

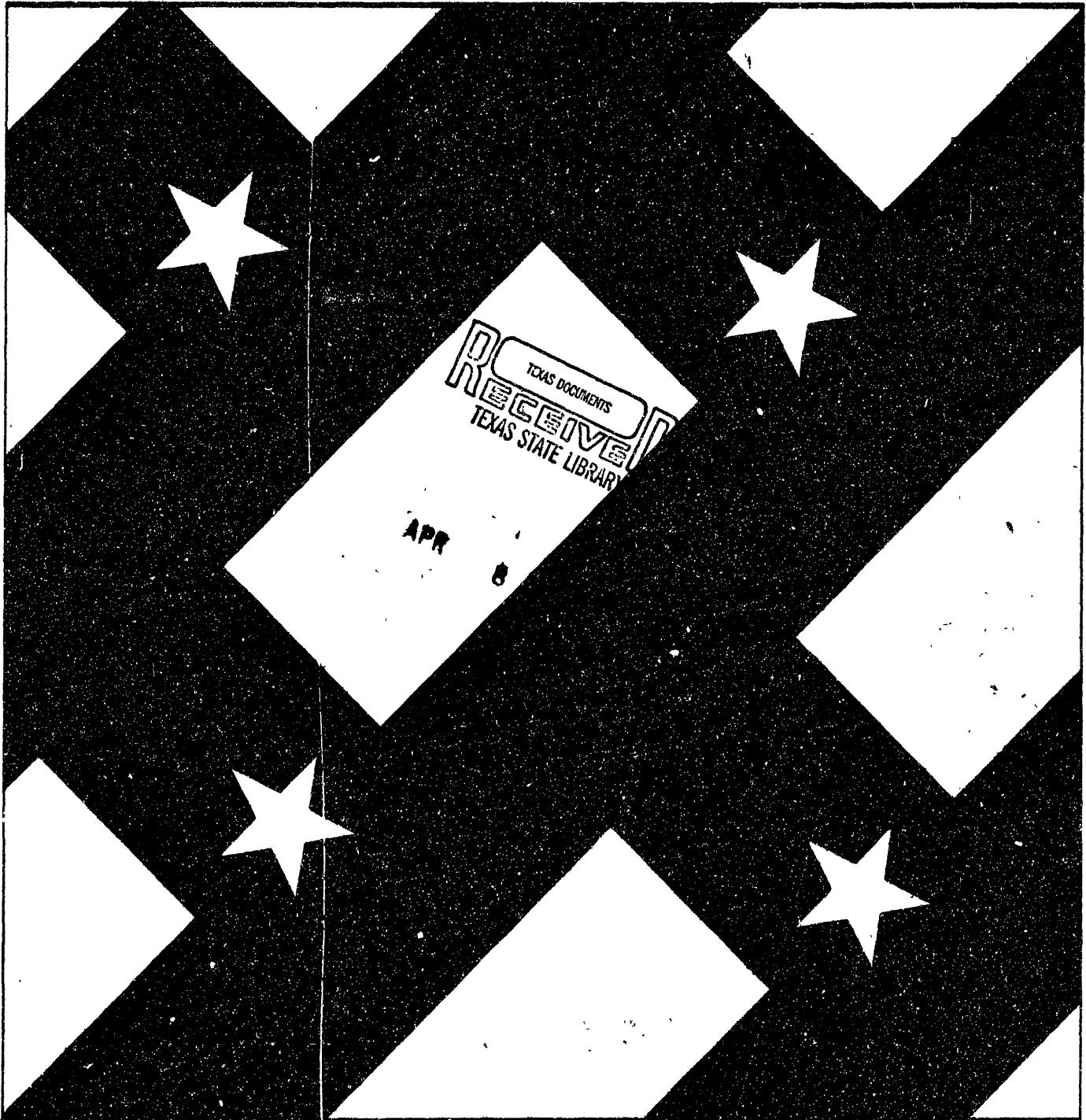
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Texas Register

Volume 10, Number 27, April 5, 1985

Pages 1113 - 1168



Highlights

The Texas Department of Human Resources adopts on an emergency basis new sections concerning direct mail issuance of food stamps. Effective date - April 1 **page 1116**

The Railroad Commission of Texas proposes

an amendment concerning existing commercial zones. Earliest possible date of adoption - May 6

page 1117

The Texas Department of Labor and Standards proposes amendments in a chapter concerning the Boiler Division. Earliest possible date of adoption - May 6. **page 1122**

**Office of
the Secretary
of State**

Texas Register

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Information Available: The 10 sections of the *Register* represent various facets of state government. Documents contained within them include:

- Governor—appointments, executive orders, and proclamations
- Secretary of State—summaries of opinions based on election laws
- State Ethics Advisory Commission—summaries of requests for opinions and opinions
- Attorney General—summaries of requests for opinions, opinions, and open records decisions
- Emergency Rules—rules adopted by state agencies on an emergency basis
- Proposed Rules—rules proposed for adoption
- Withdrawn Rules—rules withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date
- Adopted Rules—rules adopted following a 30-day public comment period
- Open Meetings—notices of open meetings
- In Addition—miscellaneous information required to be published by statute or provided as a public service

Specific explanations on the contents of each section can be found on the beginning page of the section. The division also publishes monthly, quarterly, and annual indexes to aid in researching material published.

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In order that readers may cite material more easily, page numbers are now written as citations. Example, on page 2, in the lower left-hand corner of the page, would be written, "10 TexReg 2 issue date," while on the opposite page, page 3, in the lower right-hand corner, would be written "issue date 10 TexReg 3."

How To Research: The public is invited to research rules and information of interest between 8 a.m. and 5 p.m. weekdays at the *Texas Register* office, 503E Sam Houston Building, Austin. Material can be found by using *Register* indexes, the *Texas Administrative Code*, rule number, or TRD number.

Texas Administrative Code

The *Texas Administrative Code* (TAC) is the approved, collected volumes of Texas administrative rules.

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

1 indicates the title under which the agency appears in the *Texas Administrative Code*,

TAC stands for the *Texas Administrative Code*;

27.15 is the section number of the rule (27 indicates that the rule is under Chapter 27 of Title 1, 15 represents the individual rule within the chapter).



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As required by Texas Civil Statutes, Article 6252-13a, §6, the *Register* publishes executive orders issued by the Governor of Texas. Appointments and proclamations are also published. Appointments are published in chronological order. Additional information on documents submitted for publication by the Governor's Office can be obtained by calling (512) 475-3021.

Editor's note: The following appointments have been submitted by the governor to the Senate of the 69th Legislature, 1985, for confirmation.)

Appointments Submitted March 27

Texas Antiquities Committee

For a term to expire January 31, 1987:

Anne A. Fox
106 Fawn Drive
San Antonio, Texas 78231

Ms. Fox is being reappointed.

State Commission for the Blind

For terms to expire February 1, 1991:

Walter Musler
722 Inspiration
San Antonio, Texas 78228

Mr. Musler is being reappointed.

Lewis Timberlake
P.O. Box 1571
Austin, Texas 78767-1571

Mr. Timberlake is replacing Paula Schumacher of Houston, whose term expired.

Issued in Austin, Texas, on March 27, 1985.

TRD-852658 Mark White
Governor of Texas

★ ★ ★

Appointments Submitted March 28

43rd Judicial District Court

To be judge of the 43rd Judicial District Court, Parker County, until the next gener-

al election and until his successor shall be duly elected and qualified:

James O. Mullin
114 West Lee
Weatherford, Texas 76086

Mr. Mullin is replacing Harry Hopkins of Weatherford, who resigned.

Governor's Commission on Physical Fitness

For a term to expire June 13, 1987:

Cissy Woomer
3701 Rivercrest Drive
Austin, Texas 78746

Ms. Woomer is replacing James Howard Sundberg of Arlington, who resigned.

Issued in Austin, Texas, on March 28, 1985.

TRD-852827 Mark White
Governor of Texas

★ ★ ★

Emergency Rules

An agency may adopt a new or amended rule, or repeal an existing rule on an emergency basis, if it determines that such action is necessary for the public health, safety, or welfare of this state. The rule may become effective immediately upon filing with the *Texas Register*, or on a stated date less than 20 days after filing, if no more than 120 days. The emergency action is renewable once for no more than 60 days.

Symbology in amended emergency rules. New language added to an existing rule is indicated by the use of bold text. [Brackets] indicate deletion of existing material within a rule.

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Resources

Chapter 3. Income Assistance Services

Subchapter Z. Direct Mail Issuance

★40 TAC §§3.2601-3.2605

The Texas Department of Human Resources (DHR) adopts on an emergency basis new §§3.2601-3.2605, which extend eligibility requirements for direct mail issuance (DMI) of food stamps to certain other households designated by DHR.

DHR adopts these new sections on an emergency basis so that households now participating in the Food Stamp Program can continue to do so. Current sections file with the *Texas Register* stipulate only certain households are eligible to receive their food stamps directly through the mail. Effective April 1, 1985, however, the U.S. Postal Service is canceling its contract to redeem food stamp ATPs in 21 counties. Clients in these counties who do not receive their food stamps through direct mail issuances have no alternative ways of obtaining food stamps. DHR, therefore, must immediately arrange for them to receive food stamps directly through the mail. Failure to adopt these sections would result in imminent peril to the health, safety, and welfare of needy people in these affected counties.

The new sections are adopted on an emergency basis under the Human Resources Code, Title 2, Chapter 22, which authorizes the department to administer public assistance programs.

The effective date of the rules is April 1, 1985.

§3.2601. Eligibility Requirements. DHR determines that the following households

are eligible for direct mail issuance (DMI) according to the requirements of 7 Code of Federal Regulations §274.1(a):

- (1) households whose adult members are 60 years old or older or receiving federal disability benefits such as SSI, Social Security disability, or veterans benefits;
- (2) households that live more than 30 miles from the nearest issuance facility;
- (3) classes of households designated by DHR based on the following criteria:
 - (A) availability and efficiency of other issuance methods;
 - (B) administrative costs; and
 - (C) potential for issuance losses.

§3.2602. Receipt for Mail Issuance.

(a) The client must sign and return the receipt card to continue receiving food stamps through the mail. The head of the household, spouse, or authorized representative may sign the card. The client must mail the card to DHR in time to be received before cutoff of the following month.

(b) The department uses alternate systems as described in §3.2604 of this title (relating to Repeated Reports of Nondelivery) for households that fail to return their receipt card twice in six months.

(c) Households that do not receive their mail issuance are not penalized for failing to return a signed receipt card. If the household reports its mail issuance was not delivered, the issuance of a replacement automatically exempts the household from the requirement to return the receipt that month.

§3.2603. Households Reporting Nondelivery of Mail Issuance.

(a) When a household reports that a mail issuance has not been delivered, the head of the household, spouse, or authorized representative must sign an affidavit for lost food stamp benefits to certify that the household did not receive its mail issuance.

(b) DHR must issue replacement benefits to eligible households within 10 days after they report to the appropriate certification office that an issuance has not been delivered.

§3.2604. Repeated Reports of Nondelivery.

(a) If twice in a six month period a household reports mail issuances were not delivered and the mail issuances were not returned to state office, DHR either:

- (1) converts the mail issuance to a certified mail issuance;
- (2) arranges for the household to receive the mail issuance at a different, more secure mailing address designated in writing by the household;
- (3) converts the household from mail issuance to the ATP system; or
- (4) uses alternatives authorized under 7 Code of Federal Regulations §274.1.

§3.2605. Reinstatement of Mail Issuance.

(a) Households whose mail issuance has been canceled the first time because they repeatedly failed to return the receipt card or repeatedly reported that benefits were not delivered may apply to have this service reinstated after a minimum of one benefit month.

(b) Before reinstating mail issuance, DHR must determine that the factors which caused the previous cancellation have been resolved.

(c) After the first reinstatement, any further requests for reinstatement may be granted only if six months have passed since the last cancellation. Reinstatements may be granted sooner if the supervisor concurs.

(d) Households whose mail issuance was canceled at their own request may be reinstated immediately.

Issued in Austin, Texas, on March 29, 1985.

TRD-852785

Martin W. Johnston
Commissioner
Texas Department of
Human Resources

Effective date: April 1, 1985

Expiration date: July 30, 1986

For further information, please call
(512) 480-3766.

★ ★ ★

Proposed Rules

Before an agency may permanently adopt a new or amended rule, or repeal an existing rule, a proposal detailing the action must be published in the *Register* at least 30 days before any action may be taken. The 30-day time period gives interested persons an opportunity to review and make oral or written comments on the rule. Also, in the case of substantive rules, a public hearing must be granted if requested by at least 25 persons, a governmental subdivision or agency, or an association having at least 25 members.

Symbology in proposed amendments. New language added to an existing rule is indicated by the use of **bold text**. [Brackets] indicate deletion of existing material within a rule.

TITLE 16. ECONOMIC REGULATION

Part I. Railroad Commission of Texas

Chapter 5. Transportation Division

Subchapter P. Commercial Zones

★ 16 TAC §5.294

The Railroad Commission of Texas proposes an amendment to §5.294, concerning existing commercial zones. The amendment adds the City of Midlothian and that portion of the unincorporated area adjacent thereto and commercially a part thereof, to the area that now defines the Dallas commercial zone and the Fort Worth commercial zone.

Pam Gandal Euderic, Transportation Division hearings examiner, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rule.

Ms. Euderic also has determined that for each year of the first five years the rule is in effect the public benefit anticipated as a result of enforcing the rule is the enlargement of the Dallas and Fort Worth commercial zones by adding the City of Midlothian and certain unincorporated areas. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Michael A. James, Acting Director, Transportation Division, Railroad Commission of Texas, P.O. Drawer 12967, Austin, Texas 78711. Comments will be accepted for 30 days after publication of the proposed amendment in the *Texas Register*.

The amendment is proposed under Texas Civil Statutes, Article 911b, §49(a), which authorize the Railroad Commission of Texas to prescribe all rules and regulations necessary for the governance of motor carriers.

§5.294. Existing Commercial Zones. Commercial zones defined and prescribed by the commission, after notice and hearing, are as follows.

(1) The Dallas commercial zone shall include the following:

(A)-(F) (No change.)

(G) the incorporated City of Midlothian together with the unincorporated area adjacent thereto and commercially a part thereof, enclosed by line beginning at the intersection of Walnut Grove Road and State Highway 287, then westerly on State Highway 287 towards intersection with U.S. Highway 67; then northerly on U.S. Highway 67 to its intersection with Shiloh Road, then easterly on Shiloh Road to its intersection with Walnut Grove Road; then south on Walnut Grove and on its intersection with State Highway 287.

(2) The Fort Worth commercial zone shall include the following:

(A)-(D) (No change.)

(E) the incorporated City of Midlothian together with the unincorporated area adjacent thereto and commercially a part thereof, enclosed by line beginning at the intersection of Walnut Grove Road and State Highway 287, then westerly on State Highway 287 towards intersection with U.S. Highway 67; then northerly on U.S. Highway 67 to its intersection with Shiloh Road, then easterly on Shiloh Road to its intersection with Walnut Grove Road; then south on Walnut Grove Road on its intersection with State Highway 287.

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

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on March 25, 1985.

TRD-852813

Walter Earl Lillie
Special Counsel
Railroad Commission of
Texas

Earliest possible date of adoption:

May 8, 1985

For further information, please call
(512) 445-1188.

★ ★ ★

Part IV. Texas Department of Labor and Standards Chapter 65. Boiler Division Administration

★ 16 TAC §65.22

The Texas Department of Labor and Standards proposes amendments to §65.22, concerning the repair, testing, setting, and sealing of safety valves and relief valves. The amendments provide for the safer operation of safety and relief valves which are repaired in Texas.

Steve M. Matthews, Boiler Division director, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rule.

The cost of compliance with the rule for small businesses will be to provide for a special inspection at \$250 a day or \$175 for a half-day plus travel and per diem as established by the legislature. The cost of the TVR certificate of authorization and special inspection service will relate to the volume of work produced regardless of company size.

Mr. Matthews also has determined that for each year of the first five years the rule is in effect the public benefit anticipated as a result of enforcing the rule as proposed is the significantly improved quality and reliability in repaired safety valves/safety relief valves. The quality and reliability of these repairs directly affects the safety and health of persons working with pressure equipment.

Comments on the proposal may be submitted to Steve Matthews, Director, Boiler Division, P.O. Box 12157, Austin, Texas 78711.

The amendments are proposed under Texas Civil Statutes, Article 5221c, which provide the commissioner of the department with the authority to promulgate and enforce a code of rules and regulations in keeping with the standard usage for the construction, inspection,

installation, use, maintenance, repair, alteration, and operation of boilers.

§65.22. Authority to Set and Seal Safety Appliances. All safety valves and safety relief valves must be repaired, tested, set, and sealed by one of the following:

(1) authorized safety valve and safety relief valve manufacturers, assemblers, or owner/users who have been granted authorization by the commissioner. Such authorization shall be granted only upon proof of competency on a form to be furnished by the commissioner and signed by an officer of the organization requesting the authorization; or

(2) [authorized] safety valve and safety relief valve repair organizations [shops] that have been granted a certificate of authorization to use the TVR symbol stamp by the commissioner. Such authorization shall be granted only upon compliance with this section and implementation and demonstration of a written quality control system acceptable to the commissioner.

(A) Authorization to use the stamp bearing the official valve repair symbol (TVR) as shown in Exhibit 2, Figure A (herein adopted by reference and which exhibit may be secured from the Texas Department of Labor and Standards, Boiler Division, 920 Colorado Street, Austin, Texas 78701, or at the mailing address P.O. Box 12157, Austin, Texas 78711), will be granted by the commissioner pursuant to the provisions of this section.

(B) Repair organizations, manufacturers, assemblers, or owner/users that make repairs to the American Society of Mechanical Engineers (ASME) Code symbol stamped safety valves and safety relief valves may apply to the Texas Department of Labor and Standards by completing the application form provided by the agency. The commissioner may, at any time with the advice of the Board of Boiler Rules, make such regulations concerning the issuance and use of such valve repair stamp. All such regulations shall become binding upon holders of valid TVR certificates of authorization.

(C) Authorization to use the valve repair stamp may be granted or withheld by the commissioner. Proceedings for denial, suspension, or revocation of a TVR certificate of authorization and appeals from those proceedings are governed by the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a. If authorization is granted and proper administrative fees as provided for in §65.20(b) of this title (relating to Fees) are paid, a TVR certificate of authorization will be issued evidencing permission to use such a symbol, expiring on the triennial anniversary date. The certificate shall indicate authorization to repair either ASME Section I or Section VIII valves or both, as verified by testing and as covered by the repair organization's quality control manual. The

certificate will be signed by the commissioner and the chief inspector.

(i) Before issuance or renewal of a TVR certificate of authorization, the repair organization and its facilities are subject to a review and demonstration of its quality control system by a representative of the Boiler Division. It is the responsibility of the valve repair organization to make arrangements for this review. Wherever possible, Boiler Division review of valve repair organizations shall be coordinated with ASME and/or National Board reviews when applicable.

(ii) The applicant should apply to the Boiler Division for renewal of authorization and reissuance of the certificate six months prior to the date of expiration.

(iii) The TVR certificate of authorization is renewable every three years subject to a review of the quality control system by a representative of the Boiler Division.

(D) Each applicant shall agree, if authorization to use the TVR symbol stamp is granted, that the stamp is at all times the property of the Boiler Division, Texas Department of Labor and Standards, and will be promptly returned pursuant to the provisions of this subparagraph. If the applicant discontinues the repair of such valves or, if the TVR certificate of authorization issued to such applicant has expired and no new certificate has been issued, the TVR symbol stamp will be returned to the Boiler Division.

(i) Each TVR symbol stamp shall be serialized and used only by the repair firm within the limitations and restrictions under which it was issued. The TVR symbol stamp shall be obtained only from the Texas Department of Labor and Standards, Boiler Division.

(ii) A holder of a TVR symbol stamp shall not permit any others to use the stamp. When a repair organization, manufacturer, or user has a repair department and/or equipment in plants or shops located in more than one geographical area, it must submit separate applications for each plant or shop and the addresses of all such repair locations. It may make the repairs in its plant, shop, or in the field, provided such operations are controlled by the plant or shop. TVR certificates of authorization shall indicate if authorization is for shop or field repairs or both.

(iii) When a valve repair organization changes location, a review of its facilities and quality control manual shall be required. When a valve repair organization changes ownership, a review may be required depending upon the nature and extent of revisions to repair procedures, change of personnel, and equipment as a result of the ownership change.

(iv) The holder of a TVR certificate of authorization may obtain more than one TVR symbol stamp provided its quality control manual controls the use of

such stamps from the locations shown in the TVR certificate of authorization. In such cases, the TVR certificate of authorization will indicate the serial numbers of each TV symbol stamp which has been issued on loan to the repair organization.

(E) Before the TVR certificate of authorization and symbol stamp may be issued or renewed, two valves which have been repaired by the applicant at a firm repair facility and selected by a Boiler Division representative must successfully complete operational verification tests as follows:

(i) perform visual examination to ensure the quality of material and workmanship;

(ii) perform verification that critical parts meet the manufacturer's specifications. Critical parts that are replaced must be fabricated by the manufacturer's specifications. Critical parts which require repair shall meet the manufacturer's specification;

(iii) perform tightness tests and verification;

(iv) perform set pressure test and verification.

(F) The valve selection (e.g., one steam and one air or gas where steam and gas valves are repaired) shall be such as to cause a minimum disruption to the repair organization. However, the valves shall be typical of those repaired by the organization and within the capabilities of the repair organization. Tests conducted at the repair organization must be witnessed by a representative of the Boiler Division. The purpose of the tests are to ensure that the function and operation of the valves meet the requirements of the applicable section of the ASME Code to which they are manufactured. Should any of the valves fail to meet the applicable requirements, the tests shall be repeated on two valves for each valve that failed. Failure of any of these valves shall cause the applicant to investigate and document the cause of failure and state what corrective action has been taken to prevent future recurrence. Retest of the original valve is acceptable. Following proper implementation of this corrective action and after satisfactory performance, permission to receive the TVR certificate of authorization and symbol stamp will be granted.

(G) A manufacturer, or a manufacturer's authorized assembler holding valid ASME certificate(s) of authorization for use of an ASME V and/or UV code symbol stamp, may obtain the TVR certificate of authorization for the repair of ASME stamped safety and safety relief valves covered by his ASME certificate(s) of authorization. This can be accomplished without a review of the repair and test facilities provided there is a written quality control system to cover the scope of the repairs to be made, and the repairs are carried out at the same location where the

ASME valves are manufactured or assembled.

(i) If the repaired valves are not tested on the same facilities and to the same procedures as new valves, then a review of the facilities is required and two repaired valves shall be selected by a Boiler Division representative for verification and tests.

(ii) Manufacturers or a manufacturer's authorized assembler making repairs to valves other than those covered by his ASME certificate(s) of authorization shall meet the qualifications for the TVR certificate of authorization shall meet the qualifications for the TVR certificate of authorization as required elsewhere in these sections.

(iii) The quality control manual is to be submitted for review and acceptance by the chief inspector. In order for an ASME Code symbol stamp holder to qualify for the TVR certificate of authorization and symbol stamp, the following areas to the written quality control system require attention:

(I) Statement of authority and responsibility. This should clearly indicate that valve repairs are carried out in accordance with the requirements and the sections of the Boiler Division. In addition, the scope and type of valve repairs covered by the manual should be indicated.

(II) Organization. Unless the functions which affect the quality of valve repairs are carried out by the individuals other than those responsible for manufacturing or assembly, it should not be necessary to revise the organization chart.

(III) General quality control functions. Usually quality control requirements regarding valve repairs may be controlled in the same manner as for ASME manufacturing or assembly, provided applicable shop and/or field activities are covered. If this is the case, the applicant for the TVR certificate of authorization and symbol stamp should include in the quality control manual a separate section covering valve repairs which reference the applicable section of the manual.

