms are converted to 10 private rooms

Prudential Health Care Plan, Inc., Houston (1/16/80)

AO80-0114-015

DR—Request DR that neither a CN nor EC is required to construct a single-story, 20,000 square feet physician clinic as expansion of an existing health maintenance organization

Issued in Austin, Texas, on January 18, 1980.

Doc. No. 800494 Dan R. McNery  
General Counsel  
Texas Health Facilities Commission

Filed: January 18, 1980, 11:58 a.m.

For further information, please call (512) 475-6940.

## Railroad Commission of Texas

### Notice of Invitation for Offers of Construction Services

The Surface Mining and Reclamation Division of the Railroad Commission of Texas is seeking bids for the contracting of reclamation work to be carried out at two abandoned mine sites in Hopkins County.

The Wallace site is 15 acres of spoil and pit remaining after an attempt to surface mine lignite. The pit covers 2.8 acres. Construction operations will include reduction of the high-wall to a 4:1 slope, 60% backfilling of the pit, grading the remaining overburden to a 4:1 slope, shaping the surface to allow for drainage to the south of the pit for flood overflow, and revegetating with native grasses, trees, and shrubs.

The Lumsden site is 25 acres of spoil with 2.6 acres of inundated pit remaining from a lignite mining operation. Construction will include reduction and stabilization of overburden piles, 75% backfilling of the pit, shaping of the surface to allow drainage to the north of the pit for flood overflow, and sprigging with Alicia bermuda grass.

Bids for work on one or both sites will be accepted. Letters of interest will be accepted until February 22, 1980. Specifications may be obtained by contacting J. Randel (Jerry) Hill, Surface Mining and Reclamation Division, Railroad Commission of Texas, P.O. Drawer 12967, Austin, Texas 78711, telephone (512) 445-1176.

Issued in Austin, Texas, on January 18, 1980.

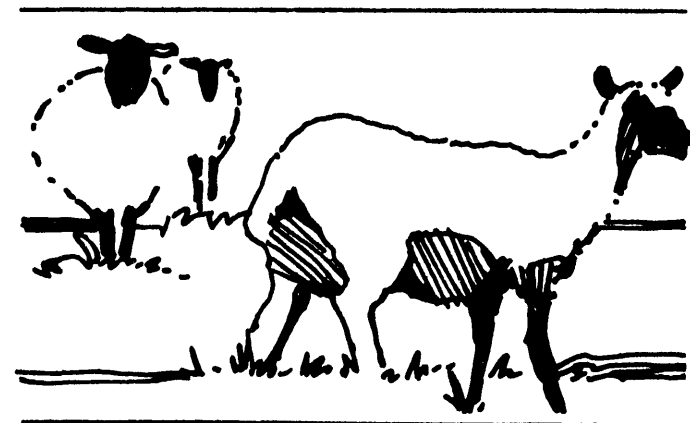
Doc. No. 800477 J. Randel (Jerry) Hill, Director  
Surface Mining and Reclamation  
Division  
Railroad Commission of Texas

Filed: January 18, 1980, 11:33 a.m.

For further information, please call (512) 445-1176.

## Texas Register Publication of Index

The January 29, 1980, issue of the *Texas Register* will be the cumulative index for 1979. No other documents will be included in that issue. Publication of rules and meeting notices will resume with the February 1, 1980, *Register*. The deadlines for submission of documents for the February 1 issue (Volume 5, Number 8) will be noon Friday, January 25, for all copy except notices of open meetings, and noon Monday, January 28, for open meeting notices.



## Texas Department of Water Resources Public Hearing Notice

A hearings examiner of the Texas Department of Water Resources will conduct a public hearing beginning at 10 a.m. March 13, 1980, Room 118, Stephen F. Austin State Office Building, 1700 North Congress Avenue, Austin, on the mid-year revision to the Municipal Facilities Construction Grant Project Priority List for fiscal year 1980. The project priority list is a listing of projects in priority rank order to be considered for funding within the Federal Construction Grant Program. The project priority list for the second half of the federal fiscal year will reflect necessary changes to each step of eligible projects on the approved fiscal year 1980 project priority list; however, new projects will not be added to this revised list. The project priority list is revised pursuant to the rules for the Federal Construction Grant Program adopted by the Texas Water Development Board on behalf of the Texas Department of Water Resources, specifically Subchapter 5 of Chapter 15.