(H) Repair of a safety and safety relief valve is considered to be the replacement, remachining, or cleaning of any part,apping of seat and disc, or any other operation which may affect the flow passage, capacity, function, or pressure retaining integrity. Disassembly, reassembly, and/or adjustments which affect the safety or safety relief valve function are also considered repair. The initial installation, testing, and adjustments of a new safety valve or a safety relief valve on a boiler or pressure vessel are not considered a repair if made by the manufacturer or assembler of the valve.

(I) In general, the quality control system shall describe and explain what documents and procedures the repair firm will use to validate a valve repair. Before issuance or renewal of the TVR certificate

of authorization, the applicant must meet all requirements, including an acceptable written quality control system. The basic elements of a written quality control system shall be those described in Exhibit 3 (herein adopted by reference and which exhibit may be secured from the Texas Department of Labor and Standards, Boiler Division, 920 Colorado Street, Austin, Texas 78761, or mailing address P.O. Box 12157, Austin, Texas 78711).

(i) The written quality control system shall also include provisions for making revisions, posting, and dating changes in parts, enabling the system to be kept current as required.

(ii) The description and information of the system may be brief or voluminous, depending upon the circumstances and shall be treated confidentially.

(iii) A review of the applicant's quality control system will be performed by a representative of the Boiler Division. The review will include a demonstration of the implementation of the provisions of the applicant's quality control system.

(iv) Each applicant to whom a TVR certificate of authorization is issued shall maintain thereafter a controlled copy of the accepted quality control manual with the chief inspector. Except for changes which do not affect the quality control program, revisions to the quality control manual shall not be implemented until such revisions are accepted by the chief inspector.

(J) It is essential that valve repair organizations ensure that their personnel making repairs to safety and safety relief valves are knowledgeable and qualified. The repair organization shall provide the documented in-house training. Specific requirements to be included in an individuals' training are as follows:

(i) working knowledge of the organization's quality control manual;

(ii) working knowledge of the pertinent portions of the latest edition of the applicable ASME Code; and

(iii) working knowledge of the manufacturer's technical bulletin for valves being repaired or tested.

(K) The courses offered by the National Board of Boiler and Pressure Vessel Inspectors and by the various manufacturers can be an invaluable training tool, and the repair organizations are encouraged to utilize this means of training personnel.

(L) Test stands shall be of a size and design to ensure clean, consistent, and repetitive pop action and response to blowdown adjustment. Test gauges shall be connected to the test stand in such a manner as to indicate true pressure at the inlet of the valve being tested. Test gauges shall be maintained and calibrated, at least every 90 days, to a minimum of one-half of 1.0% accuracy over the upper 80% of full scale range. Gauges shall be used only in the upper 80% of full scale range. The use of digital gauges is acceptable. All calibrations

shall be documented and traceable to national standards.

(i) Valves marked for general service or liquid service shall be set according to the applicable manufacturer's specification.

(ii) Valves marked for steam service or having special internal parts for steam shall be preferably set on steam. ASME Section I valves set on air or set at pressures above the repair firm's steam testing capability shall be set on air or nitrogen, provided the valve manufacturer's recommendations concerning this test medium are followed and additional test and/or adjustments are made on steam after installation.

(iii) ASME Section VIII valves for steam service may be tested on air for correct opening (popping), pressure setting and, if possible, blowdown adjustment, provided the valve manufacturer's corrections for differential in popping pressure between steam and air are applied to the popping point.

(iv) Valves which are installed in such a manner that it makes it impractical to remove them from service and are repaired in place, shall be tested to demonstrate set pressure and response to blowdown.

(v) A hydraulic or pneumatic device may be used to apply an auxiliary lifting load on the spring of a valve for testing purposes and/or making adjustments. Calibrated testing equipment shall be used and detailed testing procedures followed. In such cases the manufacturer's recommendations shall be used to establish blowdown.

(M) Safety valve and safety relief valves discharging to atmosphere can create a high noise level. Consideration should be given either to appropriate silencers or individual ear protection. Likewise, the discharge blast can create safety hazards and should be considered.

(N) When a safety or safety relief valve is repaired, the TVR metal repair nameplate, as shown in Exhibit 2, Figure B (herein adopted by reference and which exhibit may be secured from the Texas Department of Labor and Standards, Boiler Division, 920 Colorado Street, Austin, Texas 78761, or mailing address P.O. Box 12157, Austin, Texas 78711), marked with the information required shall be permanently attached to the valve. The preferred location for the nameplate is either above, adjacent to, or below the original nameplate or marking. On small valves, the TVR nameplate shall be securely attached to each valve with a corrosion resistant stainless steel or alloy wire. The information on the TVR nameplate shall be that shown on Exhibit 2, Figure B, and include the name of the repair organization, TVR symbol stamp number, and the date of repair. The valve set pressure (PSIG), capacity, and the blowdown (for V stamped valves) shall be marked out, but left legible on the original

nameplate or marking. The new capacity shall be based on that for which the valve was originally certified as published by the National Board of Boiler and Pressure Vessel Inspectors, Publication NB-18, with the applicable revision.

(O) When the information on the original manufacturer's or assembler's nameplate is missing or the marking is illegible, the nameplate or marking will be augmented by a nameplate furnished by the TVR certificate of authorization holder marked "duplicate" and "Section I" or "Section VIII" as applicable to indicate the original ASME Code stamping, which contains all information which originally appeared on the nameplate or marking of the valve, as required by the applicable section of the ASME Code, except the V or UV symbol and the National Board mark. The repair organization's TVR nameplate with serialized TVR symbol stamp and other required data will make the repair organization responsible to the Texas Department of Labor and Standards and the owner/user that the information on the duplicate nameplate is correct. In all such cases where a duplicate nameplate is furnished by the TVR certificate of authorization holder, positive identification of the valve must be made, otherwise the valve may not be repaired under the rules of the TVR program, and the TVR certificate of authorization holder is not authorized to attach a TVR symbol stamp or a TVR nameplate. Positive identification and verification of original V or UV symbol stamping shall be obtained, and the source of the information shall be documented for that specific valve and the documentation maintained in the TVR certificate of authorization holder's records. This information may be obtained from the original manufacturer or assembler of the specific valve or may be obtained from the owner/user's records that document the original ASME Code stamping when the valve was originally purchased by the owner/user and/or original buyer of the valve.

(P) Field repairs are defined as any repair conducted outside a fixed repair shop location. Field repairs may be conducted with the aid of mobile facilities with repair capabilities with or without testing capabilities. Field repairs may be conducted in owner/user facilities without the use of mobile facilities.

(I) Organizations that obtain the TVR certificate of authorization for in-shop/plant repairs may also perform field repairs to safety and safety relief valves provided that:

(I) qualified technicians perform such repairs;

(II) an acceptable quality control system covering field repairs is maintained;

(III) all functions affecting the quality of the repaired valves are super-

vised from the location described on the TVR certificate of authorization; and

(IV) periodic audits of the work carried out in the field are made by quality control personnel of the TVR certificate of authorization holder to ensure that the requirements of the quality control system are met.

(ii) Provided the previously mentioned provisions are met, verification testing of field repaired valves shall not be required.

(iii) Organizations that perform field repairs only must demonstrate their field repair capabilities to a representative of the Boiler Division. Two valves (e.g., one steam and one air or one gas where steam and gas valves are repaired) must be repaired in the field and successfully complete operational verification tests as described in subparagraph (E) of this paragraph.

(iv) A quality control manual, as required in subparagraph (I) of this paragraph, must be prepared describing all field repair activities.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on March 29, 1985.

TRD-852818 Robert R. Busse
Assistant Commissioner
Texas Department of
Labor and Standards

Earliest possible date of adoption:
May 6, 1985
For further information, please call
(512) 475-0155.

★ ★ ★

TITLE 22. EXAMINING BOARDS

Part IX. Texas State Board of Medical Examiners Chapter 163. Licensure

★22 TAC §163.1

The Texas State Board of Medical Examiners proposes amendments to §163.1, concerning licensure qualifications for all applicants.

The proposed amendment clarifies that the board may grant a license to a physician who meets the stated criteria, including successful completion of a one-year program of graduate medical training approved by the board as defined in the rules relating to training programs approved by the board, provided that the

degree of doctor of medicine or doctor of osteopathy has been conferred prior to the completion of the program.

Florence Allen, accountant, and Jean Davis, program administrator, have determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rule.

Ms. Davis also has determined that for each year of the first five years the rule is in effect the public benefit anticipated as a result of enforcing the rule is assurance that, to practice medicine in Texas, physicians must first have met degree and training criteria. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Jean Davis, P.O. Box 13562, Austin, Texas 78711. Although no date has been set, it is expected that a public hearing will be held on this amendment in the early part of June.

The amendment is proposed under Texas Civil Statutes, Article 4495b, which provide the Texas State Board of Medical Examiners with the authority to make rules, regulations, and bylaws, not inconsistent with the Act as may be necessary for the governing of its own proceedings, the performance of its duties, the regulation of the practice of medicine in this state, and the enforcement of the Act.

§163.1. Licensure Qualifications for All Applicants.

(a) The board at its discretion may grant a license to any reputable physician who meets the following criteria.

(1)-(5) (No change.)

(6) has successfully completed one-year program of graduate medical training (after the degree of doctor of medicine or doctor of osteopathy has been conferred) approved by the board as defined in §163.4 of this title (relating to Training Programs Approved by the Board).

(b) (No change.)

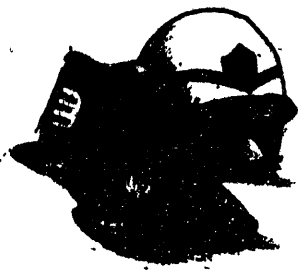
This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on March 28, 1985.

TRD-852646 G. V. Brindley, Jr.
Executive Director
Texas State Board of
Medical Examiners

Earliest possible date of adoption:
May 6, 1985
For further information, please call
(512) 452-1078.

★ ★ ★



Chapter 167. Reinstatement of Medical License

★22 TAC §167.1

(Editor's note: The text of the following rule proposed for repeal will not be published. The rule may be examined in the offices of the Texas State Board of Medical Examiners, 1101 Camino La Costa, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The Texas State Board of Medical Examiners proposes the repeal of §167.1, concerning the reinstatement of medical license following cancellation for nonpayment of the annual registration fee. This section will be replaced with a new section simultaneously proposed.

Florence Allen, accountant, and Jean Davis, program administrator, have determined that for the first five-year period the repeal will be in effect there will be no fiscal implications for state or local government or small businesses as a result of the repeal.

Ms. Davis also has determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result of the repeal is better qualified physicians, by requiring that physicians who have been out of the practice for a length of time must reapply for licensure before any reinstatement can be considered. There is no anticipated economic cost to individuals as a result of the repeal above the present fee scale for reinstatement and licensure.

Comments on the proposal may be submitted to Jean Davis, P.O. Box 13562, Austin, Texas 78711. Although no date has been set, it is expected that a public hearing will be held on this proposed repeal in the early part of June.

The repeal is proposed under Texas Civil Statutes, Article 4495b, which provide the Texas State Board of Medical Examiners with the authority to make rules, regulations, and bylaws, not inconsistent with the Act as may be necessary for the governing of its own proceedings, the performance of its duties, the regulation of the practice of medicine in this state, and the enforcement of the Act.

§167.1. Reinstatement of Medical License Following Cancellation for Nonpayment of Annual Registration Fee.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on March 27, 1985.

TRD-852834 G. V. Brindley, Jr.
Executive Director
Texas State Board of
Medical Examiners

Earliest possible date of adoption:
May 6, 1985
For further information, please call
(512) 452-1078.



The Texas State Board of Medical Examiners proposes new §167.1, concerning reinstatement of medical license following cancellation for nonpayment of annual registration fee. The proposed new section replaces the existing section simultaneously proposed for repeal. The new section explains what constitutes delinquent status and canceled status and outlines the procedure for reinstatement after cancellation.

Jean Davis, program administrator, and Florence Allen, accountant, have determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rule.

Ms. Davis also has determined that for each year of the first five years the rule is in effect the public benefit anticipated as a result of enforcing the rule is that the public will be ensured better of having qualified physicians, since those physicians who have been canceled for a length of time must reapply for the entire licensure process. There is no anticipated economic cost above the present scale of fees for reinstatement and licensure to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Jean Davis, Texas State Board of Medical Examiners, P.O. Box 13562, Austin, Texas 78711. It is expected that a public hearing will be held on the proposed new section, probably early in June 1985.

The new section is proposed under Texas Civil Statutes, Article 4495b, which provide the Texas State Board of Medical Ex-

aminers with the authority to make rules, regulations, and bylaws not inconsistent with this Act as may be necessary for the governing of its own proceedings, the performance of its duties, the regulation of the practice of medicine in this state, and the enforcement of this Act.

§167.1. Reinstatement of Medical License Following Cancellation for Nonpayment of Annual Registration Fee.

(a) Failure of any licensee to pay the annual registration fee on or before the 90th day after the date it is due will cause his or her license to be delinquent.

(1) If the license is delinquent, the licensee must complete the application for annual registration and pay the delinquent annual registration fee(s) plus penalty fee before the delinquency is removed.

(2) If the license has been delinquent for a period of more than one year from the date it was to be renewed, the board shall take the appropriate action to cancel the delinquent license.

(b) For a physician to reinstate his or her license following cancellation for nonpayment of annual registration fee(s), the physician must apply for licensure and must qualify under §163.1 of this title (relating to Licensure Qualifications for all Applicants).

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on March 27, 1985.

TRD-852835 G. V. Brindley, Jr.
Executive Director
Texas State Board of
Medical Examiners

Earliest possible date of adoption:
May 6, 1985
For further information, please call
(512) 452-1078.



TITLE 25. HEALTH SERVICES

Part I. Texas Department of Health

Chapter 73. Laboratories Testing Water Samples

★25 TAC §73.1

The Texas Department of Health proposes new §73.1, concerning laboratory fees for testing water samples. As part of its public health service program, the department analyzes and tests water for bacteriological and chemical content. The proposed new section defines the categories of tests used by the depart-

ment and establishes the fees the department will charge for these services.

Stephen Seale, Chief Accountant III, has determined that for the first five-year period the rule will be in effect there will be fiscal implications as a result of enforcing or administering the rule. The effect on state government is an estimated additional cost of \$0 in 1985, \$43,450 in 1986, and \$37,450 each year in 1987-1989. The estimated increase in revenue is \$0 in 1985, \$158,016 in 1986, and \$210,688 each year in 1987-1989. There is an anticipated additional cost for local governments which intend to use the Texas Department of Health (TDH) laboratory. However, there is an anticipated increase in revenue to local governments which have local health department laboratories. It is anticipated that the net effect on local governments as a whole will not be material.

The cost of compliance with the rule for small businesses will be the cost for individual tests as specified in the fee schedule in §73.1. Based on the current standards for a public water system, a small system with a gross income of

\$19,000 could expect a cost of \$2.76 per \$100 of income. A large water system with gross income of \$1 million could expect a cost of \$.25 per \$100 of income. It should be noted that if the definition of a public water system were lowered to four connections, a cost of \$11 per \$100 or more would be possible.

Mr. Seale also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is a reduction in cost to the State of Texas for public health services provided by the TDH laboratory. The anticipated economic cost to individuals who are required to comply with the rule as proposed is the amounts set out in the fee schedule in §73.1.

Comments on the proposal may be submitted to Charles E. Sweet, M.P.H., Dr.P.H., Chief, Bureau of Laboratories, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756. Comments will be accepted for 30 days after publication in the *Texas Register*. In addition, a public hearing will be held at 9 a.m. on Monday, April 15, 1985, in the

auditorium, Texas Department of Health 1100 West 49th Street, Austin.

The new section is proposed under Texas Civil Statutes, Article 4414c, §2, which provide the Texas Board of Health with the authority to charge fees to persons who receive public health services from the department.

§73.1. Fees for Laboratory Services.

(a) Introduction. The Texas Department of Health is responsible for providing bacteriological analysis on drinking water to the citizens of the state and bacteriological and chemical analyses to those corporations distributing potable water as community or noncommunity systems. Only a laboratory certified by the department may perform this service. As a means of offering these services additionally on water sources that are not potable and as a means of offsetting the expense to the state appropriated funds, a fee-for-service system is described in this section, and categories of service along with standard charges are designed.

(b) Categories and fees. The department will test water samples and charge fees in accordance with the schedule of categories and fees.

SCHEDULE OF CATEGORIES AND FEES

- #1 Water, Bacteriology (Total Coliforms, Community or Noncommunity or Private)
\$5.00
Samples must be submitted in containers provided by the Department for this purpose and must be delivered to the laboratory within thirty hours after collection.

- #2 Water, Chemistry (Nitrate as N, Private)
\$5.00
Samples may be delivered in a clean glass or plastic container of at least one pint capacity and must be delivered within forty-eight hours after collection. Samples must be kept cool.

- #3 Water, Chemistry (Fluoride, Private)
\$5.00
Samples may be delivered in a clean glass or plastic container of at least one pint capacity and must be delivered as soon after collection as possible.

- #4 Water, Chemistry (Basic, Private)
Fluoride
Nitrate
Dissolved Solids (Calculated)
Conductance
\$20.00
Samples may be delivered in a clean glass or plastic container of at least one quart capacity and must be delivered within forty-eight hours after collection. Samples must be kept cool.

#5 Water, Chemistry (Routine, Noncommunity)

Calcium
Magnesium
Sodium
Carbonate
Bicarbonate
Sulfate
Chloride
Fluoride
Nitrate
Dissolved Solids
Alkalinity (Phenolphthalein)
Alkalinity (Total)
Hardness
pH
Conductance
\$50.00

Samples may be delivered in a clean glass or plastic container of at least one quart capacity and must be delivered within fourteen days after collection. Samples should be kept cool.

#6 Water, Chemistry (Metals, Noncommunity)

Iron
Manganese
\$20.00

Samples may be delivered in a clean glass or plastic container of at least one quart capacity and must be delivered within fourteen days after collection.

#7 Water, Chemistry (Routine, Community)

Calcium
Magnesium
Sodium
Carbonate
Bicarbonate
Sulfate
Chloride
Fluoride
Nitrate
Dissolved Solids
Alkalinity (Phenolphthalein)
Alkalinity (Total)
Hardness
pH
Conductance
\$50.00

Samples may be delivered in a clean glass or plastic container of at least one quart capacity and must be delivered within fourteen days after collection. Samples should be kept cool.

#8 Water, Chemistry (Metals, Community)

Arsenic
Barium
Cadmium
Chromium
Copper
Iron
Lead
Manganese
Mercury
Selenium

Silver
Zinc
\$125.00

Samples may be delivered in a new plastic container of at least one quart capacity acidified with 5 ml of reagent grade HNO_3 (nitric acid) per quart container and must be delivered within fourteen days after collection.

#9 Water, Chemistry (Trihalomethanes, Community)

\$20.00

Samples must be delivered in a 40 mL glass container with teflon lined septum and must be delivered within one week after collection. Samples must be preserved with sodium thiosulfate.

#10 Water, Chemistry (Insecticides, Well or Stream)

\$75.00

Samples must be delivered in a new glass container of at least one quart capacity, preferably with a teflon or aluminum foil liner, and must be delivered within one week after collection. Samples must be kept refrigerated.

#11 Water, Chemistry (Herbicides, Well or Stream)

\$50.00

Samples must be delivered in a new glass container of at least one quart capacity, preferably with a teflon or aluminum foil liner, and must be delivered within one week after collection. Samples must be kept refrigerated.

#12 Water, Chemistry (Alpha Radiation, Well or Stream)

\$20.00

Samples may be delivered in a clean plastic container of at least one gallon capacity acidified with 20 ml of reagent grade HNO_3 (nitric acid) per gallon container and should be delivered within seven days after collection. Alpha and beta radiation can be analyzed for on the same sample.

#13 Water, Chemistry (Beta Radiation, Well or Stream)

\$20.00

Samples may be delivered in a clean plastic container of at least one gallon capacity acidified with 20 ml of reagent grade HNO_3 (nitric acid) per gallon container and should be delivered within seven days after collection. Alpha and beta radiation can be tested for on the same sample.

#14 Water, Chemistry (Radium, Well or Stream)

\$50.00

Samples may be delivered in a clean plastic container of at least one gallon capacity acidified with 20 ml of reagent grade HNO_3 (nitric acid) per gallon container and should be delivered within seven days after collection. Samples must be kept cool.

(c) Payment.

(1) For testing provided at a department laboratory, payment for analysis must be made at the time the sample is submitted and may be made only in cash, check, or money order. If a check is returned by a bank for insufficient funds, then payment by check on future submissions will not be permitted. No analysis can

commence before payment, which may be critical with time-sensitive tests. No charge will be made to divisions of the department for work required in the accomplishment of their mission. All fees will be deposited in the state treasury to a special fee fund to be titled the Texas Department of Health public health services fee fund.

(2) All local public health department laboratories affiliated with the depart-

ment who offer any of the services described in subsection (a) of this section must charge a fee-for-service at least equal to the rates listed in the schedule of categories and fees. Fees collected by local health department laboratories shall be retained by those departments and be accounted for and expended under the requirements relating to program income.

(3) The amount of a fee for service may not exceed the cost for providing the service and collection may be waived when the administrative costs exceed the fees to be collected.

(4) Shipping charges must be paid by the submittees. Collect shipments will not be accepted.

(5) Unsatisfactory samples will not be analyzed. In such an event the submitter will be notified as soon as possible with an explanation for the decision. All fees will be remitted; however, shipping charges cannot be reimbursed.

(d) Application for service. With each submission, a clear indication of the category of analysis must be given in order to avoid delay. The department may use its judgment when specific analysis is not requested provided type of sample and amount of fee are indicative.

(e) Other analyses. In general, variations from the categories of analysis listed in the schedule of categories and fees are discouraged. Special studies may be offered not disruptive of the routine flow of work or a fee to be determined in each case. Arrangements must be made in advance.

(f) Interagency contracts. Work for other state agencies will be as provided for in individual interagency contracts.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on March 19, 1985.

TRD-852795

Robert A. MacLean
Deputy Commissioner
Professional Services
Texas Department of
Health

Proposed date of adoption:
May 31, 1985

For further information, please call
(512) 458-7318.



TITLE 28. INSURANCE

Part I. State Board of Insurance

(Editor's note: Because the State Board of Insurance's rules have not yet been published in the Texas Administrative Code (TAC), they do not have designated TAC numbers. For the time being, the rules will continue to be published under their Texas Register numbers. However, the rules will be published under the agency's correct title and part.)

Insurance Premium Finance Power of Attorney

★059.60.006.009

The State Board of Insurance proposes new Rule 059.60.006.009, concerning an interpretation of certain requirements for insurers and premium finance companies under the Insurance Code, Article 24.17 and Article 24.22. The primary purpose of the rule is to provide notice to an insurer of a premium finance agreement under the Insurance Code, Article 24.22, which requires notice directly to the entity assuming the risk (not its insurance agent), and that return of any unearned premiums due to an insured/borrower be made by the insurer directly to the premium finance company. The rule is an interpretation of existing law. Accordingly, no fiscal or cost implications are expected from the rule.

Woody Pogue, deputy insurance commissioner, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rule.

Mr. Pogue also has determined that for each year of the first five years the rule is in effect the public benefit anticipated as a result of enforcing the rule is clarification of the duties of certain parties involved in an insurance transaction where the premium is financed. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Woody Pogue, Deputy Insur-

ance Commissioner, State Board of Insurance, 1110 San Jacinto Street, Austin, Texas 78786.

The new rule is proposed under the Insurance Code, Article 24.17, and Article 24.22, which are interpreted, and Article 24.09, pursuant to which the board may adopt and enforce rules necessary to carry out the Insurance Code, Chapter 24.

.009. Notification to Insurers. A premium finance company which enters into a premium finance agreement with an insured to finance an insurance policy or policies shall notify the insurer whose premiums are being financed of the existence of such agreement within a reasonable period of time not to exceed 30 days after the date such agreement is received by the premium finance company. The word "insurer" as used in this rule and in the Insurance Code, Article 24.17 and Article 24.22, means the company or other entity formally liable on the insurance risk. It does not mean an insurance agent. Accordingly, notice to an insurance agent or to a managing general agency of the insurer is not notice under the Insurance Code, Article 24.22. If the premium finance company gave notice to the insurer in accordance with the Insurance Code, Article 24.22, and this rule, the insurer shall as provided in the Insurance Code, Article 24.17, return whatever unearned premiums are due under the insurance contract directly to the premium finance company within 60 days. Return of unearned premium through an accounts current with an agent or agency does not satisfy the insurer's obligation under this rule or the Insurance Code, Article 24.17.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on March 29, 1985.

TRD-852863

James W. Norman
Chief Clerk
State Board of
Insurance

Earliest possible date of adoption:
May 6, 1985

For further information, please call
(512) 475-2950.

Withdrawn

Rules An agency may withdraw proposed action or the remaining effectiveness of emergency action on a rule by filing a notice of withdrawal with the *Texas Register*. The notice is effective immediately upon filing. If a proposal is not adopted or withdrawn within six months after the date of publication in the *Register*, it will automatically be withdrawn by the *Texas Register* office and a notice of the withdrawal will appear in the *Register*.

TITLE 25. HEALTH SERVICES

Part I. Texas Department of Health

Chapter 73. Laboratories Testing Water Samples

★25 TAC §73.1

The Texas Department of Health has withdrawn from consideration for permanent adoption proposed new §73.1, concerning testing water samples. The text of the new section as proposed appeared in the March 26, 1985, issue of the *Texas Register* (10 TexReg 1017).

Issued in Austin, Texas, on March 29, 1985.

TRD-852794 Dan LaFleur
Liaison Officer
Texas Department of Health

Filed: March 29, 1985
For further information, please call
(512) 468-7318.

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TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Resources

Chapter 3. Aid to Families with Dependent Children Support Documents

★40 TAC §3.9804

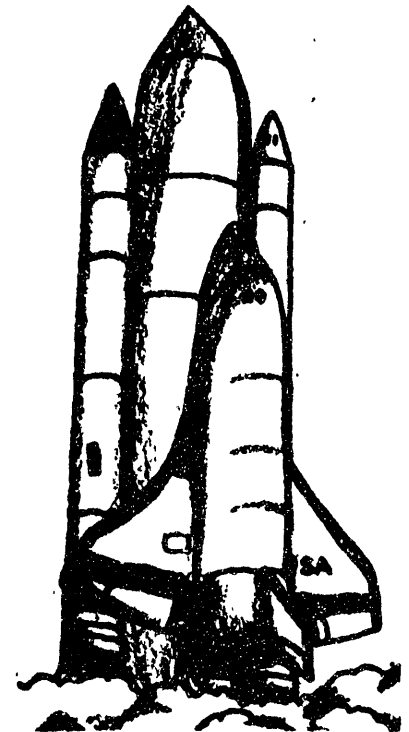
The Texas Department of Human Resources has withdrawn from consideration for permanent adoption proposed new §3.9804, concerning support documents. The text of the new section as proposed appeared in the October 5, 1984, issue of the *Texas Register* (9 TexReg 5902).

Issued in Austin, Texas, on March 29, 1985.

TRD-852823 Marlin W. Johnston
Commissioner
Texas Department of Human Resources

Filed: March 29, 1985
For further information, please call
(512) 460-3786.

★ ★ ★



Adopted Rules

An agency may take final action on a rule 30 days after a proposal has been published in the *Register*. The rule becomes effective 20 days after the agency files the correct document with the *Texas Register*, unless a later date is specified or unless a federal statute or regulation requires implementation of the action on shorter notice.

If an agency adopts the rule without any changes to the proposed text, only the preamble of the notice and statement of legal authority will be published. If an agency adopts the rule with changes to the proposed text, the proposal will be republished with the changes.

TITLE 22. EXAMINING BOARDS

Part X. State Board of Morticians

Chapter 201. Licensing and Enforcement—Practice and Procedure

★22 TAC §201.9

The State Board of Morticians adopts amendments to §201.9, without changes to the proposed text published in the February 18, 1985, issue of the *Texas Register* (10 TexReg 682).

Consumer information concerning funerals will be more readily available to the public with the adoption of the amendments. The amendments will make the board's consumer brochures more readily available to the public by requiring establishments to display them.

No comments were received regarding adoption of the amendments.

The amendments are adopted under Texas Civil Statutes, Article 4582b, §5, which provide the State Board of Morticians with the authority to promulgate rules and regulations.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on March 29, 1985.

TRD-852852 John W. Shocklee
Executive Secretary
State Board of
Morticians

Effective date: April 19, 1985
Proposal publication date: February 26, 1985
For further information, please call
(512) 442-6721.

TITLE 34. PUBLIC FINANCE

Part IV. Employees Retirement System of Texas

Chapter 81. Insurance

★34 TAC §81.11

The Employees Retirement System of Texas adopts amendments to §81.11, without changes to the proposed text published in the February 5, 1985, issue of the *Texas Register* (10 TexReg 387).

The section provides automatic enrollment for certain dependent insurance coverage which state employees can now obtain at no additional cost. The board feels that the only people already purchasing insurance coverage for their children who fail to add newborns do so unintentionally.

The section applies only to members of the Uniform Group Insurance Program who are purchasing insurance coverage for dependent children. If such a person has a newborn child, the coverage will be extended to cover that child. Verification of the relationship will be required before payments are made by the carrier.

No comments were received regarding adoption of the amendments.

The amendments are adopted under the Insurance Code, Article 3.50-2, §4A, which provides the Employees Retirement System of Texas with the authority to provide standards for determining eligibility for participation in the State Uniform Group Insurance Program.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on March 29, 1985.

TRD-852858 Clayton T. Garrison
Executive Director
Employees Retirement
System of Texas

Effective date: April 22, 1985
Proposal publication date: February 5, 1985
For further information, please call
(512) 476-6431, ext. 212.

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Resources Chapter 3. Aid to Families with Dependent Children

The Texas Department of Human Resources adopts the repeal of §§3.901-3.905, 3.2001-3.2004, 3.2101-3.2103, 3.2201, 3.2202, 3.2301, 3.2401, 3.2501-3.2503, 3.2701-3.2716, 3.2721-3.2724, 3.3001-3.3013, 3.3101-3.3120, 3.3201-3.3213, 3.3215-3.3224, 3.3301-3.3304, 3.3310-3.3316, 3.3401-3.3409, 3.4001, 3.4002, 3.4101, 3.4201, 3.4301-3.4303, 3.4401, 3.4402, 3.5001-3.5007, 3.6001-3.6012, 3.6901, 3.7001, 3.7008, 3.7101-3.7106, 3.7201, 3.7202, 3.7301-3.7307, 3.7601-3.7610, 3.7701, 3.7702, 3.8001, 3.8101, 3.8401-3.8408, 3.8501-3.8520, and 3.9801-3.9804.

The repeals constituted former Chapter 3, concerning aid to families with dependent children (AFDC), which has been replaced by new Chapter 3, concerning income assistance services. The repeal of §3.9804 was proposed in the October 5, 1984, issue of the *Texas Register* (9 TexReg 5902). The other repeals were proposed in the November 13, 1984, issue of the *Texas Register* (9 TexReg 5816) and are adopted without changes to the proposal.

The repeals coincide with implementation of the department's new *Income Assistance Handbook* which simplifies and reorganizes aid to families with dependent children (AFDC) and Food Stamp Program policies. The new rules in Chapter 3 apply to both programs and cite federal regulations in preference to restating them.

The comment period on the proposals ended December 14, 1984. Written comments were received from the Houston Welfare Rights Organization, Inc. The comments were favorable regarding the citation of federal regulations in the rules.



Public Welfare Eligibility

★40 TAC §§3.901-3.905

The repeal is adopted under the Human Resources Code, Title 2, Chapter 31, which authorizes the department to administer public assistance programs.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on March 29, 1985.

TRD-852708 Marlin W. Johnston
Commissioner
Texas Department of
Human Resources

Effective date: April 19, 1985
Proposal publication date: November 13, 1984
For further information, please call
(512) 450-3766.

★ ★ ★

Legal Requirements

★40 TAC §§3.2001-3.2004

The repeal is adopted under Human Resources Code, Title 2, Chapter 31, which authorizes the department to administer public assistance programs.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on March 29, 1985.

TRD-852709 Marlin W. Johnston
Commissioner
Texas Department of
Human Resources

Effective date: April 19, 1985
Proposal publication date: November 13, 1984
For further information, please call
(512) 450-3766.

★ ★ ★

Relationship and Domicile

★40 TAC §§3.2102-3.2103

The repeal is adopted under the Human Resources Code, Title 2, Chapter 31, which authorizes the department to administer public assistance programs.

This agency hereby certifies that the rule as adopted has been reviewed by legal

counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on March 29, 1985.

TRD-852710 Marlin W. Johnston
Commissioner
Texas Department of
Human Resources

Effective date: April 19, 1985
Proposal publication date: November 13, 1984
For further information, please call
(512) 450-3766.

★ ★ ★

Residence

★40 TAC §§3.2201, §3.2202

The repeal is adopted under the Human Resources Code, Title 2, Chapter 31, which authorizes the department to administer public assistance programs.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on March 29, 1985.

TRD-852711 Marlin W. Johnston
Commissioner
Texas Department of
Human Resources

Effective date: April 19, 1985
Proposal publication date: November 13, 1984
For further information, please call
(512) 450-3766.

★ ★ ★

Citizenship

★40 TAC §3.2301

The repeal is adopted under the Human Resources Code, Title 2, Chapter 33, which authorizes the department to administer public assistance programs.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on March 29, 1985.

TRD-852712 Marlin W. Johnston
Commissioner
Texas Department of
Human Resources

Effective date: April 19, 1985
Proposal publication date: November 13, 1984
For further information, please call
(512) 450-3766.

★ ★ ★

Need

★40 TAC §3.2401

The repeal is adopted under the Human Resources Code, Title 2, Chapter 31, which authorizes the department to administer public assistance programs.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on March 29, 1985.

TRD-852713 Marlin W. Johnston
Commissioner
Texas Department of
Human Resources

Effective date: April 19, 1985
Proposal publication date: November 13, 1984
For further information, please call
(512) 450-3766.

★ ★ ★

Transfer of Property

★40 TAC §§3.2501-3.2503

The repeal is adopted under the Human Resources Code, Title 2, Chapter 31, which authorizes the department to administer public assistance programs.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on March 29, 1985.

TRD-852714 Marlin W. Johnston
Commissioner
Texas Department of
Human Resources

Effective date: April 19, 1985
Proposal publication date: November 13, 1984
For further information, please call
(512) 450-3766.

★ ★ ★

Deprivation of Parental Support

★40 TAC §§3.2701-3.2716,
3.2721-3.2724

The repeal is adopted under the Human Resources Code, Title 2, Chapter 31, which authorizes the department to administer public assistance programs.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on March 29, 1985.

TRD-852715 Marlin W. Johnston
Commissioner
Texas Department of
Human Resources

Effective date: April 19, 1985
Proposal publication date: November 13, 1984
For further information, please call
(512) 450-3766.

★ ★ ★

Determination of Need

★40 TAC §§3.3001-3.3013

The repeal is adopted under the Human Resources Code, Title 2, Chapter 31, which authorizes the department to administer public assistance programs.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on March 29, 1985.

TRD-852716 Marlin W. Johnston
Commissioner
Texas Department of
Human Resources

Effective date: April 19, 1985
Proposal publication date: November 13, 1984
For further information, please call
(512) 450-3766.

★ ★ ★

Resources

★40 TAC §§3.3101-3.3120

The repeal is adopted under the Human Resources Code, Title 2, Chapter 31, which authorizes the department to administer public assistance programs.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on March 29, 1985.

TRD-852717 Marlin W. Johnston
Commissioner
Texas Department of
Human Resources

Effective date: April 19, 1985
Proposal publication date: November 13, 1984
For further information, please call
(512) 450-3766.

★ ★ ★

Income

★40 TAC §§3.3201-3.3213, 3.3215-3.3224

The repeal is adopted under the Human Resources Code, Title 2, Chapter 31, which authorizes the department to administer public assistance programs.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on March 29, 1985.

TRD-852718 Marlin W. Johnston
Commissioner
Texas Department of
Human Resources

Effective date: April 19, 1985
Proposal publication date: November 13, 1984
For further information, please call
(512) 450-3766.

★ ★ ★

Budgeting Process

★40 TAC §§3.3301-3.3304, 3.3310-3.3316

The repeal is adopted under the Human Resources Code, Title 2, Chapter 31, which authorizes the department to administer public assistance programs.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on March 29, 1985.

TRD-852719 Marlin W. Johnston
Commissioner
Texas Department of
Human Resources

Effective date: April 19, 1985
Proposal publication date: November 13, 1984
For further information, please call
(512) 450-3766.

★ ★ ★

Overpayments

★40 TAC §§3.3401-3.3409

The repeal is adopted under the Human Resources Code, Title 2, Chapter 31, which authorizes the department to administer public assistance programs.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on March 29, 1985.

TRD-852720 Marlin W. Johnston
Commissioner
Texas Department of
Human Resources

Effective date: April 19, 1985
Proposal publication date: November 13, 1984
For further information, please call
(512) 450-3766.

★ ★ ★

Medical Assistance

★40 TAC §3.4001, §3.4002

The repeal is adopted under the Human Resources Code, Title 2, Chapter 31, which authorizes the department to administer public assistance programs.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on March 29, 1985.

TRD-852721 Marlin W. Johnston
Commissioner
Texas Department of
Human Resources

Effective date: April 19, 1985
Proposal publication date: November 13, 1984
For further information, please call
(512) 450-3766.

★ ★ ★

Medical Effective Date Determination

★40 TAC §3.4101

The repeal is adopted under the Human Resources Code, Title 2, Chapter 31, which authorizes the department to administer public assistance programs.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on March 29, 1985.

TRD-852722 Marlin W. Johnston
Commissioner
Texas Department of
Human Resources

Effective date: April 19, 1985
Proposal publication date: November 13, 1984
For further information, please call
(512) 450-3766.

★ ★ ★

Title XIX Eligibility for Three Months Prior to Application

★40 TAC §3.4201

The repeal is adopted under the Human Resources Code, Title 2, Chapter 31, which authorizes the department to administer public assistance programs.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on March 29, 1985.

TRD-852723 Marlin W. Johnston
Commissioner
Texas Department of
Human Resources

Effective date: April 19, 1985
Proposal publication date: November 13, 1984
For further information, please call
(512) 450-3786.

★ ★ ★

Four Months Post-Medicaid Coverage Eligibility

★40 TAC §§3.4301-3.4303

The repeal is adopted under the Human Resources Code, Title 2, Chapter 31, which authorizes the department to administer public assistance programs.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on March 29, 1985.

TRD-852724 Marlin W. Johnston
Commissioner
Texas Department of
Human Resources

Effective date: April 19, 1985
Proposal publication date: November 13, 1984
For further information, please call
(512) 450-3786.

★ ★ ★

Third-Party Resources

★40 TAC §3.4401, §3.4402

The repeal is adopted under the Human Resources Code, Title 2, Chapter 31, which authorizes the department to administer public assistance programs.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on March 29, 1985.

TRD-852725 Marlin W. Johnston
Commissioner
Texas Department of
Human Resources

Effective date: April 19, 1985
Proposal publication date: November 13, 1984
For further information, please call
(512) 450-3786.

★ ★ ★

Work Incentive Program

★40 TAC §§3.5001-3.5007

The repeal is adopted under the Human Resources Code, Title 2, Chapter 31, which authorizes the department to administer public assistance programs.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on March 29, 1985.

TRD-852726 Marlin W. Johnston
Commissioner
Texas Department of
Human Resources

Effective date: April 19, 1985
Proposal publication date: November 13, 1984
For further information, please call
(512) 450-3786.

★ ★ ★

Child Support Program Requirements

★40 TAC §§3.6001-3.6012

The repeal is adopted under the Human Resources Code, Title 2, Chapter 31, which authorizes the department to administer public assistance programs.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on March 29, 1985.

TRD-852727 Marlin W. Johnston
Commissioner
Texas Department of
Human Resources

Effective date: April 19, 1985
Proposal publication date: November 13, 1984
For further information, please call
(512) 450-3786.

★ ★ ★

Determining Financial Eligibility

★40 TAC §3.6901

The repeal is adopted under the Human Resources Code, Title 2, Chapter 31, which authorizes the department to administer public assistance programs.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on March 29, 1985.

TRD-852728 Marlin W. Johnston
Commissioner
Texas Department of
Human Resources

Effective date: April 19, 1985
Proposal publication date: November 13, 1984
For further information, please call
(512) 450-3786.

★ ★ ★

Application

★40 TAC §3.7001, §3.7008

The repeal is adopted under the Human Resources Code, Title 2, Chapter 31, which authorizes the department to administer public assistance programs.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on March 29, 1985.

TRD-852729 Marlin W. Johnston
Commissioner
Texas Department of
Human Resources

Effective date: April 19, 1985
Proposal publication date: November 13, 1984
For further information, please call
(512) 450-3786.

★ ★ ★



The Review Process

★40 TAC §§3.7101-3.7106

The repeal is adopted under the Human Resources Code, Title 2, Chapter 31, which authorizes the department to administer public assistance programs.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on March 29, 1985.

TRD-852730 Martin W. Johnston
Commissioner
Texas Department of
Human Resources

Effective date: April 19, 1985
Proposal publication date: November 13, 1984
For further information, please call
(512) 450-3766.

★ ★ ★

Verifications

★40 TAC §3.7201, §3.7202

The repeal is adopted under the Human Resources Code, Title 2, Chapter 31, which authorizes the department to administer public assistance programs.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on March 29, 1985.

TRD-852731 Martin W. Johnston
Commissioner
Texas Department of
Human Resources

Effective date: April 19, 1985
Proposal publication date: November 13, 1984
For further information, please call
(512) 450-3766.

★ ★ ★

Case Maintenance

★40 TAC §§3.7301-3.7307

The repeal is adopted under the Human Resources Code, Title 2, Chapter 31, which authorizes the department to administer public assistance programs.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on March 29, 1985.

TRD-852732 Martin W. Johnston
Commissioner
Texas Department of
Human Resources

Effective date: April 19, 1985
Proposal publication date: November 13, 1984
For further information, please call
(512) 450-3766.

★ ★ ★

Referral to Other Agencies

★40 TAC §§3.7601-3.7610

The repeal is adopted under the Human Resources Code, Title 2, Chapter 31, which authorizes the department to administer public assistance programs.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on March 29, 1985.

TRD-852733 Martin W. Johnston
Commissioner
Texas Department of
Human Resources

Effective date: April 19, 1985
Proposal publication date: November 13, 1984
For further information, please call
(512) 450-3766.

★ ★ ★

Confidential Nature of Case Record

★40 TAC §3.7701, §3.7702

The repeal is adopted under the Human Resources Code, Title 2, Chapter 31, which authorizes the department to administer public assistance programs.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on March 29, 1985.

TRD-852734 Martin W. Johnston
Commissioner
Texas Department of
Human Resources

Effective date: April 19, 1985
Proposal publication date: November 13, 1984
For further information, please call
(512) 450-3766.

★ ★ ★

Case Management

★40 TAC §3.8001

The repeal is adopted under the Human Resources Code, Title 2, Chapter 31, which authorizes the department to administer public assistance programs.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on March 29, 1985.

TRD-852735 Martin W. Johnston
Commissioner
Texas Department of
Human Resources

Effective date: April 19, 1985
Proposal publication date: November 13, 1984
For further information, please call
(512) 450-3766.

★ ★ ★

Supervisory Responsibility

★40 TAC §3.8101

The repeal is adopted under the Human Resources Code, Title 2, Chapter 31, which authorizes the department to administer public assistance programs.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on March 29, 1985.

TRD-852736 Martin W. Johnston
Commissioner
Texas Department of
Human Resources

Effective date: April 19, 1985
Proposal publication date: November 13, 1984
For further information, please call
(512) 450-3766.

★ ★ ★

Correspondence

★40 TAC §§3.8401-3.8408

The repeal is adopted under the Human Resources Code, Title 2, Chapter 31, which authorizes the department to administer public assistance programs.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on March 29, 1985.

TRD-852737 Martin W. Johnston
Commissioner
Texas Department of
Human Resources

Effective date: April 19, 1985
Proposal publication date: November 13, 1984
For further information, please call
(512) 450-3766.

★ ★ ★

Handling of Assistance Warrants

★40 TAC §§3.8501-3.8520

The repeal is adopted under the Human Resources Code, Title 2, Chapter 31, which authorizes the department to administer public assistance programs.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on March 29, 1985.

TRD-852738 Martin W. Johnston
 Commissioner
 Texas Department of
 Human Resources

Effective date: April 19, 1985
Proposal publication date: November 13, 1984
For further information, please call
(512) 450-3766.

★ ★ ★

Support Documents

★40 TAC §§3.9801-3.9804

The repeal is adopted under the Human Resources Code, Title 2, Chapter 31, which authorizes the department to administer public assistance programs.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on March 29, 1985.

TRD-852739 Marlin W. Johnston
 Commissioner
 Texas Department of
 Human Resources

Effective date: April 19, 1985
Proposal publication date: November 13, 1984
For further information, please call
(512) 450-3766.

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Chapter 3. Income Assistance Services

The Texas Department of Human Resources adopts new §§3.501, 3.704, 3.902, 3.2601-3.2605, 3.3101, and 3.3702, with changes to the text as proposed in the November 16, 1984, issue of the *Texas Register* (9 TexReg 5393). Sections 3.101-3.103, 3.201, 3.202, 3.301-3.307, 3.401-3.404, 3.601-3.604, 3.701-3.703, 3.705, 3.706, 3.801, 3.901, 3.1001-3.1004, 3.1101-3.1104, 3.1201-3.1202, 3.1301, 3.1401, 3.1501, 3.1801, 3.1701, 3.1801, 3.1901, 3.2001, 3.2002, 3.2101, 3.2201-3.2205, 3.2301,

3.2401-3.2407, 3.2501-3.2503, 3.2701-3.2712, 3.2801-3.2803, 3.2901, 3.3001, 3.3002, 3.3201, 3.3202, 3.3301, 3.3401, 3.3402, 3.3501-3.3503, 3.3601, and 3.3701 are adopted without changes and will not be republished.

The sections constitute Chapter 3, concerning income assistance services, which replaces previously existing Chapter 3, concerning aid to families with dependent children (AFDC), and Chapter 9, concerning food stamps.

The new sections are adopted to coincide with implementation of the department's new *Income Assistance Handbook*, which simplifies and reorganizes AFDC and food stamp policies, makes them more compatible, and consolidates them in one handbook. The sections eliminate duplication if they apply to both programs and cite federal regulations in preference to restating them.

The comment period on the proposed rules ended December 14, 1984. Written comments were received from the Houston Welfare Rights Organization, Inc., and the U.S. Department of Health and Human Services (HHS). The comments from the Houston Welfare Rights Organization were favorable to the combined policy format of the department's new handbook and the use of federal regulation citations in the rules. The comments from HHS requested the department to clarify its rules about personal possessions, lump sum payments, homestead, and minor parents.

A public hearing was scheduled November 27, 1984; however, no comments were received.

Because of comments received from HHS, §3.501(a)(3) is rewritten to define eligible child, and paragraph (4) is added to define minor parent. Also, as a result of comments from HHS, the department has clarified the AFDC resource exclusions in §3.704(b)(3) and (7) about the sale of a homestead and personal possessions. In addition, HHS requested the department to clarify §3.902(a)(15) about nonrecurring lump sum payments as income in the AFDC Program.

Because of final regulations published December 14, 1984, by the U.S. Department of Agriculture, Food and Nutrition Service, the department is adopting changes to §3.3101(a)(3), to include additional circumstances in which the department may disclose client information. The department is adding subsection (d) to §3.3101 based on federal regulations effective October 1, 1984, as adopted at 9 TexReg 6476. Also, the department is adopting changes to the rule which adopts by reference in §3.3702 the food stamp basis of issu-

ance tables that appeared in *Federal Register* Document 84-28060 with a federally mandated effective date of November 1, 1984.