Interested persons are encouraged to attend the hearing and to present relevant material and comments concerning the ranking of various municipalities throughout the state. In addition, participation in the hearing through written comments to Rebecca S. Motal, hearings examiner, at the address below is encouraged.

A copy of the Municipal Facilities Construction Grant Project Priority List will be sent to all entities and consulting engineers on that priority list and on the department's mailing list prior to February 13, 1980. Additional copies are available for viewing in Room 1134 of the Stephen F. Austin Building or may be obtained from the Construction Grants and Water Quality Planning Division, Texas Department of Water Resources, P.O. Box 13087, Capitol Station, Austin, Texas 78711. The hearing is being conducted pursuant to Sections 5.131 and 5.132 of the Texas Water Code and Chapter 1 of the rules of the Texas Water Development Board.

Issued in Austin, Texas, on January 14, 1980.

Doc. No. 800438 Rebecca S. Motal, Hearings Examiner  
General Counsel's Office  
Texas Department of Water Resources

Filed: January 17, 1980, 3:47 p.m.

For further information, please call (512) 475-4338.

## February, March, and April Publication Schedule for the *Texas Register*

Listed below are the deadline dates for the February, March, and April issues of the *Texas Register*. Because of printing schedules, material received after the deadline for an issue cannot be published until the next issue. Generally, deadlines for a Tuesday edition of the *Register* are Wednesday and Thursday of the week preceding publication, and deadlines for a Friday edition are Friday of the preceding week and Monday of the week of publication. An asterisk beside a publication date indicates that the deadlines have been moved because of state holidays. Please note that the issue published on April 29 will be an index; no other material will be published in that issue.

FOR ISSUE PUBLISHED ON:	ALL COPY EXCEPT NOTICES OF OPEN MEETINGS BY NOON ON:	ALL NOTICES OF OPEN MEETINGS BY NOON ON:
Friday, February 1 Tuesday, February 5 Friday, February 8 Tuesday, February 12 Friday, February 15 Tuesday, February 19 *Friday, February 22 Tuesday, February 26 Friday, February 29	Friday, January 25 Wednesday, January 30 Friday, February 1 Wednesday, February 6 Friday, February 8 Wednesday, February 13 Thursday, February 14 Wednesday, February 20 Friday, February 22	Monday, January 28 Thursday, January 31 Monday, February 4 Thursday, February 7 Monday, February 11 Thursday, February 14 Friday, February 15 Thursday, February 21 Monday, February 25
Tuesday, March 4 Friday, March 7 Tuesday, March 11 Friday, March 14 Tuesday, March 18 Friday, March 21 Tuesday, March 25 Friday, March 28	Wednesday, February 27 Friday, February 29 Wednesday, March 5 Friday, March 7 Wednesday, March 12 Friday, March 14 Wednesday, March 19 Friday, March 21	Thursday, February 28 Monday, March 3 Thursday, March 6 Monday, March 10 Thursday, March 13 Monday, March 17 Thursday, March 20 Monday, March 24
Tuesday, April 1 Friday, April 4 Tuesday, April 8 Friday, April 11 Tuesday, April 15 Friday, April 18 Tuesday, April 22 *Friday, April 25 Tuesday, April 29	Wednesday, March 26 Friday, March 28 Wednesday, April 2 Friday, April 4 Wednesday, April 9 Friday, April 11 Wednesday, April 16 Thursday, April 17	Thursday, March 27 Monday, March 31 Thursday, April 3 Monday, April 7 Thursday, April 10 Monday, April 14 Thursday, April 17 Friday, April 18

### 1ST QUARTERLY INDEX

The following state holidays fall within the period of this publication schedule:

Monday, February 18..... Washington's Birthday  
Monday, April 21..... San Jacinto Day

The Texas Register Division will, as all other state agencies, observe these holidays and will not process or file notices of meetings or other documents.

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