Sections 3.2601-3.2605 in Subchapter Z, concerning direct mail issuance, are changed to correspond to emergency rules filed effective April 1, 1985. The department adopted the emergency rules so that households can continue to participate in the Food Stamp Program after the U.S. Postal Service discontinues its contract to redeem ATPs in several Texas counties. The section changes include expansion of the types of households entitled to receive food stamps through the mail and changes in the procedures for mail issuance.

Subchapter A. Program Purpose

★40 TAC §§3.101-3.103

The new sections are adopted under the Human Resources Code, Title 2, Chapter 31 and Chapter 33, which authorizes the department to administer public assistance programs.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on March 29, 1985.

TRD-852671 Marlin W. Johnston
 Commissioner
 Texas Department of
 Human Resources

Effective date: April 19, 1985
Proposal publication date: November 16, 1984
For further information, please call
(512) 450-3766.

★ ★ ★



Subchapter B. Administration

★40 TAC §§3.201, §3.202

The new sections are adopted under the Human Resources Code, Title 2, Chapter 31 and Chapter 33, which authorizes the department to administer public assistance programs.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on March 29, 1985.

TRD-852672

Marlin W. Johnston
Commissioner
Texas Department of
Human Resources

Effective date: April 19, 1985

Proposal publication date: November 16, 1984

For further information, please call
(512) 450-3766.

★ ★ ★

Subchapter C. The Application Process

★40 TAC §§3.301-3.307

The new sections are adopted under the Human Resources Code, Title 2, Chapter 31 and Chapter 33, which authorizes the department to administer public assistance programs.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on March 29, 1985.

TRD-852673

Marlin W. Johnston
Commissioner
Texas Department of
Human Resources

Effective date: April 19, 1985

Proposal publication date: November 16, 1984

For further information, please call
(512) 450-3766.

★ ★ ★

Subchapter D. Expedited Services

★40 TAC §§3.401-3.404

The new sections are adopted under the Human Resources Code, Title 2, Chapter 31 and Chapter 33, which authorizes the department to administer public assistance programs.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on March 29, 1985.

TRD-852674

Marlin W. Johnston
Commissioner
Texas Department of
Human Resources

Effective date: April 19, 1985

Proposal publication date: November 16, 1984

For further information, please call
(512) 450-3766.

★ ★ ★

Subchapter E. Household Determination

★40 TAC §3.501

The new section is adopted under the Human Resources Code, Title 2, Chapter 31 and Chapter 33, which authorizes the department to administer public assistance programs.

§3.501. AFDC and Food Stamp Household Determination.

(a) Aid to families with dependent children. The following persons are included in an AFDC certified group:

(1) caretaker. This is a financially eligible relative within the required degree of relationship who is physically present in the home and who supervises and cares for the children. Caretakers of SSI children are eligible for AFDC if they meet all other AFDC requirements.

(2) second parent. This is the spouse of a child's caretaker. Inclusion of a second parent in the grant is based on need and incapacity of either the caretaker or his spouse. The second parent must meet all AFDC eligibility requirements.

(3) eligible child. This is an unmarried person under age 18. He is also eligible if he is under age 19, regularly attends high school or high school level training on a full-time basis, and expects to graduate before or during the month of his 19th birthday. The client cannot choose to exclude a child from the certified group because of the child's income or resources. If the client fails to provide verifications for a child who is a required member, the DHR denies assistance for the entire certified group. The DHR must include the following persons in the certified group with the eligible child:

(A) legal parent (unless disqualified); and

(B) siblings; unless they:

(i) receive SSI;

(ii) are disqualified; or

(iii) do not meet legal requirements of citizenship, age, relationship, domicile, or deprivation.

(4) minor parent. This is a person under age 18 who has a dependent child and has never married, or has been married but the marriage has been annulled. The needs determination, budget requirements, and certification procedures are different than for a parent age 18 or older only if the minor parent lives with:

(A) his parents; or

(B) a sibling currently certified as an AFDC child.

(5) stepparent. This is the spouse of a child's parent. Inclusion of a stepparent in the grant is based on need and incapacity of either the child's parent or stepparent.

(6) persons in nursing homes. If a member of the AFDC certified group enters a nursing facility, his needs are left in the

AFDC budget during his temporary stay in the facility or until he is certified for SSI.

(b) Aid to families with dependent children. The following persons are not included in an AFDC certified group:

(1) payee. This is a person in the household within the same degree of relationship required of a caretaker whose needs are not included in the AFDC grant. The AFDC warrant is issued to the payee when no one in the household qualifies or wants to be a caretaker.

(2) protective payee. This is a person selected by DHR to receive and manage the AFDC warrant if the caretaker does not comply with child support regulations or employment services requirements, or if the caretaker is not using the AFDC payment for the children's benefit.

(3) disqualified legal parents. DHR does not include the needs of legal parents disqualified because they do not meet citizenship requirements, refuse to cooperate with child support requirements, or refuse to comply with work registration requirements.

(4) SSI recipients. DHR does not count resources or income of an SSI recipient toward the needs of the AFDC household.

(5) resident of state schools for the mentally retarded.

(6) strikers. DHR does not certify a household for AFDC for any month in which the caretaker is participating in a strike on the last day of that month. DHR does not include the needs of other members who participate in a strike on the last day of a month.

(c) Food stamps. Persons included in a food stamp household are those identified in 7 Code of Federal Regulations §273.1(a)(1) and §273.1(a)(2).

(d) Food stamps. DHR allows separate households according to the requirements stipulated in 7 Code of Federal Regulations §273.1(a)(3).

(e) Food stamps. Persons who are not included in a food stamp household are identified in the Code of Federal Regulations, Title 7, in the following sections:

(1) roomers, §273.1(b)(1);

(2) live-in attendants, §273.1(b)(1)

(ii);

(3) ineligible aliens, §273.1(b)(2)(i);

(4) students, §273.1(b)(1)(iv);

(5) disqualified individuals, §273.1

(b)(2);

(6) other individuals, §273.1(b)(1)

(v);

(7) boarders, §273.1(c)(1); and

(8) residents of institutions, §273.1

(e).

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Subchapter F. Citizenship

★40 TAC §§3.601-3.604

The new sections are adopted under the Human Resources Code, Title 2, Chapter 31 and Chapter 33, which authorizes the department to administer public assistance programs.

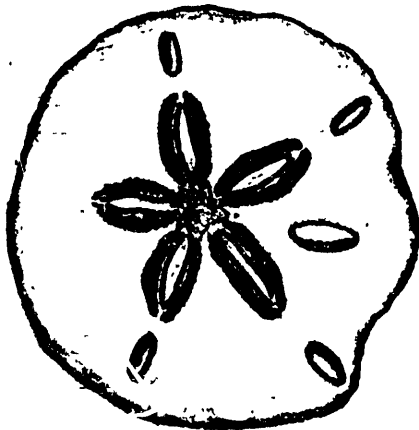
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Subchapter G. Resources

★40 TAG §§3.701-3.706

The new sections are adopted under the Human Resources Code, Title 2, Chapter 31 and Chapter 33, which authorizes the department to administer public assistance programs.

§3.704. Types.

(a) Aid to families with dependent children. The following are countable resources in AFDC:

(1) income-producing property. DHR counts any personal possession retained for business purposes as an available resource.

(2) Individual Retirement Accounts (IRAs). DHR counts IRAs as resources, even if there is a penalty for early withdrawal. DHR deducts the early withdrawal penalty and counts the remainder as a resource.

(3) Keogh plans. DHR counts Keogh Plans as resources, even if there is a penalty for early withdrawal, and counts the remainder as a resource. DHR does not count Keogh Plans as resources if there is a contractual withdrawal agreement among other people who are not household members who share the same fund. DHR considers this an inaccessible resource.

(4) life insurance. DHR counts the cash value of life insurance policies.

(5) liquid resources. DHR counts liquid resources which are readily negotiable. Examples include cash, checking or savings accounts, savings certificates, stocks or bonds.

(6) nonliquid resources. DHR counts nonliquid resources such as personal property, licensed and unlicensed vehicles, buildings, land, and any other property not specifically exempt.

(b) Aid to families with dependent children. Exclusions from resources in AFDC are:

(1) burial plot. DHR exempts one burial plot for each household member.

(2) homestead. DHR exempts the usual residence and surrounding property which is not separated by property owned by others.

(A) The exemption remains in effect if the surrounding property is separated from the home by public right of way, such as roads.

(B) The home and surrounding property remain exempt when temporarily unoccupied for reasons of employment, training for future employment, illness, casualty, or natural disaster and the household intends to return.

(C) Households which currently do not own a home, but own or are purchasing a lot on which to build or are building a permanent home, receive an exemption for the lot, and if partially completed, for the home.

(D) A rural homestead cannot be more than 200 acres.

(E) An urban homestead may include one or more lots, but the land value must have been no more than \$10,000 when designated as the client's homestead. DHR does not count the value of improvements, including the house.

(3) sale of a homestead. DHR counts the proceeds from the sale as an available resource.

(4) inaccessible resources. DHR exempts cash values of resources that are not legally available to the household.

(5) lump sum payments. DHR counts lump sum payments as resources unless they are monthly maintenance benefits received in a lump sum payment. DHR does not count earned income credit lump sum payments as resources.

(6) prepaid burial insurance. DHR exempts one prepaid burial insurance policy with a cash value of \$1500 or less for each member of the certified group.

(7) personal possessions. DHR exempts personal possessions such as clothing, jewelry, furniture, livestock, and farm equipment, if used to meet personal needs essential for daily living.

(8) resources of an alien's sponsor. DHR determines the sponsor's countable resources in the same manner as the applicant's. DHR reduces the total value of the sponsor's resources by \$1500 and considers the remainder available to the alien.

(9) resources exempted by federal law. DHR exempts government payments by the Individual and Family Grant Program or the Small Business Administration provided to rebuild a home or replace personal possessions damaged in a disaster, if the household is subject to legal sanction if the funds are not used as intended. DHR exempts payments made under the following Acts:

(A) Alaska Native Claims Settlement Act,

(B) Sac and Fox Indian Claims Agreement,

(C) Grand River Band of Ottawa Indians,

(D) Passamagoddy Tribe and the Penobscot Nation received according to the Maine Indian Claims Settlement Act of 1980.

(E) Confederated Tribes and Bands of the Yakima Indian National and the Apache Tribe of the Mescalero Reservation received from the Indian Claims Commission.

(F) DHR exempts payments from Indian lands held jointly with the tribe or land that can be sold only with approval of the Bureau of Indian Affairs.

(G) DHR exempts reimbursements from the Uniform Relocation Assistance and Real Properties Acquisition Policy Act of 1970.

(H) DHR exempts payments or allowances made under any federal law for the purpose of energy assistance.

(10) DHR exempts the value of one vehicle owned and used by the certified group for transportation if the equity is less than \$1500. If the equity exceeds \$1500, DHR counts the excess as a resource. DHR counts the equity of all other vehicles.

(c) Food stamps. Countable resources for food stamps are those listed in 7 Code of Federal Regulations §273.8(c) and §273.8(d).

(d) Food stamps. Exclusions from resources for food stamps are those listed in 7 Code of Federal Regulations:

- (1) §273.8(e),
- (2) §273.8(f),
- (3) §273.9(g),
- (4) §273.9(h).

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Subchapter H. Monthly Reporting

★40 TAC §3.801

The new section is adopted under the Human Resources Code, Title 2, Chapter 31 and Chapter 33, which authorizes the department to administer public assistance programs.

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Subchapter I. Income

★40 TAC §3.901, §3.902

The new sections are adopted under the Human Resources Code, Title 2, Chapters 31 and Chapter 33, which authorizes the department to administer public assistance programs.

§3.902. Types.

(a) Aid to families with dependent children. DHR counts the following as income:

(1) alien sponsor's income. DHR counts all the sponsor's (and spouse's) gross countable income as available to the alien's household. If several aliens are sponsored, DHR prorates the sponsor's income evenly among all the aliens who apply for or receive benefits. An alien sponsored by an organization is not eligible unless the alien can prove the organization no longer exists, or the alien provides income and resource information for the organization. DHR subtracts only the following deductions:

(A) the lesser of:

(i) 20% of the total earned income and the total costs incurred in producing self-employment income for the month, or

(ii) \$175.

(B) the recognizable needs figure for caretaker cases for the sponsor's family size, including other members of the household the sponsor claims as tax dependents.

(C) total amounts the sponsor pays to anyone not living in the household but whom the sponsor claims as a dependent for income tax purposes.

(D) total alimony or child support the sponsor pays to persons not living in the household.

(2) cash contributions. DHR counts these as income if regular and predictable.

(3) child support. DHR counts child support as stipulated in requirements in 45 Code of Federal Regulations §233.20(a)(4)(ii)(j) disregarding up to \$50 per AFDC household, provided that the client has not violated the assignment of support agreement as stipulated in 45 Code of Federal Regulations §233.20(a)(3)(v)(B). DHR counts lump sum child support payments received by a certified client for child support arrearage, because of a court order or from an absent parent's IRS tax refund, according to the policy for countable lump sum payments.

(4) children's earned income. DHR counts this income in the 185% and 100% needs tests for applications and the 185% needs test for reviews but exempts this income in the remaining needs tests if the child is a full-time student or a part-time student employed less than 30 hours a week. DHR exempts earned income from Job Training Partnership Act (JTPA) for six months each calendar year.

(5) contractual earnings. This refers only to wages and salaries and never includes self-employment or unearned income. DHR defines the two types of contractual earnings as seasonal employment, which is available only during certain months of the year and recurs each year, and employment which is contracted for a specific amount of time.

(6) disability insurance benefits.

(7) disqualified persons. DHR counts the income of a disqualified parent but does not count the income of other disqualified persons.

(8) dividends.

(9) earned income credits. DHR counts earned income credits according to requirements in 45 Code of Federal Regulations §233.20(a)(6)(ix).

(10) educational benefits. DHR counts educational benefits from VA or other federal, state, fraternal or alumni associations, except it exempts the part of the benefits that is for educational expenses.

(11) government-sponsored programs.

(12) interest, dividends, royalties.

(13) Job Training Partnership Act of 1982. DHR counts as income the payment received from JTPA for on-the-job training and classroom instructions. DHR exempts JTPA payment clearly identified as reimbursements for job training-related expenses.

(14) loans. DHR counts noneducational loans and grants if there are no restrictions on the use of the money and the principal is available to meet monthly living expenses.

(15) Nonrecurring lump sum payments. DHR counts lump sum payments as income as stipulated in 45 Code of Federal Regulations §233.20(a)(3)(ii)(F) except when shortening the period of ineligibility. For this procedure DHR shortens the ineligibility period only if:

(A) the lump sum becomes unavailable because it is lost, stolen, or becomes inaccessible to the certified group, or

(B) the family faces a life-threatening situation. Life threatening is defined as dire financial need. The family has dire financial need if the amount remaining from the lump sum payment, plus other countable net income and resources, are less than the budgetary needs figure for the family's size. The family must prove that the lump sum payment was or will be spent on the items included in the department's standard of need (excluding recreation), medical expenses, or both.

(16) military pay and allowances. DHR counts military pay and allowances for quarters, housing, food, base, and flight pay.

(17) minor parent income. DHR counts the earned or unearned income of a minor parent.

(18) disqualified legal parent. DHR counts the income of a legal parent in payee only cases.

(19) pensions.

(20) retirement, survivors, and disability insurance (RSDI).

(21) reimbursements. DHR counts reimbursements as income unless the reimbursement is irregular and unpredictable or the reimbursement is for a special item not included in DHR's standard of need.

(22) retirement benefits.

(23) royalties.

(24) self-employment income. DHR counts self-employment income according to requirements in 45 Code of Federal Regulations §233.20(a)(6)(v)(B).

(25) stepparents. DHR counts stepparents' income according to requirements in 45 Code of Federal Regulations §233.20(a)(3)(xiv).

(26) trust funds. DHR counts as income trust withdrawals or dividends which could be received by the applicant.

(27) unemployment compensation.

(28) veteran's benefits. DHR counts veterans' benefits as income but exempts benefits that meet a special need not included in DHR's standard of need.

(29) wages, salaries, and commissions. DHR considers as earnings the cash value of an in-kind item received from an employer if the applicant has the option of receiving his earnings in cash or in-kind.

(30) worker's compensation. DHR exempts any amount of the benefits that is for payment of medical expenses incurred before Medicaid eligibility began if the client uses the benefit to pay these expenses.

(b) Aid to families with dependent children. Exclusions from income for AFDC are:

(1) diverted income for noncertified children. DHR diverts the legal parent's income for noncertified mutual children in stepparent cases.

(2) Domestic Volunteer Service Act. DHR exempts payments received by volunteers for services performed in programs stipulated in the Domestic Volunteer Service Act of 1973, Title II (PL 93-113). The DHR exempts payments made to applicants serving as VISTA volunteers under Title I.

(3) educational assistance. DHR exempts general educational assistance payments which includes aid for the U.S. Office of Education for undergraduate, vocational, or education courses such as basic educational opportunity grant (BEOG), supplemental educational opportunity grant, national direct student loans, College Work Study Program.

(4) energy assistance. DHR exempts financial assistance from federally funded state-administered programs (Home Energy Assistance Program, Weatherization, Energy Crisis Intervention). DHR exempts utility supplement payments from Department of Housing and Urban Development (HUD) or local housing authorities, whether they are in the form of vendor payments, in-kind or cash payments. DHR exempts energy assistance from private, nonprofit or governmental agencies that make payments based on need and that are certified by DHR.

(5) food stamp value.

(6) foster care payments.

(7) irregular and unpredictable income.

(8) job training and training allowances. DHR exempts monthly incentive payments paid by Texas Employment Commission to participate in institutional and work-experience training. DHR also exempts training-related expenses payments received from TEC. DHR exempts supplemental payments from other state agencies that are for training-related expenses.

(9) native and Indian claims. DHR exempts tax-exempt portions of payments made under the Alaska Native Claims Settlement Act and funds distributed or held in trust by the Indian Claims Commission for members of Indian tribes under Public Law 92-254 or Public Law 93-135.

(10) nutrition program assistance. DHR exempts the value of supplemental food assistance under the Child Nutrition Act of 1966 and special food service program for children under the National School Lunch Act. DHR exempts benefits received under the Older Americans Act of 1965, Title VII, Nutrition Program for the Elderly.

(11) relocation assistance benefits. DHR exempts benefits received under Title II of the Uniform Relocation Assistance and Real Property Acquisition Act.

(12) SSI.

(13) third-party funds. DHR exempts money received and used for care and maintenance of a third-party beneficiary who is not a household member.

(14) vendor payments. DHR does not count payments made by a person or organization outside the household directly to the applicant's creditor or person providing the service.

(c) Food stamps. DHR counts as income the types of income stipulated in 7 Code of Federal Regulations §273.9(b).

(d) Food stamps. DHR excludes as income the types of income stipulated in 7 Code of Federal Regulations §273.9(c).

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

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Subchapter J. Budgeting

★40 TAC §§3.1001-3.1104

The new sections are adopted under the Human Resources Code, Title 2, Chap-

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Subchapter K. Employment Services

★40 TAC §§3.1101-3.1104

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Subchapter L. Work Registration

★40 TAC §§3.1201, §3.1202

The new sections are adopted under the Human Resources Code, Title 2, Chapter 31 and Chapter 33, which authorizes the department to administer public assistance programs.

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Subchapter M. Clients Who Voluntarily Quit

★40 TAC §3.1301

The new section is adopted under the Human Resources Code, Title 2, Chapter 31 and Chapter 33, which authorizes the department to administer public assistance programs.

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Subchapter N. Residence

★40 TAC §3.1401

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Subchapter O. Age

★40 TAC §3.1501

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Subchapter P. Relationship/ Domicile

★40 TAC §3.1601

The new section is adopted under the Human Resources Code, Title 2, Chapter 31 and Chapter 33, which authorizes the department to administer public assistance programs.

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Subchapter Q. Deprivation

★40 TAC §3.1701

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Subchapter R. Child Support

★40 TAC §3.1801

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Subchapter S. School Attendance

★40 TAC §3.1901

The new section is adopted under the Human Resources Code, Title 2, Chapter 31 and Chapter 33, which authorizes the department to administer public assistance programs.

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Subchapter T. Social Security Numbers

★40 TAC §§3.2001, §3.2002

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Subchapter U. Management

★40 TAC §3.2101

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Subchapter V. Medicaid Eligibility

★40 TAC §§3.2201-3.2205

The new sections are adopted under the Human Resources Code, Title 2, Chapter 31 and Chapter 33, which authorizes the department to administer public assistance programs.

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Subchapter W. Reminders

★40 TAC §3.2301

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Subchapter X. Case Disposition

★40 TAC §§3.2401-3.2407

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Subchapter Y. Issuing Benefits

★40 TAC §§3.2501-3.2503

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Subchapter Z. Direct Mail Issuance

★40 TAC §§3.2601-3.2605

The new sections are adopted under the Human Resources Code, Title 2, Chapter 31 and Chapter 33, which authorizes the department to administer public assistance programs.

§3.2601. *Eligibility Requirements.* DHR determines that the following households are eligible for direct mail issuance (DMI) according to the requirements of 7 Code of Federal Regulations 274.1(a):

(1) households whose adult members are 60 years old or older or receiving federal disability benefits such as SSI, Social Security disability, or veterans benefits;

(2) households that live more than 30 miles from the nearest issuance facility;

(3) classes of households designated by DHR based on the following criteria:

(A) availability and efficiency of other issuance methods;

(B) administrative costs; and

(C) potential for issuance losses.

§3.2602. *Receipt for Mail Issuance.*

(a) The client must sign and return the receipt card to continue receiving food stamps through the mail. The head of the household, spouse, or authorized representative may sign the card. The client must

mail the card to DHR in time to be received before cutoff of the following month.

(b) The department uses alternate systems as described in §3.2604 of this title (relating to Repeated Reports of Nondelivery) for households that fail to return their receipt card twice in six months.

(c) Households that do not receive their mail issuance are not penalized for failing to return a signed receipt card. If the household reports its mail issuance was not delivered, the issuance of a replacement automatically exempts the household from the requirement to return the receipt that month.

§3.2603. *Households Reporting Nondelivery of Mail Issuance.*

(a) When a household reports that a mail issuance has not been delivered, the head of the household, spouse, or authorized representative must sign an affidavit for lost food stamp benefits to certify that the household did not receive its mail issuance.

(b) DHR must issue replacement benefits to eligible households within 10 days after they report to the appropriate certification office that an issuance has not been delivered.

§3.2604. *Repeated Reports of Nondelivery.*

(a) If twice in a six-month period a household reports mail issuances were not delivered and the mail issuances were not returned to state office, DHR either:

(1) converts the mail issuance to a certified mail issuance;

(2) arranges for the household to receive the mail issuance at a different, more secure mailing address designated in writing by the household;

(3) converts the household from mail issuance to the ATP system; or

(4) uses alternatives authorized under 7 Code of Federal Regulations §274.1.

§3.2605. *Reinstatement of Mail Issuance.*

(a) Households whose mail issuance has been canceled the first time because they repeatedly failed to return the receipt card or repeatedly reported that benefits were not delivered may apply to have this service reinstated after a minimum of one benefit month.

(b) Before reinstating mail issuance, DHR must determine that the factors which caused the previous cancellation have been resolved.

(c) After the first reinstatement, any further requests for reinstatement may be granted only if six months have passed since the last cancellation. Reinstatements may be granted sooner if the supervisor concurs.

(d) Households whose mail issuance was canceled at their own request may be reinstated immediately.

This agency hereby certifies that the rule as adopted has been reviewed by legal

counsel and found to be a valid exercise of the agency's legal authority.

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Marlin W. Johnston
Commissioner
Texas Department of
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(512) 450-3766.

★ ★ ★

Subchapter AA. Special Households

★40 TAC §§3.2701-3.2712

The new sections are adopted under the Human Resources Code, Title 2, Chapter 31 and Chapter 33, which authorizes the department to administer public assistance programs.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

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(512) 450-3766.

★ ★ ★

Subchapter BB. Changes

★40 TAC §§3.2801-3.2803

The new sections are adopted under the Human Resources Code, Title 2, Chapter 31 and Chapter 33, which authorizes the department to administer public assistance programs.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

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(512) 450-3766.

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Subchapter CC. Claims

★40 TAC §3.2901

The new section is adopted under the Human Resources Code, Title 2, Chapter 31 and Chapter 33, which authorizes the department to administer public assistance programs.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

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(512) 450-3766.

★ ★ ★

Subchapter DD. Restored Benefits

★40 TAC §§3.3001, §3.3002

The new sections are adopted under the Human Resources Code, Title 2, Chapter 31 and Chapter 33, which authorizes the department to administer public assistance programs.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

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(512) 450-3766.

★ ★ ★

Subchapter EE. Confidentiality

★40 TAC §3.3101

The new section is adopted under the Human Resources Code, Title 2, Chapter 31 and Chapter 33, which authorizes the department to administer public assistance programs.

§3.3101. *Disclosure of Information.*

(a) Food stamps. Case information may be released only under the following circumstances.

(1) Food stamp case information is available routinely only to those persons or agencies directly connected with the administration or enforcement of the Food Stamp Program; with food distribution programs for households on Indian reservations; with other federally aided, means-tested assistance programs, or employees of the U.S. Comptroller General's office. Food stamp case information is also available to federal, state, or local law enforcement officials if they:

(A) are investigating an alleged violation of the Food Stamp Act or regulations;

(B) request the information in writing; and

(C) include, in writing, the law enforcement official's name, the violation being investigated, and the name of the person about whom the information is requested.

(2) Names and addresses of participating clients may be made available to persons or agencies connected with nutrition education.

(3) A food stamp client's most recent address and place of employment may be disclosed to the Parent Locator Services, established according to the Child Support Program, in state office or local field offices.

(4) Food stamp clients may review all information in the case record which entered into the eligibility determination. The Texas Department of Human Resources (DHR) may withhold confidential information, such as names of persons who have disclosed information about the household without the household's knowledge; or the nature or status of pending criminal prosecution. The DHR provides, without charge, the specific materials necessary for a household or its representative to determine whether a fair hearing should be requested or to prepare for a hearing.

(5) The DHR releases case record information in other than the previously mentioned situations only on written authorization of the head of the household or certified spouse. A case information release form or other correspondence containing the same information may be used for this purpose. The recipient's release must include:

(A) the date of the release;
 (B) the name of the person or agency to whom the information will be released;

(C) what information will be released, either itemizing specific items or time periods, or a general release;

(D) the expiration date of the release;

(E) signature of head of household, or spouse if a certified household member.

(b) AFDC and food stamps. Authorized government agencies may review cases for audit purposes and to obtain medical

information. Agencies requesting the information must be subject to same confidentiality standards as the department.

(c) AFDC. Workers must notify AFDC clients' employers of their status for the purpose of claiming the welfare employment incentive tax credit.

(d) AFDC. AFDC case information may be released as stipulated in §71.3 of this title (relating to General Principles).

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

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 (512) 450-3766.

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Subchapter FF. Civil Rights

★40 TAC §3.3201, §3.3202

The new sections are adopted under the Human Resources Code, Title 2, Chapter 31 and Chapter 33, which authorizes the department to administer public assistance programs.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

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 (512) 450-3766.

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Subchapter GG. Hotline

★40 TAC §3.3301

The new section is adopted under the Human Resources Code, Title 2, Chapter 31 and Chapter 33, which authorizes the department to administer public assistance programs.

This agency hereby certifies that the rule as adopted has been reviewed by legal

counsel and found to be a valid exercise of the agency's legal authority.

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 (512) 450-3766.

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Subchapter HH. Program Violations

★40 TAC §3.3401, §3.3402

The new sections are adopted under the Human Resources Code, Title 2, Chapter 31 and Chapter 33, which authorizes the department to administer public assistance programs.

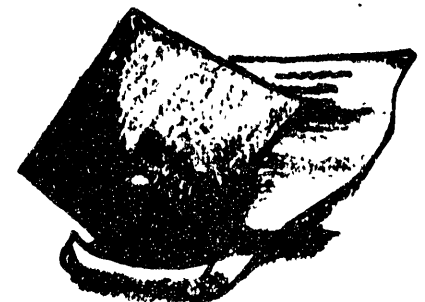
This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

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 Commissioner
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 (512) 450-3766.

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Subchapter II. Redemption Procedures

★40 TAC §§3.3501-3.3503

The new sections are adopted under the Human Resources Code, Title 2, Chapter 31 and Chapter 33, which authorizes the department to administer public assistance programs.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

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(512) 450-3766.

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Subchapter JJ. Food Stamp Assistance in Disasters

★40 TAC §3.3601

The new section is adopted under the Human Resources Code, Title 2, Chapter 31 and Chapter 33, which authorizes the department to administer public assistance programs.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on March 28, 1985.

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Commissioner
Texas Department of
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For further information, please call
(512) 450-3766.

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Subchapter KK. Support Documents

★40 TAC §3.3701, §3.3702

The new sections are adopted under the Human Resources Code, Title 2, Chapter 31 and Chapter 33, which authorizes the department to administer public assistance programs.

§3.3702. *Food Stamp Basis of Issuance Tables.* The Texas Department of Human Resources adopts by reference the food stamp rules and appendix contained in Federal Register Document 84-28060, Volume 49, 207, page 42765, which amends 7 Code of Federal Regulations Part 272 and Part 273.

This agency hereby certifies that the rule as adopted has been reviewed by legal

counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on March 29, 1985.

TRD-852707 Marlin W. Johnston
Commissioner
Texas Department of
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For further information, please call
(512) 450-3766.

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Chapter 9. Food Stamps

Subchapter L. Responsibilities

★40 TAC §9.1111

The Texas Department of Human Resources adopts amendments to §9.1111, concerning disclosure of case information. The amendments are based on final federal regulations that specify the conditions for the release of food stamp case information. The department's Office of Inspector General handles the inquiries.

The amendments are adopted under the Human Resources Code, Title 2, Chapter 22 and Chapter 33, which authorizes the department to administer public assistance programs. The amendments are adopted under federal requirements, effective April 1, 1985.

§9.1111. *Disclosure of Information.*

(a) Case information may be released only under the following circumstances:

(1) Food stamp case information is available routinely only to those persons or agencies directly connected with the administration or enforcement of the Food Stamp Program; with food distribution programs for households on Indian reservations; with other federally aided, means-tested assistance programs, or employees of the U.S. Comptroller General's office. Food stamp case information is also available to federal, state, or local law enforcement officials if they:

(A) are investigating an alleged violation of the Food Stamp Act or regulations;

(B) request the information in writing; and

(C) include, in writing, the law enforcement official's name, the violation being investigated, and the name of the person about whom the information is requested.

(2)-(5) (No change.)

(b)-(e) (No change.)

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

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TRD-852689 Marlin W. Johnston
Commissioner
Texas Department of
Human Resources

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For further information, please call
(512) 450-3766.

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Subchapter NNNN. Support Documents

★40 TAC §9.9801

The Texas Department of Human Resources adopts an amendment to §9.9801, which adopts by reference the federal regulations that establish the basis of issuance tables for the Food Stamp Program. These regulations, issued by the United States Department of Agriculture (USDA), appear in *Federal Register* Document 84-28060, with a federally mandated effective date of November 1, 1984. These regulations incorporate new maximum allotments into the food stamp issuance tables. By making these adjustments, the USDA takes into account changes in the cost of living.

This amendment is adopted under the Human Resources Code, Title 2, Chapter 33, which authorizes the department to administer public assistance programs. This amendment is adopted under federal requirements effective November 1, 1984.

§9.9801. *Food Stamp Basis of Issuance Tables.* The Texas Department of Human Resources adopts by reference the food stamp rules and appendix contained in *Federal Register* Document 84-28060, Volume 49, Number 207, page 42765, which amends 7 Code of Federal Regulations Part 272 and Part 273.

This agency hereby certifies that the rule as adopted has been reviewed by legal

counsel and found to be a valid exercise of the agency's legal authority.

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Commissioner
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For further information, please call
(512) 450-3766.

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The Texas Department of Human Resources adopts the repeal of §§9.901-9.910, 9.1001, 9.1101-9.1119, 9.1301-9.1303, 9.1501, 9.1601, 9.2128, 9.2201-9.2204, 9.2208, 9.2316-9.2327, 9.2401, 9.2512, 9.2516-9.2519, 9.2616-9.2621, 9.2710-9.2727, 9.2801-9.2808, 9.3001, 9.3003, 9.3101, 9.3301-9.3315, 9.3401-9.3405, 9.3407, 9.3410-9.3413, 9.3501, 9.4001-9.4034, 9.4101-9.4103, 9.4201-9.4205, 9.4301-9.4313, 9.4317, 9.5001, 9.5101, 9.5116, 9.5201-9.5212, 9.5301, 9.5406, 9.5501, 9.5502, 9.5601, 9.5701, 9.6001, 9.6101-9.6103, 9.6201-9.6210, 9.6401, 9.7001-9.7009, 9.7101-9.7112, 9.7201-9.7210, 9.7301, 9.7416-9.7421, 9.7521, 9.9001, 9.9003-9.9015, 9.9101-9.9103, 9.9105, 9.9107, 9.9108, 9.9301, 9.9302, 9.9307, 9.9308, and 9.9801-9.9804, without changes to the proposed text published in the November 13, 1984, issue of the *Texas Register* (9 TexReg 5824).

The repeals constituted former Chapter 9, relating to food stamps, which has been replaced by new Chapter 3, concerning income assistance services.

The repeals are adopted to coincide with implementation of the department's new *Income Assistance Handbook* which simplifies and reorganizes aid to families with dependent children (AFDC) and Food Stamp Program policies. The new sections in Chapter 3 apply to both programs and cite federal regulations in preference to restating them.

The anticipated public benefit of repealing Chapter 9 is a less burdensome body of rules applicable to income assistance programs.

The comment period on the proposal ended December 14, 1984. Written comments were received from the Houston Welfare Rights Organization, Inc. The comments were favorable regarding the citation of federal regulations in the sections.

Subchapter J. Food Stamp Outreach

★40 TAC §§9.901-9.910

The repeal is adopted under the Human Resources Code, Title 2, Chapter 33, which authorizes the department to administer public assistance programs.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

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Commissioner
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For further information, please call
(512) 450-3766.

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Subchapter K. Program Purpose

★40 TAC §9.1001

The repeal is adopted under the Human Resources Code, Title 2, Chapter 33, which authorizes the department to administer public assistance programs.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

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(512) 450-3766.

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Subchapter L. Responsibilities

★40 TAC §§9.1101-9.1119

The repeal is adopted under the Human Resources Code, Title 2, Chapter 33, which authorizes the department to administer public assistance programs.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

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For further information, please call
(512) 450-3766.

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Subchapter N. Food Stamp Program Violations

★40 TAC §§9.1301-9.1303

The repeal is adopted under the Human Resources Code, Title 2, Chapter 33, which authorizes the department to administer public assistance programs.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

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(512) 450-3766.

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Subchapter P. Audits and Reviews

★40 TAC §9.1501

The repeal is adopted under the Human Resources Code, Title 2, Chapter 33, which authorizes the department to administer public assistance programs.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

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(512) 450-3766.

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Subchapter Q. Department Personnel

★40 TAC §§9.1601

The repeal is adopted under the Human Resources Code, Title 2, Chapter 33, which authorizes the department to administer public assistance programs.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

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(512) 450-3766.

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Subchapter V. Household Concept

★40 TAC §9.2128

The repeal is adopted under the Human Resources Code, Title 2, Chapter 33, which authorizes the department to administer public assistance programs.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

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(512) 450-3766.

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Subchapter W. Application Process

★40 TAC §§9.2201-9.2204, 9.2206

The repeal is adopted under the Human Resources Code, Title 2, Chapter 33, which authorizes the department to administer public assistance programs.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

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(512) 450-3766.

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Subchapter X. Non-PA Eligibility Determinations

★40 TAC §§9.2316-9.2327

The repeal is adopted under the Human Resources Code, Title 2, Chapter 33, which authorizes the department to administer public assistance programs.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

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(512) 450-3766.

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Subchapter Y. Expedited Service

★40 TAC §9.2401

The repeal is adopted under the Human Resources Code, Title 2, Chapter 33, which authorizes the department to administer public assistance programs.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

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(512) 450-3766.

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Subchapter Z. Non-PA Redeterminations

★40 TAC §§9.2512, 9.2516-9.2519

The repeal is adopted under the Human Resources Code, Title 2, Chapter 33, which authorizes the department to administer public assistance programs.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

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(512) 450-3766.

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Subchapter AA. PA Application

★40 TAC §§9.2616-9.2621

The repeal is adopted under the Human Resources Code, Title 2, Chapter 33, which authorizes the department to administer public assistance programs.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

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(512) 450-3766.

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Subchapter BB. Joint AFDC/Food Stamp Applications

★40 TAC §§9.2710-9.2727

The repeal is adopted under the Human Resources Code, Title 2, Chapter 33, which authorizes the department to administer public assistance programs.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

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(512) 450-3766.

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Subchapter CC. SSI/Food Stamp Joint Processing

★40 TAC §§9.2801-9.2808

The repeal is adopted under the Human Resources Code, Title 2, Chapter 33, which authorizes the department to administer public assistance programs.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

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(512) 450-3766.

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Subchapter EE. Residency

★40 TAC §§9.3001, 9.3003

The repeal is adopted under the Human Resources Code, Title 2, Chapter 33, which authorizes the department to administer public assistance programs.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

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(512) 450-3766.

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Subchapter FF. Citizenship

★40 TAC §9.3101

The repeal is adopted under the Human Resources Code, Title 2, Chapter 33, which authorizes the department to administer public assistance programs.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

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(512) 450-3766.

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Subchapter HH. Work Registration Requirement

★40 TAC §§9.3301-9.3315

The repeal is adopted under the Human Resources Code, Title 2, Chapter 33, which authorizes the department to administer public assistance programs.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

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(512) 450-3766.

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Subchapter II. Resources

★40 TAC §§9.3401-9.3405, 9.3407,
9.3410-9.3413

The repeal is adopted under the Human Resources Code, Title 2, Chapter 33, which authorizes the department to administer public assistance programs.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

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(512) 450-3766.

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Subchapter JJ. Social Security Numbers

★40 TAC §9.3501

The repeal is adopted under the Human Resources Code, Title 2, Chapter 33, which authorizes the department to administer public assistance programs.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

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For further information, please call
(512) 450-3766.

★ ★ ★

Subchapter OO. Definition of Income

★40 TAC §§9.4001-9.4034

The repeal is adopted under the Human Resources Code, Title 2, Chapter 33, which authorizes the department to administer public assistance programs.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on March 29, 1985.

TRD-852759 Marlin W. Johnston
Commissioner
Texas Department of
Human Resources

Effective date: April 19, 1985
Proposal publication date: November 13, 1984
For further information, please call
(512) 450-3766.

★ ★ ★

Subchapter PP. Documentation of Income

★40 TAC §§9.4101-9.4103

The repeal is adopted under the Human Resources Code, Title 2, Chapter 33, which authorizes the department to administer public assistance programs.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on March 29, 1985.

TRD-852760 Marlin W. Johnston
Commissioner
Texas Department of
Human Resources

Effective date: April 19, 1985
Proposal publication date: November 13, 1984
For further information, please call
(512) 450-3766.

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Subchapter QQ. Computation of Income

★40 TAC §§9.4201-9.4205

The repeal is adopted under the Human Resources Code, Title 2, Chapter 33, which authorizes the department to administer public assistance programs.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on March 29, 1985.

TRD-852761 Marlin W. Johnston
Commissioner
Texas Department of
Human Resources

Effective date: April 19, 1985
Proposal publication date: November 13, 1984
For further information, please call
(512) 450-3766.

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Subchapter RR. Self-Employment Income

★40 TAC §§9.4301-9.4313, 9.4317

The repeal is adopted under the Human Resources Code, Title 2, Chapter 33, which authorizes the department to administer public assistance programs.

This agency hereby certifies that the rule as adopted has been reviewed by legal

counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on March 29, 1985.

TRD-852762 Marlin W. Johnston
Commissioner
Texas Department of
Human Resources

Effective date: April 19, 1985
Proposal publication date: November 13, 1984
For further information, please call
(512) 450-3766.

★ ★ ★

Subchapter YY. Special Households General

★40 TAC §9.5001

The repeal is adopted under the Human Resources Code, Title 2, Chapter 33, which authorizes the department to administer public assistance programs.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on March 29, 1985.

TRD-852763 Marlin W. Johnston
Commissioner
Texas Department of
Human Resources

Effective date: April 19, 1985
Proposal publication date: November 13, 1984
For further information, please call
(512) 450-3766.

★ ★ ★

Student Households

★40 TAC §§9.5101, §9.5116

The repeal is adopted under the Human Resources Code, Title 2, Chapter 33, which authorizes the department to administer public assistance programs.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on March 29, 1985.

TRD-852764 Marlin W. Johnston
Commissioner
Texas Department of
Human Resources

Effective date: April 19, 1985
Proposal publication date: November 13, 1984
For further information, please call
(512) 450-3766.

★ ★ ★

Participants in Approved Special Programs

★40 TAC §§9.5201-9.5212

The repeal is adopted under the Human Resources Code, Title 2, Chapter 33, which authorizes the department to administer public assistance programs.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on March 29, 1985.

TRD-852765 Marlin W. Johnston
Commissioner
Texas Department of
Human Resources

Effective date: April 19, 1985
Proposal publication date: November 13, 1984
For further information, please call
(512) 450-3766.

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Aliens

★40 TAC §9.5301

The repeal is adopted under the Human Resources Code, Title 2, Chapter 33, which authorizes the department to administer public assistance programs.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on March 29, 1985.

TRD-852766 Marlin W. Johnston
Commissioner
Texas Department of
Human Resources

Effective date: April 19, 1985
Proposal publication date: November 13, 1984
For further information, please call
(512) 450-3766.

★ ★ ★

Strikers

★40 TAC §9.5406

The repeal is adopted under the Human Resources Code, Title 2, Chapter 33, which authorizes the department to administer public assistance programs.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on March 29, 1985.

TRD-862767 Marlin W. Johnston
Commissioner
Texas Department of
Human Resources

Effective date: April 19, 1985
Proposal publication date: November 13, 1984
For further information, please call
(512) 450-3766.

★ ★ ★

Disqualified Persons and Nonmembers

★40 TAC §9.5501, §9.5502

The repeal is adopted under the Human Resources Code, Title 2, Chapter 33, which authorizes the department to administer public assistance programs.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on March 29, 1985.

TRD-862768 Marlin W. Johnston
Commissioner
Texas Department of
Human Resources

Effective date: April 19, 1985
Proposal publication date: November 13, 1984
For further information, please call
(512) 450-3766.

★ ★ ★

Farm Laborers

★40 TAC §9.5601

The repeal is adopted under the Human Resources Code, Title 2, Chapter 33, which authorizes the department to administer public assistance programs.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on March 29, 1985.

TRD-862769 Marlin W. Johnston
Commissioner
Texas Department of
Human Resources

Effective date: April 19, 1985
Proposal publication date: November 13, 1984
For further information, please call
(512) 450-3766.

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Contract Employees

★40 TAC §9.5701

The repeal is adopted under the Human Resources Code, Title 2, Chapter 33, which authorizes the department to administer public assistance programs.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on March 29, 1985.

TRD-862770 Marlin W. Johnston
Commissioner
Texas Department of
Human Resources

Effective date: April 19, 1985
Proposal publication date: November 13, 1984
For further information, please call
(512) 450-3766.

★ ★ ★

Subchapter BBB. Documentation Requirements

★40 TAC §9.6001

The repeal is adopted under the Human Resources Code, Title 2, Chapter 33, which authorizes the department to administer public assistance programs.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on March 29, 1985.

TRD-862771 Marlin W. Johnston
Commissioner
Texas Department of
Human Resources

Effective date: April 19, 1985
Proposal publication date: November 13, 1984
For further information, please call
(512) 450-3766.

★ ★ ★

Subchapter CCC. Verification

★40 TAC §§9.6101-9.6103

The repeal is adopted under the Human Resources Code, Title 2, Chapter 33, which authorizes the department to administer public assistance programs.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on March 29, 1985.

TRD-862772 Marlin W. Johnston
Commissioner
Texas Department of
Human Resources

Effective date: April 19, 1985
Proposal publication date: November 13, 1984
For further information, please call
(512) 450-3766.

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Subchapter DDD. Certification Periods

★40 TAC §§9.6201-9.6210

The repeal is adopted under the Human Resources Code, Title 2, Chapter 33, which authorizes the department to administer public assistance programs.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on March 29, 1985.

TRD-862773 Marlin W. Johnston
Commissioner
Texas Department of
Human Resources

Effective date: April 19, 1985
Proposal publication date: November 13, 1984
For further information, please call
(512) 450-3766.

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Subchapter FFF. Notice of Adverse Action

★40 TAC §9.6401

The repeal is adopted under the Human Resources Code, Title 2, Chapter 33, which authorizes the department to administer public assistance programs.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on March 29, 1985.

TRD-862774 Marlin W. Johnston
Commissioner
Texas Department of
Human Resources

Effective date: April 19, 1985
Proposal publication date: November 13, 1984
For further information, please call
(512) 450-3766.

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Subchapter LLL. Fair Hearings

★40 TAC §§9.7001-9.7009

The repeal is adopted under the Human Resources Code, Title 2, Chapter 33, which authorizes the department to administer public assistance programs.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on March 29, 1985.

TRD-852775 Marlin W. Johnston
Commissioner
Texas Department of
Human Resources

Effective date: April 19, 1985
Proposal publication date: November 13, 1984
For further information, please call
(512) 450-3766.

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Subchapter MMM. Restoration of Lost Benefits

★40 TAC §§9.7101-8.7112

The repeal is adopted under the Human Resources Code, Title 2, Chapter 33, which authorizes the department to administer public assistance programs.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on March 29, 1985.

TRD-852776 Marlin W. Johnston
Commissioner
Texas Department of
Human Resources

Effective date: April 19, 1985
Proposal publication date: November 13, 1984
For further information, please call
(512) 450-3766.

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Subchapter NNN. Fraud Disqualification

★40 TAC §§9.7201-9.7210

The repeal is adopted under the Human Resources Code, Title 2, Chapter 33, which authorizes the department to administer public assistance programs.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on March 29, 1985.

TRD-852777 Marlin W. Johnston
Commissioner
Texas Department of
Human Resources

Effective date: April 19, 1985
Proposal publication date: November 13, 1984
For further information, please call
(512) 450-3766.

★ ★ ★

Subchapter OOO. Replacement Procedures

★40 TAC §9.7301

The repeal is adopted under the Human Resources Code, Title 2, Chapter 33, which authorizes the department to administer public assistance programs.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on March 29, 1985.

TRD-852778 Marlin W. Johnston
Commissioner
Texas Department of
Human Resources

Effective date: April 19, 1985
Proposal publication date: November 13, 1984
For further information, please call
(512) 450-3766.

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Subchapter PPP. Overissuance Claims Processing

★40 TAC §§9.7416-9.7421

The repeal is adopted under the Human Resources Code, Title 2, Chapter 33, which authorizes the department to administer public assistance programs.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on March 29, 1985.

TRD-852779 Marlin W. Johnston
Commissioner
Texas Department of
Human Resources

Effective date: April 19, 1985
Proposal publication date: November 13, 1984
For further information, please call
(512) 450-3766.

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Subchapter QQQ. Food Stamp Assistance in Disasters

★40 TAC §9.7521

The repeal is adopted under the Human Resources Code, Title 2, Chapter 33, which authorizes the department to administer public assistance programs.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on March 29, 1985.

TRD-852780 Marlin W. Johnston
Commissioner
Texas Department of
Human Resources

Effective date: April 19, 1985
Proposal publication date: November 13, 1984
For further information, please call
(512) 450-3766.

★ ★ ★

Subchapter FFFF. Food Stamp Issuing

★40 TAC §§9.9001, 9.9003-9.9015

The repeal is adopted under the Human Resources Code, Title 2, Chapter 33, which authorizes the department to administer public assistance programs.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on March 29, 1985.

TRD-852781 Marlin W. Johnston
Commissioner
Texas Department of
Human Resources

Effective date: April 19, 1985
Proposal publication date: November 13, 1984
For further information, please call
(512) 450-3766.

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Subchapter GGGG. ATP System

★40 TAC §§9.9101-9.9103, 9.9105, 9.9107, 9.9108

The repeal is adopted under the Human Resources Code, Title 2, Chapter 33, which authorizes the department to administer public assistance programs.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on March 29, 1985.

TRD-852782

Marlin W. Johnston
Commissioner
Texas Department of
Human Resources

Effective date: April 19, 1985
Proposal publication date: November 13, 1984
For further information, please call
(512) 450-3766.

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Subchapter III. Mail Issuance System

★40 TAC §§9.9301, 9.9302, 9.9307, 9.9308

The repeal is adopted under the Human Resources Code, Title 2, Chapter 33, which authorizes the department to administer public assistance programs.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on March 29, 1985.

TRD-852783

Marlin W. Johnston
Commissioner
Texas Department of
Human Resources

Effective date: April 19, 1985
Proposal publication date: November 13, 1984
For further information, please call
(512) 450-3766.

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Subchapter NNNN. Support Documents

★40 TAC §§9.9801-9.9804

The repeal is adopted under the Human Resources Code, Title 2, Chapter 33, which authorizes the department to administer public assistance programs.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on March 29, 1985.

TRD-852784

Marlin W. Johnston
Commissioner
Texas Department of
Human Resources

Effective date: April 19, 1985
Proposal publication date: November 13, 1984
For further information, please call
(512) 450-3766.

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Chapter 29 Purchased Health Services

Subchapter G. Hospital Services

★40 TAC §29.601

The Texas Department of Human Resources adopts an amendment to §29.601, without changes to the proposed text published in the February 12, 1985, issue of the *Texas Register* (9 Tex-Reg 535).

Section 29.601 is amended to allow the department or its designee to limit the rate of reimbursement for outpatient hospital surgery. Reimbursement for outpatient hospital surgery is made through the department's health insuring agent.

No comments were received regarding the adoption of the amendment.

The amendment is adopted under the Human Resources Code, Title 2, Chapter 22, which authorizes the department to administer public assistance programs.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on March 29, 1985.

TRD-852786

Marlin W. Johnston
Commissioner
Texas Department of
Human Resources

Effective date: April 19, 1985
Proposal publication date: February 12, 1985
For further information, please call
(512) 450-3766.

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TITLE 43. TRANSPORTATION

Part I. State Department of Highways and Public Transportation

Chapter 21. Right of Way Division

Right of Way Division Rules and Regulations—Rules Relating to Road Utility Districts

★43 TAC §§21.171, 21.181, 21.182, 21.191, 21.201, 21.211, 21.212, 21.221-21.224, 21.231, 21.241, 21.251, 21.261, 21.262, 21.271, 21.281-21.286, 21.301, 21.311, 21.312

The State Highway and Public Transportation Commission adopts new §§21.171, 21.181, 21.182, 21.191, 21.201, 21.211, 21.212, 21.221-21.224, 21.231, 21.241, 21.251,

21.261, 21.262, 21.271, 21.281-21.286, 21.301, 21.311, and 21.312, without changes to the proposed text published in the February 5, 1985, issue of the *Texas Register* (10 TexReg 391).

The new sections implement recent substantial legislation relating to the creation, administration, powers, duties, operations, financing, and dissolution of road utility districts; to conveyance of completed facilities to certain governmental agencies; and to powers and duties of the State Department of Highways and Public Transportation.

Creation, administration, powers, duties, operation, financing, and dissolution of road utility districts in accordance with the new sections.

No comments were received regarding adoption of the new section.

The new sections are adopted under Texas Civil Statutes, Articles 6666, 6674r-1, and 6252-13a, which authorize the State Highway and Public Transportation Commission to establish rules for conduct of work of the department and specifically as to road utility districts.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

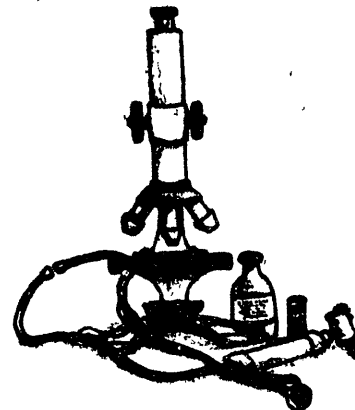
Issued in Austin, Texas, on March 28, 1985.

TRD-852864

Diane L. Northam
Administrative
Technician
State Department of
Highways and Public
Transportation

Effective date: April 19, 1985
Proposal publication date: February 5, 1985
For further information, please call
(512) 475-2141.

★ ★ ★



State Board of Insurance
Notifications Pursuant to the
Insurance Code, Chapter 5,
Subchapter L

(Editor's note: As required by the Insurance Code, Article 5.96 and Article 5.97, the Register publishes notices of actions taken by the State Board of Insurance pursuant to Chapter 5, Subchapter L, of the Code. Board action taken under these articles is not subject to the Administrative Procedure and Texas Register Act, and the final actions printed in this section have not been previously published as proposals.

These actions become effective 15 days after the date of publication or on a later specified date.

The text of the material being adopted will not be published, but may be examined in the offices of the State Board of Insurance, 1110 San Jacinto Street, Austin.)

The State Board of Insurance adopts amendments to the *Texas Automobile Manual*. Rule 38, §G, is amended to include a new subsection 13 reading as follows:

13. Lone Star Driving School—Driving Safety Awareness Driver Improvement Course.

(a) An auto afforded personal auto coverage shall be subject to a credit of 10% applied to the rate otherwise applicable, provided satisfactory evidence (certificate of completion or photostat thereof issued by Lone Star Driving School) is presented to the company that the principal operator of such auto has successfully completed the Lone Star Driving School—Driving Safety Awareness Driver Improvement Course.

(b) If the policy insures two or more autos, the credit shall apply only to the autos principally operated by the person awarded the Lone Star Driving School—Driving Safety Awareness Driver Improvement Course Certificate of Completion.

(c) The credit shall apply for a period of 36 months subsequent to the date of issuance of the certificate of completion. Following such 36-month period in order to again qualify for such credit, the course must be successfully completed and evidence again presented to the company. The credit shall only apply if the certificate of completion is issued on or after June 1, 1985.

This amendment is effective May 1, 1985.

This notification is made pursuant to the Insurance Code, Article 5.96, which exempts it from the requirements of the Administrative Procedure and Texas Register Act.

Issued in Austin, Texas, on March 28, 1985.

TRD-852667 James W. Norman
Chief Clerk
State Board of
Insurance

Effective date: May 1, 1985
For further information, please call
(512) 475-2950.



The State Board of Insurance adopts amendments to the *Texas Automobile Manual*. Rule 38, §G, is amended to include a new subsection 12 reading as follows:

12. Crawford and Company—Texas Crash Prevention Workshop Driver Improvement Course.

(a) An auto afforded personal auto coverage shall be subject to a credit of 10% applied to the rate otherwise applicable, provided satisfactory evidence (certificate of completion or photostat thereof issued by Crawford and Company) is presented to the company that the principal operator of such auto has successfully completed the Texas Crash Prevention Workshop Driver Improvement Course.

(b) If the policy insures two or more autos, the credit shall apply only to the autos principally operated by the person awarded the Texas Crash Prevention Workshop Driver Improvement Course Certificate of Completion.

(c) The credit shall apply for a period of 36 months subsequent to the date of issuance of the certificate of completion. Following such 36-month period in order to again qualify for such credit, the course must be successfully completed and evidence again presented to the company. The credit shall only apply if the certificate of completion is issued on or after June 1, 1985.

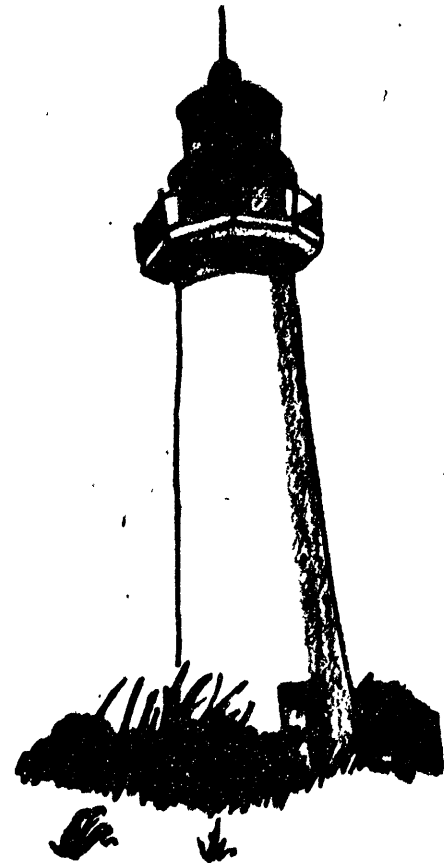
This amendment is effective June 1, 1985.

This notification is made pursuant to the Insurance Code, Article 5.96, which exempts it from the requirements of the Administrative Procedure and Texas Register Act.

Issued in Austin, Texas, on March 28, 1985.

TRD-852866 James W. Norman
Chief Clerk
State Board of
Insurance

Effective date: June 1, 1985
For further information, please call
(512) 475-2950.



Open Meetings

Agencies with statewide jurisdiction must give at least seven days notice before an impending meeting. Institutions of higher education or political subdivisions covering all or part of four or more counties (regional agencies) must post notice at least 72 hours prior to a scheduled meeting time. Some notices may be received too late to be published before the meeting is held, but all notices are published in the *Register*.

Emergency meetings and agendas. Any of the governmental entities named above must have notice of an emergency meeting, an emergency revision to an agenda, and the reason for such emergency posted for at least two hours before the meeting is convened. Emergency meeting notices filed by all governmental agencies will be published.

Posting of open meeting notices. All notices are posted on the bulletin board outside the Office of the Secretary of State on the first floor of the East Wing in the State Capitol, Austin. These notices may contain more detailed agendas than what is published in the *Register*.

Automated Information Systems Advisory Council

Tuesday, April 2, 1985, 9 a.m. The Board of the Automated Information Systems Advisory Council made an emergency addition to the agenda of a meeting held in the commissioners conference room, basement, 510 South Congress Avenue, Austin. The addition concerned House Bill 2375 and Senate Bill 1318, concerning the Automated Information Systems and Telecommunications Council. The emergency status was necessary because the council just received word of SB 1318, and the board needed to discuss it at the meeting along with HB 2375, which was already scheduled.

Contact: Charlotte Craig, 510 South Congress Avenue, Austin, Texas 78704, (512) 475-2362.

Filed: April 1, 1985, 3:03 p.m.
TRD-852840

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Texas Committee on Purchases of Products and Services of Blind and Severely Disabled Persons

Thursday, April 11, 1985, 10 a.m. The Texas Committee on Purchases of Products and Services of Blind and Severely Disabled Persons will meet in Suite 400, 314 West 11th Street, Austin. Items on the agenda include acceptance of the minutes, new products and services, price revisions, and new business.

Contact: Terry Murphy, P.O. Box 12866, Austin, Texas 78711, (512) 475-1781.

Filed: April 1, 1985, 3:02 p.m.
TRD-852841

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Texas Coastal and Marine Council

Thursday, April 11, 1985, 1:30 p.m. The Texas Coastal and Marine Council will meet in the Senate Reception Room, State Cap-

itol, Austin. Items on the agenda include approval of the previous meeting minutes, the Litter Reduction Program, and the Keep Texas Beautiful Program; consideration of action on proposed rules affecting the licensing of pilots and a proposed coal handling facility at Sabine Lake; a briefing on selected legislation; committee reports; consideration of past and/or future council projects or business; public testimony; and the date and location of the June meeting.

Contact: Charles L. Branton, 105 West Riverside Drive, Suite 112, Austin, Texas, (512) 479-5041.

Filed: April 1, 1985, 4:25 p.m.
TRD-852883

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Texas Department of Corrections

Tuesday, April 2, 1985, 5:30 p.m. The Board of the Texas Department of Corrections met in emergency session in the attorney general's conference room, Supreme Court Building, 14th and Colorado Streets, Austin. Items on the agenda included appointment of the board secretary and the attorney general's liaison, and a review of a consultant's ongoing HDR study. The board also will meet in executive session in accordance with Texas Civil Statutes, Article 6252-17, §2(e). The emergency status was necessary because items requiring board resolution developed within the seven-day usual posting period.

Contact: R. K. Procnier, P.O. Box 99, Huntsville, Texas 77340, (409) 295-6371, ext. 160.

Filed: March 29, 1985, 1:08 p.m.
TRD-852853

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Texas Education Agency

Saturday, March 30, 1985, 7:45 a.m. The Long-Range Planning Committee of the State Board of Education of the Texas Education Agency made an emergency revision

to the agenda for a meeting held in the boardroom, Hyatt Regency Hotel, 208 Barton Springs Road, Austin. According to the revised agenda, the committee reviewed the day's schedule and discussed plans for further interviews or investigations of candidates for the position of commissioner of education. The committee also met in executive session in accordance with the provisions of Texas Civil Statutes, Article 6252-11(g), to interview and consider candidates for the position of commissioner of education. In the event that time did not permit completion of the agenda, the committee reconvened at 8:30 a.m. on Sunday, March 31, 1985, in the same location. The emergency status was necessary because of hotel scheduling difficulties and because the committee needed time to review the schedule for the day before interviews began. The meeting originally was scheduled for 8:30 a.m. in the Panhandle Room, Hyatt Regency Hotel, 208 Barton Springs Road, Austin.

Contact: W. N. Kirby, 201 East 11th Street, Austin, Texas 78701, (512) 475-3271.

Filed: March 28, 1985, 4:29 p.m.
TRD-852661

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Wednesday, April 10, 1985, 9 a.m. The Task Force for the Development of the Master Plan for Vocational Education and the Interagency Planning Committee for the State Plan for Vocational Education of the Texas Education Agency will meet jointly in Room 101-E, 1200 East Anderson Lane, Austin. According to the agenda, the committees will review the goals and objectives for vocational education and discuss the content of the master plan for vocational education.

Contact: R. D. Bristow, 201 East 11th Street, Austin, Texas 78701.

Filed: March 29, 1985, 12:45 p.m.
TRD-852854

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Texas Employment Commission

Tuesday, April 9, 1985, 9 a.m. The Texas Employment Commission will meet in Room 644, 15th Street and Congress Avenue, Austin. According to the agenda summary, the commission will consider prior meeting notes and the internal procedures of the Office of Commission Appeals, consider and act on tax liability cases and higher level appeals in unemployment compensation cases listed in Docket 15, and set the date of the next meeting.

Contact: Courtenay Browning, TEC Building, Room 608, 15th Street and Congress Avenue, Austin, Texas, (512) 397-4415.

Filed: March 29, 1985, 1:41 p.m.
TRD-852815

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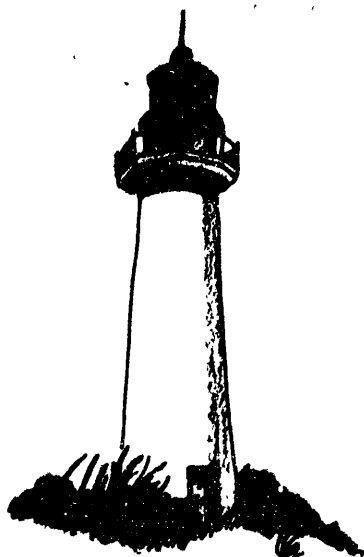
Texas State Board of Registration for Professional Engineers

Wednesday and Thursday, April 17 and 18, 1985, 8:30 a.m. daily. The Texas State Board of Registration for Professional Engineers will meet in the boardroom, 1917 IH 35 South, Austin. According to the agenda summary, the board will receive reports from board members and staff, interview applicants, take action on applications for registration, read communications, and consider other business.

Contact: Kenneth J. Bartosh, P.E., 1917 IH 35 South, Austin, Texas 78741, (512) 475-3141.

Filed: March 28, 1985, 1:56 p.m.
TRD-852649

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Firemen's Training School Advisory Board

Friday, April 18, 1985, 10 a.m. The Fireman's Training School Advisory Board of the Texas Engineering Extension Service will meet in the conference room, Henderston Hall, Texas A&M University, College Station. Items on the agenda include the July 21, 1985, minutes; an interim statistical report; annual school program planning workshops concerning the hazardous material control school for fire fighters, the municipal school, the industrial school, and the Spanish school; an overview of state association activities and the Waco conference, and general comments.

Contact: Henry D. Smith, P.O. Drawer K, College Station, Texas 77843-8000, (409) 845-7641.

Filed: March 28, 1985, 3:46 p.m.
TRD-852659

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Texas Department of Health

Thursday, April 18, 1985, 10 a.m. The Advisory Committee on Nursing Home Affairs of the Texas Department of Health will meet in Room G-107, 1100 West 49th Street, Austin. Items on the agenda summary include approval of the minutes; the status of mandatory Title XVIII participation for skilled nursing facilities; a legislative update; subcommittee reports on dental care, duties of officers, and nominations of officers; the election of officers for July 1, 1985-July 1, 1986; and consideration of the next scheduled meeting.

Contact: Howard C. Allen, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7706.

Filed: March 29, 1985, 9:47 a.m.
TRD-852665

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Texas Health and Human Services Coordinating Council

Monday, April 8, 1985, 9:30 a.m. The Administration Committee of the Texas Health and Human Services Coordinating Council will meet in emergency session in the Senate Reception Room, State Capitol, Austin. Items on the agenda include approval of the March 11, 1985, minutes, consideration of potential foundation or corporation grant topics, federal policy proposals, an update on a study of the homeless, an update on the adolescent parent initiative, a general legislative update on the indigent health care proposals, an update on the use of SIMS, and new business. The emergency status is

necessary to consider an update on legislation related to the council.

Contact: Lynn H. Levery, P.O. Box 12428, Austin, Texas, (512) 475-1306.

Filed: April 1, 1985, 12:37 p.m.
TRD-852829

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Texas Indian Commission

Tuesday and Wednesday, April 23 and 24, 1985, 1 p.m. and 9 a.m. respectively. The Texas Indian Commission will meet at the Alabama-Coushatta Indian Reservation Community Center, Livingston. According to the agenda summary, on Tuesday the commission will review and approve the minutes and consider Ysleta del Sur Pueblo, the Alabama-Coushatta Reservation, and the Kickapoo Band, and intertribal groups. On Wednesday, the commission will consider general comments. The commission also will meet in executive session to discuss personnel matters.

Contact: Raymond D. Apodaca, 9434 Viscount, Suite 122, El Paso, Texas 79925.

Filed: April 1, 1985, 1:40 p.m.
TRD-852835

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State Board of Insurance

Monday, April 1, 1985, 4 p.m. The State Board of Insurance met in emergency session in Room 414, 1110 San Jacinto Street, Austin. According to the agenda, the board met in executive session to consider personnel matters. The emergency status was necessary to consider the appointment of a liquidator at the earliest possible time, due to the urgent ongoing work of the liquidator's office.

Contact: Pat Wagner, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2930.

Filed: April 1, 1985, 1:41 p.m.
TRD-852834

Tuesday, April 9, 1985, 9 a.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 342, 1110 San Jacinto Street, Austin. According to the agenda, the section will conduct a public hearing in Docket 8023—application of Michael Joaquin Jones, San Angelo, for a legal reserve life insurance agent's license.

Contact: John Brady, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2287.

Filed: April 1, 1985, 11:24 a.m.
TRD-852871

Tuesday, April 9, 1985, 10 a.m. The State Board of Insurance will meet in Room 414,

1110 San Jacinto Street, Austin. According to the agenda summary, the board will consider a proposal for decision in the appeal of John E. Walker; *et ux*, from action of the Texas Catastrophe Property Insurance Association, board orders on several different matters, the fire marshal's report and the commissioner's report (both including personnel matters), litigation, and a proposed article on real estate closings.

Contact: Pat Wagner, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2950.

Filed: April 1, 1985, 2:58 p.m.
TRD-852837

Tuesday, April 9, 1985, 1:30 p.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 342, 1110 San Jacinto Street, Austin. According to the agenda, the section will conduct a public hearing in Docket 7962—whether disciplinary action should be taken against Guardian Life Insurance Company of America, New York, New York, which holds a certificate of authority.

Contact: J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-4353.

Filed: April 1, 1985, 11:25 a.m.
TRD-852872

Wednesday, April 10, 1985, 9 a.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 353, 1110 San Jacinto Street, Austin. According to the agenda, the section will conduct a public hearing in Docket 8052—application for amendment to the articles of incorporation of National Unity Insurance Company, Waco.

Contact: John Brady, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2287.

Filed: April 1, 1985, 11:25 a.m.
TRD-852873

Wednesday, April 10, 1985, 1:30 p.m. The State Board of Insurance will meet in Room 414, 1110 San Jacinto Street, Austin. According to the agenda, the board will conduct a public hearing to consider the appeal by D&R Sales Company of an application of experience modifier to its workers' compensation policy.

Contact: Pat Wagner, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2950.

Filed: April 1, 1985, 2:58 p.m.
TRD-852838

The Commissioner's Hearing Section of the State Board of Insurance will conduct public hearings at 1110 San Jacinto Street, Austin. Days, times, rooms, and dockets follow.

Wednesday, April 10, 1985, 10 a.m. In Room 353, Docket 7947—application of Homer Wayne Franklin, Arlington, for a Group I legal reserve life insurance agent's license.

Contact: J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-4353.

Filed: April 1, 1985, 11:25 a.m.
TRD-852874

Thursday, April 11, 1985, 9 a.m. In Room 342, Docket 7936—whether disciplinary action should be taken against Steakley Life Insurance Company, Irving, which holds a certificate of authority.

Contact: J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-4353.

Filed: April 1, 1985, 11:25 a.m.
TRD-852875

Thursday, April 11, 1985, 1:30 p.m. In Room 342, Docket 7937—whether disciplinary action should be taken against Robert W. Steakley, Jr., Waco, who holds a local recording agent's license and a Group II insurance agent's license.

Contact: J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-4353.

Filed: April 1, 1985, 11:25 a.m.
TRD-852876

Friday, April 12, 1985, 9 a.m. In Room 342, Docket 8033—application for original charter of Western Bancorporation Life Insurance Company of Texas, Houston.

Contact: John Brady, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2287.

Filed: April 1, 1985, 11:25 a.m.
TRD-852877

Friday, April 12, 1985, 9 a.m. In Room 353, Docket 8029—application of John Allen Connolly, Copperas Cove, for a legal reserve life insurance agent's license.

Contact: J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-4353.

Filed: April 1, 1985, 11:25 a.m.
TRD-852878

Friday, April 12, 1985, 1:30 p.m. In Room 353, Docket 7971—whether disciplinary action should be taken against Philadelphia Life Insurance Company, Philadelphia, Pennsylvania, which holds a certificate of authority.

Contact: John Brady, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2287.

Filed: April 1, 1985, 11:25 a.m.
TRD-852879

Friday, April 12, 1985, 1:30 p.m. In Room 342, Docket 8030—application of Alexander Hall Callander, Arlington, for a legal reserve life insurance agent's license.

Contact: J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-4353.

Filed: April 1, 1985, 11:25 a.m.
TRD-852880

Friday, April 12, 1985, 3 p.m. In Room 353, Docket 7972—whether disciplinary action should be taken against Philadelphia American Life Insurance Company, Philadelphia, Pennsylvania, which holds a certificate of authority.

Contact: John Brady, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2287.

Filed: April 1, 1985, 11:25 a.m.
TRD-852881

Monday, April 15, 1985, 1:30 p.m. In Room 353, Docket 8038—whether disciplinary action should be taken against Rufus P. King, Houston, who holds a Group I legal reserve life insurance agent's license, Group II health and accident insurance agent's license, local recording agent's license, and variable contract license.

Contact: John Brady, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2287.

Filed: April 1, 1985, 11:25 a.m.
TRD-852882

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Lamar University

Thursday, April 4, 1985. Committees of the Board of Regents of Lamar University met in the Lamar Room, Gray Library, Lamar University, Beaumont. Times, committees, and agendas follow.

8:30 a.m. The Academic Affairs Committee met in emergency session to review the status of the LVN program at Lamar University-Beaumont. The emergency status was necessary to receive an update on the program.

10 a.m. The Building and Grounds Committee considered a proposal for construction of an electronic marquee and related signs at the Montagne Center, bids for a paving project at the educational services building, and bids for paving the technical arts parking lot at the corner of University and Adams; reviewed the status of selected street and parking projects, general procedures for developing an update to the campus facilities master plan and the inventory of building roofs regarding age, condition, the status of re-roofing projects, etc.; and considered a resolution concerning defective roofing and the appointment of Martin Dies to represent the board, Lamar University-Beaumont; and considered abrogating certain conditions between Lamar University-Orange and the U.S. Department of Education.

Contact: Dr. George McLaughlin, P.O. Box 11915, Beaumont, Texas, 77710, (409) 880-2304.

Filed: April 1, 1985, 9:20 a.m.
TRD-852866, 852857

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Texas Board of Land Surveying

Tuesday and Wednesday, April 30 and May 1, 1985, 8 a.m. daily. The Texas Board of Land Surveying will meet in Suite 210W, 1106 Clayton Lane, Austin. According to

the agenda, the board will conduct interviews and discuss the examination process, rules of the board, and any other business to come before it.

Contact: Betty J. Pope, 1106 Clayton Lane, Suite 210W, Austin, Texas 78723, (512) 452-9427.

Filed: April 1, 1985, 9:28 a.m.
TRD-852861

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Long-Term Care Coordinating Council for the Elderly

Thursday, April 11, 1985, 9:30 a.m. The Long-Term Care Coordinating Council for the Elderly will meet in Room 295, Texas Department of Mental Health-Mental Retardation, 909 West 45th Street, Austin. According to the agenda summary, the council will approve the summary of the February 8, 1985, meeting; hear progress reports on the Alzheimer's Task Force, I&R Task Force, long-term care insurance, and guidelines for establishment of areawide coordinating committees; hear an update on the Texas Coalition for Elders; and discuss legislative planning and the long-term care plan schedule.

Contact: Peggy Davidson, 210 Barton Springs Road, Fifth Floor, Austin, Texas 78704, (512) 475-2717.

Filed: April 1, 1985, 4:18 p.m.
TRD-852849

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Texas National Guard Armory Board

Saturday, April 13, 1985, 2 p.m. The Texas National Guard Armory Board will meet in the conference room, Building 64, Camp Mabry, Austin. According to the agenda summary, the board will consider administrative and fiscal matters and facility construction, remodeling, and renovation.

Contact: Donald J. Kerr, P.O. Box 5218, Austin, Texas 78763, (512) 451-6394.

Filed: April 1, 1985, 9:19 a.m.
TRD-852859

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Board of Pardons and Paroles

Monday-Friday, April 8-12, 1985, 9 a.m. daily Monday-Thursday and 11 a.m. Friday. A three-member panel of the Board of Pardons and Paroles will meet at 8610 Shoal Creek Boulevard, Austin. According to the agenda summary, the panel will receive, review, and consider information and

reports concerning prisoners/inmates and administrative releases subject to the board's jurisdiction and initiate and carry through with appropriate action.

Contact: Mike Roach, 8610 Shoal Creek Boulevard, Austin, Texas, (512) 459-2713.

Filed: March 29, 1985, 10:14 a.m.
TRD-852662

Tuesday, April 9 1985, 1:30 p.m. The Board of Pardons and Paroles will meet at 8610 Shoal Creek Boulevard, Austin. According to the agenda, the board will consider executive clemency recommendations and related actions (other than out-of-country conditional pardons), including full pardons/restoration of civil rights of citizenship; emergency medical reprieves; commutations of sentence; and other reprieves, remissions, and executive clemency actions.

Contact: Gladys Sommers, 8610 Shoal Creek Boulevard, Austin, Texas, (512) 459-2704.

Filed: March 29, 1985, 10:14 a.m.
TRD-852663

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Texas Peanut Producers Board

Friday, April 12, 1985, 9 a.m. The Texas Peanut Producers Board of the Texas Department of Agriculture will meet in Room 440, Soil and Crop Science Building, Texas A&M University, College Station. Items on the agenda include adoption of the 1985-1986 fiscal year budget and approval of the projects for the 1985-1986 fiscal year.

Contact: Mary Webb, P.O. Box 398, Gorman, Texas 76454, (817) 734-2853.

Filed: April 1, 1985, 4:06 p.m.
TRD-852848

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Public Utility Commission of Texas

The Hearings Division of the Public Utility Commission of Texas will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin. Days, times, dockets follow.

Tuesday, April 9, 1985, 9 a.m. -The division will consider Dockets 5990, 5979, 5905, 5572, 5779, 6098, 5995, 5981, 5024, 5010, 6135, 6183, 5806, 6086, 5785, 5295, 5716, and 6111. The division also will meet in executive session to consider pending litigation and personnel matters.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: April 1, 1985, 2:59 p.m.
TRD-852839

Thursday, April 25, 1985, 10 a.m. A pre-hearing in Docket 6169—inquiry into the service rendered and rates charged by Lame Duck Water Company.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

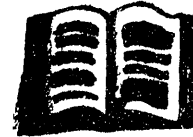
Filed: March 28, 1985, 1:56 p.m.
TRD-852645

Monday, April 29, 1985, 10 a.m. A rescheduled hearing on the merits in Docket 5699—application on Chacko Thomas and Associates, Inc., to purchase and transfer a certificate of convenience and necessity from Pinehurst Utilities.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: March 29, 1985, 9:47 a.m.
TRD-852668

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Railroad Commission of Texas

Monday, April 1, 1985, 9 a.m. The Gas Utilities Division of the Railroad Commission of Texas submitted an emergency revised agenda for a meeting held in Room 309, 1124 IH 35 South, Austin. According to the revised agenda, the commission considered Docket 5344—statement of intent filed by the Winnie Pipeline Company to change rates charged to P. D. Glycol, and Docket 5345 and Docket 5346—statements of intent filed by Ferguson Pipeline Company to change rates charged to Liquid Energy Corporation and Houston Pipe Line Company. The emergency status was necessary because of the impact on natural gas prices which will ultimately be charged to consumers in Texas.

Contact: Lucia Sturdevant, P.O. Drawer 12967, Austin, Texas 78711, (512) 475-0461.

Filed: March 29, 1985, 11:50 a.m.
TRD-852805

Monday, April 8, 1985, 9 a.m. Divisions of the Railroad Commission of Texas will meet in Room 309, 1124 IH 35 South, Austin. Divisions and agendas follow.

The Administrative Services Division director's report on division administration, budget, and personnel matters.

Contact: Roger Dillon, P.O. Drawer 12967, Austin, Texas 78711.

Filed: March 29, 1985, 11:51 a.m.
TRD-852800

The Automatic Data Processing Division director's report on division administration,

budget, procedures, equipment acquisitions, and personnel matters.

Contact: Bob Kmetz, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1204.

Filed: March 29, 1985, 11:50 a.m.
TRD-852803

The Flight Division director's report on division administration, budget, procedures, and personnel matters.

Contact: Ken Fossler, 1124 IH 35 South, Austin, Texas 78704, (512) 445-1103.

Filed: March 29, 1985, 11:51 a.m.
TRD-852799

Consideration of matters falling within the Gas Utilities Division's regulatory jurisdiction.

Contact: Lucia Sturdevant, P.O. Drawer 12967, Austin, Texas 78711, (512) 475-0461.

Filed: March 29, 1985, 11:50 a.m.
TRD-852804

The Office of Information Services director's report on division administration, budget, procedures, and personnel matters.

Contact: Brian W. Schaible, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1231.

Filed: March 29, 1985, 11:48 a.m.
TRD-852809

The LP-Gas Division director's report on division administration, budget, procedures, and personnel matters. The commission will also consider for publication new safety rules 16 TAC §§9.12, 9.68, 9.70, 9.191, and 9.385, concerning the qualification of inspectors, uniform painting and lettering requirements, uniform grounding and electrical requirements, uniform maintenance requirements, LP-Gas identification labels, and pull away protection on dispensers, respectively.

Contact: Thomas D. Petru, P.O. Drawer 12967, Austin, Texas 78711, (512) 475-1301.

Filed: March 29, 1985, 11:51 a.m.
TRD-852801

Consideration of various matters falling within the Oil and Gas Division's regulatory jurisdiction.

Contact: Liz Nauert, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1307.

Filed: March 29, 1985, 11:49 a.m.
TRD-852807

Addition to the previous agenda:

Consideration of category determinations under the Natural Gas Policy Act of 1978, §§102(c)(1)(B), 102(c)(1)(C), 103, 107, and 108.

Contact: Madalyn J. Girvin, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1209.

Filed: March 29, 1985, 11:48 a.m.
TRD-852808

The Personnel Division director's report on division administration, budget, procedures, and personnel matters.

Contact: Mark K. Bogan, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1120.

Filed: March 29, 1985, 11:50 a.m.
TRD-852802

The Office of Research and Statistical Analysis director's report on division administration, budget, procedures, and personnel matters.

Contact: Gail Gemberling, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1391.

Filed: March 29, 1985, 11:48 a.m.
TRD-852810

The Office of Special Counsel division director's report relating to pending litigation, state and federal legislation, and other budget, administrative, and personnel matters.

Contact: Walter Earl Lillie, 1124 IH 35 South, Austin, Texas 78704, (512) 445-1186.

Filed: March 29, 1985, 11:51 a.m.
TRD-852797

The Surface Mining and Reclamation Division director's report on division administration, budget, procedures, and personnel matters.

Contact: J. Randel (Jerry) Hill, 105 West Riverside Drive, Austin, Texas 78741, (512) 475-8751.

Filed: March 29, 1985, 11:51 a.m.
TRD-852798

Consideration of various matters falling within the Transportation Division's regulatory jurisdiction.

Contact: Michael A. James, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1330.

Filed: March 29, 1985, 11:49 a.m.
TRD-852796

Tuesday, April 9, 1985, 9 a.m. The Oil and Gas Division of the Railroad Commission of Texas will meet in Room 309, 1124 IH 35 South, Austin. According to the agenda, the commission will hear oral argument in oil and gas Docket 5-82,329, to determine the effectiveness of the temporary field rules for the Bear Grass (Travis Peak) Field, Leon County.

Contact: Felix Dailey, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1307.

Filed: March 29, 1985, 11:47 a.m.
TRD-852812

Tuesday, April 9, 1985, 9 a.m. The Transportation Division of the Railroad Commission of Texas will meet in Room 309, 1124 IH 35 South, Austin. According to the agenda, the commission will hear oral argument in the application of Burstly Company, doing business as the Link, Docket 02886BA1N, for a new motor bus certificate to authorize the transportation of pas-

sengers and their baggage over specific routes, and on regular schedules.

Contact: Michael A. James, 1124 IH 35 South, Austin, Texas 78704, (512) 445-1330.

Filed: March 29, 1985, 11:47 a.m.
TRD-852811

Monday, April 15, 1985, 1:30 p.m. The Oil and Gas Division of the Railroad Commission of Texas will meet in Room 309, 1124 IH 35 South, Austin. According to the agenda summary, the commission will conduct a statewide oil and gas hearing.

Contact: Paula C. Middleton, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1297.

Filed: March 29, 1985, 11:49 a.m.
TRD-852806

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Texas Savings and Loan Department

Monday, April 8, 1985, 9 a.m. The Texas Savings and Loan Department will meet at 1004 Lavaca, Austin. According to the agenda, the department will accumulate a record of evidence in regard to the application of Landmark Savings Association (formerly Life Oak Savings Association) for a charter to be located at 1002 Austin Avenue, Georgetown, Williamson County, from which record the commissioner shall determine whether to grant or deny the application.

Contact: Russell R. Oliverly, 1004 Lavaca, Austin, Texas 78701, (512) 475-7991.

Filed: April 1, 1985, 10:02 a.m.
TRD-852830

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State Securities Board

Friday, April 12, 1985, 10 a.m. The securities commissioner of the State Securities Board will meet at 1800 San Jacinto Street, Austin. According to the agenda summary, the commissioner will conduct a hearing to determine whether a cease and desist order should be issued prohibiting the sale of securities issued by Rich Oil Investments, Inc., and Richard A. Stewart.

Contact: Sue B. Roberts, 1800 San Jacinto Street, Austin, Texas 78701.

Filed: April 1, 1985, 3:03 p.m.
TRD-852842

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Boards for Lease of State-Owned Lands

Tuesday, April 2, 1985, 1:30 p.m. The Board for Lease of Texas Department of Corrections of the Boards for Lease of State-Owned Lands met in a rescheduled emergency session held in Room 833, General Land Office, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the board approved the previous meeting minutes and considered bids received for the oil, gas, and other minerals lease sale. The emergency status was necessary to permit a board member to attend to assure a quorum for necessary approval of bids. The meeting originally was scheduled for 2 p.m. on April 2, 1985.

Contact: Linda K. Fisher, Stephen F. Austin Building, 1700 North Congress Avenue, Austin, Texas 78701, (512) 475-0352.

Filed: March 29, 1985, 3:50 p.m.
TRD-852825

Tuesday, April 2, 1985, 2 p.m. The Board for Lease of Texas Department of Public Safety of the Boards for Lease of State-Owned Lands met in emergency session in Room 833, General Land Office, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the board approved the previous meeting minutes and considered easement applications. The emergency status was necessary because approval was needed for timely construction of public utilities.

Contact: Linda K. Fisher, Stephen F. Austin Building, 1700 North Congress Avenue, Austin, Texas 78701, (512) 475-0352.

Filed: March 29, 1985, 3:50 p.m.
TRD-852826

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Teachers' Professional Practices Commission

Friday, April 5, 1985, 10 a.m. A three-member panel of the Teachers' Professional Practices Commission will meet in emergency session in Room 101, Texas Education Agency North Building, 1200 East Anderson Lane, Austin. According to the agenda, the panel will meet in executive session, in accordance with Texas Civil Statutes, Article 6252.17(g), to reach a decision on a case filed by an active certified member of the teaching profession against another active certified member of the teaching profession, pursuant to the Texas Education Code, §§13.201-13.218. The panel will reconvene in open session to declare the findings of the commission and take final action on the recommendation to the com-

missioner. The emergency status is necessary because the schedules of individual panel members determined the setting of the meeting date for this time.

Contact: James A. Salmon, 201 East 11th Street, Austin, Texas 78701, (512) 834-4093.

Filed: March 29, 1985, 12:45 p.m.
TRD-852814

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University Interscholastic League

Thursday, April 4, 1985, 1 p.m. The State Executive Committee of the University Interscholastic League met in Room 2.102, Joe C. Thompson Conference Center, 26th Street and Red River. According to the agenda summary, the committee considered cases regarding alleged violation of athletic code and gave rule interpretations.

Contact: Bailey Marshall, 2622 Wichita, Austin Texas 78713, (512) 471-5883.

Filed: March 29, 1985, 2:11 p.m.
TRD-852816

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Texas Water Commission

The Texas Water Commission will meet at the Stephen F. Austin Building, 1700 North Congress Avenue, Austin. Days, times, rooms, and agendas follow.

Tuesday, April 9, 1985, 10 a.m. In Room 118, the commission will consider water district bond issues, bond amendments, release from escrow, and use of surplus funds, water quality proposed permits, amendments and renewals, an examiner's proposals for a decision on water right applications, and the filing and setting of hearing dates.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: March 29, 1985, 2:49 p.m.
TRD-852820

Wednesday, April 10, 1985, 2 p.m. In Room 118, the commission will consider an application of the Travis County Rehabilitation Center, P.O. Box 1748, Austin, Texas 78767, to the Texas Department of Water Resources for a temporary order to authorize the construction of a 41,000 gallon-per-day treatment plant and irrigation facilities to dispose of treated domestic sewage from its extended aeration domestic sewage treatment plant to be located east of Bergstrom Air Force Base, approximately 1,300 feet west of FM Road 973 and 1,900

feet south of State Highway 71 in Travis County.

Contact: John P. Sutton, P.O. Box 13087, Austin, Texas 78711, (512) 475-7856.

Filed: April 1, 1985, 3:32 p.m.
TRD-852843

Monday, April 15, 1985, 2 p.m. In Room 118, the commission will consider an application of the City of Jacksonville, P.O. Box 1390, Jacksonville, Texas 75766, to the Texas Department of Water Resources for a temporary order to authorize the discharge of 11 separate discharges of partially treated domestic wastewater between April and September 1985 from its wastewater treatment plant which is located on Canada Street, southeast of the crossing of Ragsdale Creek by Canada Street, southeast of the City of Jacksonville in Cherokee County. The applicant proposes to make necessary repairs to its existing wastewater treatment facilities.

Contact: Scott Peterson, P.O. Box 13087, Austin, Texas 78701, (512) 475-6943.

Filed: April 1, 1985, 3:33 p.m.
TRD-852844

Thursday, April 18, 1985, 10 a.m. In Room 124A, the commission will consider an application of the Lower Colorado River Authority, Cummins Creek Mine, P.O. Box 220, Austin, Texas 78767, to the Texas Department of Water Resources for a temporary order to authorize the construction of wastewater retention facilities consisting of a pond sized to contain a 10-year, 24-hour storm event, which will serve as part of a support facility to received, erect, and store major mining equipment until appropriate permits authorizing mining are obtained from the Railroad Commission of Texas. The facility is to be located within a 60-acre mine area in northwestern Fayette County, near the communities of Ledbetter, Waldeck, and Nechanitz, Fayette County.

Contact: Paula Hilsenbeck, P.O. Box 13087, Austin, Texas 78711, (512) 475-7851.

Filed: April 1, 1985, 3:32 p.m.
TRD-852845

Monday, April 29, 1985, 10 a.m. In Room 124A, the commission will conduct a public hearing in the matter of the water rate controversy between Brazos River Authority and Galveston County Water Authority and Monsanto Company.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: March 29, 1985, 2:50 p.m.
TRD-852821

Wednesday, May 1, 1985, 2 p.m. In Room 118, the commission will conduct a hearing on the petition for creation of Harris County

Municipal Utility District 304, containing 321.515 acres of land.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: March 28, 1985, 3:18 p.m.
TRD-852651

Tuesday, May 7, 1985, 2 p.m. In Room 118, the commission will conduct a hearing on the petition for creation of Harris County Municipal Utility District 279, containing 358.03 acres of land.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: March 28, 1985, 2:10 p.m.
TRD-852648

Thursday, May 9, 1985, 9:30 a.m. The Texas Water Commission will meet in the council chambers, Canton City Hall, 190 East Tyler, Canton. According to the agenda summary, the commission will consider an application of Bayard M. Smith, 9538 Ash Creek Drive, Dallas, to the Texas Department of Water Resources for proposed Permit 13071-01 to authorize a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 23,000 gallons per day from the proposed Garden City Addition 1 wastewater treatment plant, which is to serve a proposed mobile home park.

Addition to the previous agenda:

The commission will consider an application of Bayard M. Smith, 9538 Ash Creek Drive, Dallas, Texas 75228, to the Texas Department of Water Resources for proposed Permit 13082-01 to authorize a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 24,000 gallons per day from the proposed Garden City Addition 2 wastewater treatment plant, which is to serve a proposed mobile home park.

Contact: Douglas P. Roberts, P.O. Box 13087, Austin, Texas 78711, (512) 475-1468.

Filed: March 28, 1985, 3:19 p.m.
TRD-852652, 852653

Thursday, May 9, 1985, 10 a.m. The Texas Water Commission will meet in the Medalion Room, Utilities Building, 300 South Washington, Bryan. According to the agenda summary, the commission will consider an application of the Texas Municipal Power Agency, P.O. Box 7000, Bryan, Texas 77805-7000, to the Texas Department of Water Resources for an amendment to Permit 02120 to authorize an increase in the discharge of wastewater from the ash pond(s) into the lignite mining area at the Gibbons Creek steam electric power station from 50,000 gallons per day average to 175,000 gallons per day average (Outfall 401) and to replace free available chlorine limitation with total residual chlorine limitations at Outfall 201 beginning July 1, 1987. The existing permit also authorizes an intermittent discharge variable with rainfall from the Gibbons

Creek Reservoir into Gibbons Creek at Outfall 001, lignite storage runoff and low volume waste discharge into Big Branch Creek at Outfall 002, and two internal outfalls that discharge into the Gibbons Creek Reservoir, all of which will remain the same.

Contact: Robert A. Caine, P.O. Box 13087, Austin, Texas 78711, (512) 475-1339.

Filed: March 28, 1985, 3:19 p.m.
TRD-852654

Wednesday, May 15, 1985, 9 a.m. The Texas Water Commission rescheduled a meeting to be held at the City of Pearland Community Center, 3523 Liberty Drive, Pearland. According to the agenda summary, the commission will consider an application of the City of Pearland, P.O. Box 3068, Pearland, Texas 77588-2068, to the Texas Department of Water Resources for proposed Permit 10134-05 to authorize a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of two million gallons per day from the proposed Cowart Creek Sewage Treatment Plant, which is to serve developing areas within the city's extra-territorial jurisdiction. The meeting originally was scheduled for December 12, 1984, as published at 9 TexReg 5770.

Contact: James R. Larkins, P.O. Box 13087, Austin, Texas 78711, (512) 475-2711.

Filed: April 1, 1985, 2:02 p.m.
TRD-852836

Wednesday, May 22, 9:30 a.m. The Texas Water Commission will meet in the auditorium, Bank of the Southwest, 910 Travis Street, Houston. According to the agenda summary, the commission will consider an application of Clarence W. Diehl, 1262 Spears Road, Houston, Texas 77067, to the Texas Department of Water Resources for proposed Permit 13065-01 to authorize a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 6,000 gallons per day from a proposed wastewater treatment plant which is to serve an office/warehouse complex.

Addition to the previous agenda:

The commission will consider an application of Barker-Meadows Company, 10910 Stancliff Road, Houston, Texas 77099, to the Texas Department of Water Resources for proposed Permit 13076-01 to authorize a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of one million gallons per day from the Harris County Municipal Utility District 252 Wastewater Treatment Plant, which will be constructed in phases to serve a planned multifamily/commercial development.

Contact: Kevin McCailla, P.O. Box 13087, Austin, Texas 78711, (512) 475-1418.

Filed: April 28, 1985, 3:18 p.m.
TRD-852655, 852656

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Texas Department of Water Resources

Thursday, May 2, 1985, 9 a.m. The Texas Department of Water Resources will meet in Room 118, Stephen F. Austin Building, 1700 North Congress, Austin. According to the agenda summary, the department will conduct a public hearing concerning proposed amendments to Chapter 321 of the Texas Water Development Board's permanent rules, presently titled "Grants Administration."

Contact: Robert S. Klinker, P.O. Box 13087, Austin, Texas 78711.

Filed: March 29, 1985, 2:49 p.m.
TRD-852822

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West Texas State University

Wednesday, April 10, 1985, 2 p.m. The Board of Regents of West Texas State University will meet in Room 211, Virgil Henson Activities Center, Canyon. According to the agenda, the board will consider the request of Palo Duro Village Cooperative to change the restriction in the deed dated January 18, 1982, from West Texas State University, thereby lowering the age from 55 years to 45 years; and consider the proposal of the City of Canyon to purchase Section 138 and Section 139, Block 6, I&GN RR Co. Survey, Randall County. The division also will meet in executive session as authorized by Texas Civil Statutes, Article 6252-17, §2f, concerning real estate. These items are to be considered by the Property Committee, but because of the interest of all members and the possibility of their attendance, a notice for the full board has been filed. No vote will be taken at this meeting.

Contact: Texas Smith, West Texas State University, Canyon, Texas 79106, (806) 656-3962.

Filed: April 1, 1985, 10:35 a.m.
TRD-852868

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Regional Agencies

Meetings Filed March 28

The Dallas County Appraisal District, Board of Directors met in the boardroom, 2601 Live Oak, Dallas, on April 3, 1985, at 7:30 a.m. The Appraisal Review Board will meet in the same location on April 12, 1985, at 10 a.m. Information may be obtained from Rick L. Kuehler, 2601 Live Oak, Dallas, Texas 75204, (214) 826-C030.

The Eastland County Appraisal District, Appraisal Review Board, will meet in the

commissioners courtroom, Eastland County Courthouse, on April 11, 1985, at 9:30 a.m. Information may be obtained from Steve Thomas, Box 914, Eastland, Texas 76448, (817) 629-8597.

The Houston-Galveston Area Council, Project Review Committee, met in the boardroom, Suite 500, fourth floor, 3555 Timmons, Houston, on April 2, 1985, at 9:30 a.m. Information may be obtained from Geraldine McCray, P.O. Box 22777, Houston, Texas 77227, (713) 627-3200.
TRD-852644

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Meetings Filed March 29

The Archer County Appraisal District, Board of Directors, will meet at 108 West Main Street, Archer City, on April 10, 1985, at 5 p.m. Information may be obtained from A. G. Reis, P.O. Box 1141, Archer City, Texas 76351, (817) 574-2172.

The Bell County Appraisal District will meet in the commissioners courtroom, second floor, Bell County Courthouse, Belton, on April 17, 1985, at 7 p.m. Information may be obtained from Tolly Moore, P.O. Box 390, Belton, Texas 76513-0390, (817) 939-3521, ext. 410.

The Bexar Appraisal District, Appraisal Review Board, will meet at 535 South Main, San Antonio, on Wednesday, April 17, 1985, at 8:30 a.m., and Friday, April 19, 1985, at 9 a.m. Information may be obtained from Bill Burnette, 535 South Main, San Antonio, Texas 78204, (512) 224-8511.

The Coryell County Appraisal District, Board of Directors, met at 105 North Seventh, Gatesville, on April 4, 1985, at 7 p.m. Information may be obtained from Darrell Lisenbe, P.O. Box 142, Gatesville, Texas 76528, (817) 865-6593.

The Region VII Education Service Center, Board of Directors, will meet at the Holiday Inn, Highway 259 South, Henderson, on April 11, 1985, at 7 p.m. Information may be obtained from Don J. Peters, 818 East Main, Kilgore, Texas 75662.

The Edwards County Appraisal District, Board of Directors, will meet at the new county office building, Rocksprings, on April 9, 1985, at 8:30 a.m. Information may be obtained from Sondra Madden, P.O. Box 378, Rocksprings, Texas 78880, (512) 683-2337.

The Garza County Appraisal District, Board of Directors, will meet at the courthouse, Post, on April 11, 1985, at 9 a.m. Information may be obtained from Jean M. Westfall, P.O. Drawer F, Post, Texas 79356, (806) 495-3518.

The Scurry County Appraisal District, Board of Directors, met at 2612 College Avenue, Snyder, on April 2, 1985, at 7:30 p.m. Information may be obtained from L. R. Peveler, 2612 College Avenue, Snyder, Texas 79549, (915) 573-8549.
TRD-852817

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Meetings Filed April 1

The Dallas Area Rapid Transit Authority, Search Committee, met in emergency session at the Adolphus Hotel, 1321 Commerce Street, Dallas, on April 1, 1985, at noon. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 748-3278.

The Dallas Area Rapid Transit Authority, Special Needs Committee, met in emergency session at the DART Office, 601 Pacific Avenue, Dallas, on April 3, 1985, at 8:30 a.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 748-3278.

The East Texas Council of Governments, Executive Committee, met at 3800 Stone Road, Kilgore, on April 4, 1985, at 2 p.m. Information may be obtained from Glynn J. Knight, 3800 Stone Road, Kilgore, Texas 75662, (214) 984-8641.

The East Texas Council of Governments, JTPA Board of Directors, met at 3800 Stone Road, Kilgore, on April 4, 1985, at 7 p.m. Information may be obtained from Glynn J. Knight, 3800 Stone Road, Kilgore, Texas 75662, (214) 984-8641.

The High Plains Underground Water Conservation District 1, Board of Directors, will meet in the conference room, 2930 Avenue Q, Lubbock, on April 9, 1985, at 10 a.m. Information may be obtained from A. Wayne Wyatt, 2930 Avenue Q, Lubbock, Texas 79405, (806) 762-0181.

The Central Tax Authority of Taylor County, Board of Directors, will meet at 340 Hickory Street, Abilene, on April 10, 1985, at 10 a.m. Information may be obtained from Abe Allen, P.O. Box 1800, Abilene, Texas 79604, (915) 676-9381.
TRD-852856

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Meetings Filed April 2

The Blanco County Central Appraisal District, Board of Directors, will meet in the Blanco County Courthouse Annex, Johnson City, on April 8, 1985, at 6 p.m. Information may be obtained from Hollis Petri, P.O. Box 338, Johnson City, Texas 78636, (512) 868-4624.

The Canadian River Municipal Water Authority, Board of Directors, will meet at K-Bob's Restaurant, 1300-C Olton Road, Plainview, on April 10, 1985, at 11 a.m. Information may be obtained from John C. Williams, P.O. Box 99, Sanford, Texas 79078, (806) 865-3325.

The Copano Bay Soil and Water Conservation District 329 will meet at Shay Plaza, 106 South Alamo, Refugio, on April 10, 1985, at 8:30 a.m. Information may be obtained from Jim Wales, P.O. Drawer 340, Refugio, Texas 78377, (512) 526-2334.

The Deep East Texas Private Industry Council met in emergency session at the Plum Tree Restaurant, 2500 Highway 59 South, Livingston, on April 4, 1985, at 1 p.m. Information may be obtained from Charlene Meadows, P.O. Box 1463, Lufkin, Texas 75901, (409) 634-4432.

The Region I Education Service Center, Board of Directors, will meet at 1900 West Schunior, Edinburg, on April 9, 1985, at 6 p.m. Information may be obtained from Lauro R. Guerra, 1900 West Schunior, Edinburg, Texas, (512) 383-5611.

The Fannin County Appraisal District, Board of Directors, will meet at the Peeler Building, 401 North Main, Bonham, on April 9, 1985, at 7 p.m. Information may be obtained from Pat Pickett, 401 North Main, Bonham, Texas 75418, (214) 583-9546.

The Gregg Appraisal District, Board of Directors, will meet at 2010 Gilmer Road, Longview, on April 9, 1985, at noon. Information may be obtained from William T. Carroll, P.O. Box 6700, Longview, Texas 75608, (214) 759-0015.

The Gulf Bend Mental Health and Mental Retardation, Board of Trustees, met at 1404 Village Drive, Victoria, on April 4, 1985, at noon. Information may be obtained from Gulf Bend Mental Health and Mental Retardation Center, 1404 Village Drive, Victoria, Texas 77901, (512) 575-0611.

The Hale County Appraisal District, Appraisal Review Board, will meet at the Central Appraisal Office, 302 West Eighth Street, Plainview, on April 10, 1985, at 9:30 a.m. Information may be obtained from Linda James, P.O. Box 29, Plainview, Texas 79072, (806) 293-4226.

The Hood County Appraisal District, Board of Directors, will meet at 1902 West Pearl, Granbury, on April 9, 1985, at 7:30 p.m. Information may be obtained from Ben H. Griffin, P.O. Box 819, Granbury, Texas 76048, (817) 573-2471.

The Permian Basin Regional Planning Commission, Board of Directors, will meet at the commission offices, Midland Air

Terminal, Midland, on April 10, 1985, at 1:30 p.m. Information may be obtained from Pam K. Hammit, P.O. Box 6391, Midland, Texas 79701, (915) 563-1061.

The Tyler County Tax Appraisal District, Board of Review, will meet at 103 Pecan, Woodville, on April 9, 1985, at 1:30 p.m. Information may be obtained from Mary F. Mann, P.O. Drawer 9, Woodville, Texas 75979, (409) 283-3736.

The Upshur County Appraisal District, Board of Directors, will meet at the district office, Warren and Trinity Streets, Gilmer, on April 8, 1985, at 7:30 p.m. Information may be obtained from Louise Stracener, P.O. Box 31, Gilmer, Texas 75644, (214) 843-3041.

The Wise County Appraisal District, Appraisal Review Board, will meet at 206 South State, Decatur, on April 10, 1985, at 9:30 a.m.

The Board of Directors will meet at the same location on April 11, 1985, at 9 a.m. Information may be obtained from Angela Caraway, P.O. Box 509, Decatur, Texas 76234, (817) 627-3081.

TRD-852884



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The Legislature

For the purpose of public information, the *Register* publishes a listing of the bills that have been submitted to the governor during each legislative session and the status of these bills. A bill will be listed after the bill has passed both the House and the Senate and again when the Governor acts upon it.

Bills Sent to the Governor

March 28

SB 34 Relating to the regulation of health spa services; providing criminal and civil penalties and enforcement procedures, and providing private actions for damages.

Sponsor: Criss

SB 106 Relating to local regulation of certain sexually oriented business activities; providing for penalties.

Sponsor: Smith, Ashley

SB 329 Relating to the annual report of the Texas Department of Human Resources.

Sponsor: Barton

SB 380 Relating to the conveyance of certain state-owned real property in Wichita County and use of proceeds.

Sponsor: Gavin

HB 374 Relating to the Advisory Council for Technical-Vocational Education in Texas.

Sponsor: Carpalus

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Bills Signed by Governor

March 28

SB 65 Relating to filling certain vacancies on the Legislative Budget Board, Legislative Library Board, Legislative Audit Committee, Legislative Council, or other interim committees.

Effective date: Immediately

SB 172 Relating to the membership of the Southern Regional Education Compact.

Effective date: Immediately

HB 51 Relating to the term "intoxicated" as that term is used in defining the offense of driving while intoxicated and in the law governing the taking of specimens of body substances.

Effective date: Immediately

HB 448 Relating to the creation of, jurisdiction of, and method of selection of judges and presiding judges for the municipal courts of record in San Antonio, and to court clerks for those courts.

Effective date: Immediately

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In Addition

The *Register* is required by statute to publish certain documents, including applications to purchase control of state banks, notices of rate ceilings, changes in interest rate and applications to install remote service units, and consultant proposal requests and awards.

To aid agencies in communicating information quickly and effectively, other information of general interest to the public is published as space allows.

Texas Air Control Board Contested Case Hearing

Pursuant to the authority provided in the Texas Clean Air Act, Texas Civil Statutes, Article 4477-5, §§3.12 and 3.15-3.17, and 31 TAC §§103.11, 103.31, and 103.41, of the procedural rules of the Texas Air Control Board (TACB), an examiner for the TACB will conduct a hearing to examine the compliance status of Bear Hog Farm, owned by Tharon Bean, north of Brownwood, off Walnut Street, east of Temple Street, Brown County.

Tharon Bean, doing business as Bean Hog Farm, is directed to appear at the time and place shown as follows and respond to the allegations by the staff of the TACB that the operations of Bean Hog Farm are not in full compliance with the Act and the rules and regulations of the TACB. Specifically, Bean Hog Farm is alleged to be in violation of 31 TAC §101.4 by discharging odors of such concentration and of such duration as are or may tend to be injurious to or to adversely affect human health or welfare, animal life, vegetation, or property, or to interfere with the normal use and enjoyment of animal life, vegetation, or property.

Furthermore, Bean Hog Farm is alleged to be in violation of the Act, §3.27(a), and TACB Regulation VI, 31 TAC §116.1, by engaging in the modification of a facility without first obtaining a construction permit by increasing the number of hogs housed at the facility in excess of 1,200 head.

The record of this hearing will be used by the TACB in determining any action to be taken or orders to be issued regarding the allegations of its staff.

Information regarding the alleged violations and copies of the board's rules and regulations are available for public inspection at the central office of this agency located at 6330 U.S. Highway 290 East, Austin, and the Brownwood city secretary, 110 South Greenleaf, Brownwood.

The examiner has set the hearing to begin at 6 p.m., May 6-8, 1985, at the Adams Street Community Center auditorium, 511 East Adams Street, Brownwood. Prospective parties to the hearing will be the TACB staff and Tharon Bean, doing business as Bean Hog Farm. Any other persons desiring to be made a party to the hearing must specifically apply in writing for party status to examiner Paul M. Shinkawa, Texas Air Control Board, 6330 U.S. Highway 290 East, Austin, Texas 78723. No other persons will be admitted as parties unless the request is actually received at the previously mentioned address by 5 p.m. on April 10, 1985. Previous correspondence with the TACB is not effective for this purpose. A final determination regarding party status will be made at the prehearing conference on the date set out as follows. At the hearing on the merits, only those persons admitted as parties will be permitted to present evidence and argument and to

cross-examine witnesses. Any person who desires to give testimony at the hearing, but who does not desire to be a party, may call the Legal Division of the TACB at (512) 451-5711, ext. 354, to determine the names and addresses of all admitted parties. These parties may then be contacted about the possibility of presenting testimony.

Pursuant to 31 TAC §103.46 of the procedural rules of the TACB, the examiner has scheduled a prehearing conference at 6 p.m. on April 16, 1985, at the Brownwood City Council Chambers, 110 South Greenleaf, Brownwood. All prospective parties are required to attend this conference as well as all persons wishing to be admitted as parties. Proposed written disputed issues for consideration at the hearing on the merits and written requests for official notice should be made at the prehearing conference. Motions for continuance will only be granted upon proof of good cause. At this conference a specific date prior to the hearing on the merits will be established for the exchange of witness lists, short summaries of their prospective testimony, and copies of written and documentary evidence pursuant to 31 TAC §103.46(2). Prehearing orders setting out discovery periods and other prehearing requirements may also be issued following this prehearing conference.

Members of the general public who plan to attend the hearing are encouraged to telephone the central office of the TACB in Austin at (512) 451-5711, ext. 354, a day or two prior to the hearing date to confirm the setting, since continuances are granted from time to time.

Issued in Austin, Texas, on March 28, 1985.

TRD-852819 Bill Stewart, P.E.
Executive Director
Texas Air Control Board

Filed: March 29, 1985

For further information, please call (512) 451-5711, ext. 354.

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Texas Commission on Alcoholism Request for Proposals

The Texas Commission on Alcoholism (TCA), under the authority of Public Law 98-509, Alcohol Abuse, Drug Abuse, and Mental Health Amendments of 1984, announces the availability of funds for alcoholism services. The TCA is soliciting proposals for the delivery of alcoholism services as follows.

TSF 86 RFP. A total of \$350,000 in federal block grant funds is allocated for the initiation and expansion of residential and outpatient treatment services for female alcohol abusers. Any public or private, incorporated,

nonprofit organization may apply. The maximum for which an eligible applicant may apply is \$150,000. The minimum for which an eligible applicant may apply is \$15,000.

CFW 86 RFP. A total of \$150,000 in federal block grant funds is allocated for the initiation and expansion of case-finding, assessment, and referral services for females in the early stages of alcohol abuse or addiction to prevent further progression into chronic alcoholism. Any public or private, incorporated, nonprofit organization may apply. The maximum amount for which an eligible applicant may apply is \$50,000. The required project cash match is 5.0% of the TCA award amount.

CUR 86 RFP. A total of \$247,000 in federal block grant funds is allocated for the development and integration of alcohol education programs by councils or committees on alcoholism in public and/or private schools within their catchment areas. Any nonprofit organization incorporated as a council or committee on alcoholism may apply. The maximum amount for which an eligible applicant may apply is \$15,000. The required project cash match is 5.0% of the TCA award amount.

Approval and funding of applications under these three RFPs are contingent on appropriations received by TCA for the period September 1, 1985, through August 31, 1986. Activities conducted with these funds must be carried out between September 1, 1985, and August 31, 1986.

Due Date. The submission closing date for all three RFPs is on 5 p.m. May 15, 1985, at 5 p.m.

Contact. To request a copy of any of the RFPs, contact The Texas Commission on Alcoholism, Grants and Contracts Department, 1705 Guadalupe Street, Austin, Texas 78701, (512) 475-2577.

Issued in Austin, Texas, on March 26, 1985.

TRD-862636 Ross Newby
Executive Director
Texas Commission on Alcoholism

Filed: March 27, 1985
For further information, please call (512) 475-2677.

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State Banking Board Public Hearings

The hearing officer of the State Banking Board will conduct a hearing at 9 a.m. on Tuesday, June 11, 1985, at 2601 North Lamar Boulevard, Austin, on the charter application for First Bank of Plano, Plano.

Additional information may be obtained from William F. Aldridge, Director of Corporate Activities, Banking Department of Texas, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 475-4451.

Issued in Austin, Texas, on March 27, 1985.

TRD-852647 William F. Aldridge
Director of Corporate
Activities
State Banking Board

Filed: March 28, 1985
For further information, please call (512) 475-4451.

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The hearing officer of the State Banking Board will conduct a hearing at 9 a.m. on Tuesday, June 4, 1985, at 2601 North Lamar Boulevard, Austin, on the charter application for Fort Worth State Bank, Fort Worth.

Additional information may be obtained from William F. Aldridge, Director of Corporate Activities, Banking Department of Texas, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 475-4451.

Issued in Austin, Texas, on March 26, 1985.

TRD-852637 William F. Aldridge
Director of Corporate Activities
Banking Department of Texas

Filed: March 27, 1985
For further information, please call (512) 475-4451,

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Comptroller of Public Accounts Decision 16,061

For copies of the following opinion, contact Bob Bullock, Comptroller of Public Accounts, Attention: Administrative Law Judges, 111 East 17th Street, Austin, Texas 78774. Copies will be furnished without charge and edited to comply with confidentiality statutes.

Summary of Decision. The taxpayer, a large foreign corporation, entered into contracts with Texas individuals (normally farmers, and called "producers" in the contracts) to raise and care for flocks of laying chickens owned by the taxpayer. Taxpayer supplied, at its expense, feed, medication, and supplies; and it periodically inspected the facilities of "producers" and their procedures. Under the contract, the taxpayer owned both chickens and eggs, and the "producers" were independent contractors. Taxpayer sought exemption from taxes on its egg processing machine, under the Texas Tax Code, §151.316(9), as machinery exclusively used in the processing, packing, or marketing of agricultural products by the original producer. The comptroller held that tax was due. Following Comptroller's Decision 11,120 (1981), the two-pronged test was applied to determine if taxpayer was the "original producer": did taxpayer exercise predominant control and did taxpayer bear the risk of loss of investment? In this arrangement, the farmer or "producers" exercised predominant control on a day-to-day basis, so the second question was moot as to the taxpayer.

Issued in Austin, Texas, on March 29, 1985.

TRD-852865 Bob Bullock
Comptroller of Public Accounts

Filed: April 1, 1985
For further information, please call (512) 475-1913.

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Texas Conservation Foundation Consultant Contract Award

In accordance with provisions of Texas Civil Statutes, Article 6252-11c, in reply to the consultant proposal request published in the November 16, 1984, issue of the *Texas Register* (9 TexReg 5947), the Texas Conservation Foun-

dition announces the awarding of a contract to Michael Lee Cox, 1302 Spyglass Drive, #107, Austin, Texas 78746.

The awardee is to prepare the portions of a book manuscript featuring General Land Office maps and documents which include chapters with the following working titles: Trans-Pecos, Europeans on the Frontier, Permian Basin, Panhandle Plains, and the Anglo Cradle. In addition, selected sideboards will be included.

The awardee agrees to provide a completed manuscript by March 20, 1985.

The awardee will be paid the sum of \$3,750 already paid under a previous contract, \$3,750 on April 1, 1985, upon delivery and approval of the preliminary draft, \$3,750 upon delivery and approval of the edited and revised manuscript, and \$3,750 upon publication.

Issued in Austin, Texas, on March 19, 1985.

TRD-852862 John Hamilton
Executive Director
Texas Conservation Foundation

Filed: April 1, 1985
For further information, please call (512) 475-0342.

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Office of Consumer Credit Commissioner

Rate Ceilings

The consumer credit commissioner of Texas has ascertained the following rate ceilings by use of the formulas and methods described in Texas Civil Statutes, Title 79, Articles 1.04, 1.05, 1.11, and 15.02, as amended (Texas Civil Statutes, Articles 5069-1.04, 1.05, 1.11, and 15.02).

Type of Rate Ceilings Effective Period (Dates are Inclusive)	Consumer ⁽³⁾ Agricul- tural/Commercial ⁽⁴⁾ thru \$250,000	Commercial ⁽⁴⁾ over \$250,000
Indicated (Weekly) Rate—Article 1.04(a)(1) 04/08/85-04/14/85	18.00%	18.00%
Monthly Rate— Article 1.04(c) ⁽¹⁾ 04/01/85-04/30/85	18.00%	18.00%
Standard Quarterly Rate—Article 1.04(a)(2) 04/01/85-06/30/85	18.00%	18.00%
Retail Credit Card Quarterly Rate— Article 1.11 ⁽³⁾ 04/01/85-06/30/85	18.00%	N/A
Lender Credit Card Quarterly Rate— Article 15.02(d) ⁽³⁾ 04/01/85-06/30/85	16.42%	N/A
Standard Annual Rate— Article 1.04(a)(2) ⁽²⁾ 04/01/85-06/30/85	18.00%	18.00%
Retail Credit Card Annual Rate— Article 1.11 ⁽³⁾ 04/01/85-06/30/85	18.00%	N/A

Type of Rate Ceilings Consumer⁽³⁾Agricul- Commercial⁽⁴⁾
Effective Period tural

Annual Rate Applica-
ble to Pre-July 1, 1983,
Retail Credit Card and
Lender Credit Card
Balances with Annual
Implementation Dates
from

04/01/85-06/30/85 19.27% N/A

Judgment Rate—
Article 1.05, §2

04/01/85-04/30/85 10.00% 10.00%

- (1) For variable rate commercial transactions only.
(2) Only for open-end credit as defined in Texas Civil Statutes, Article 5069-1.01(f).
(3) Credit for personal, family, or household use
(4) Credit for business, commercial, investment, or other similar purpose.

Issued in Austin, Texas, on April 1, 1985.

TRD-852860 Sam Kelley
Consumer Credit
Commissioner

Filed: April 1, 1985
For further information, please call (512) 475-2111.

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Texas Department of Health Emergency Medical Services Systems

The Texas Department of Health is accepting letters of intent to apply for emergency medical services systems funding under the preventive health and health services block grant. Funds will be available October 1, 1985; funds may not be used to purchase equipment or pay operational costs of services.

Letters of intent to apply for funds should be sent to Charles H. Gregory, M.D., Texas Department of Health, Bureau of Emergency Management, 1100 West 49th Street, Austin, Texas 78756. Applications will be due July 1, 1985.

Eligible entities who send letters of intent will receive application kits consisting of materials pertinent to submitting an application. An eligible entity is a public entity administering a compact or other regional planning council or consortium, a unit of local government, any other public entity, and any nonprofit entity.

For more information, contact Alana S. Mallard, Program Supervisor, Bureau of Emergency Management, at (512) 465-2601.

Issued in Austin, Texas, on March 28, 1985.

TRD-852789 Robert A. MacLean
Deputy Commissioner
Professional Services
Texas Department of
Health

Filed: March 29, 1985
For further information, please call (512) 465-2601.

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Licensing Action for Radioactive Materials

The Texas Department of Health has taken actions regarding licenses for the possession and use of radioactive materials as listed in the following table. The sub-heading labeled "Location" indicates the city in which the radioactive material may be possessed and/or used. The location listing "Throughout Texas" indicates that the radioactive material may be used on a temporary basis at job sites throughout the state.

NEW LICENSES ISSUED:

Location	Name	License #	City	Amend-ment #	Date of Action
Carrollton	Trinity Medical Center	05-3765	Carrollton	0	03/01/85
Houston	Lus S Acosta, M.D., P.A.	11-3735	Houston	0	03/04/85
San Antonio	David Horwitz, M.D.	09-3750	San Antonio	0	03/04/85
Throughout Texas	Trinity Testing and Inspection Company	08-3628	Victoria	0	03/06/85
Throughout Texas	Murillo Engineering, Inc. of Beaumont	10-3760	Port Arthur	0	03/13/85

AMENDMENTS TO EXISTING LICENSES ISSUED:

Location	Name	License #	City	Amend-ment #	Date of Action
Alvin	E I du Pont de Nemours and Company	11-3363	Alvin	2	03/13/85
Austin	South Austin Community Hospital	06-3273	Austin	7	03/13/85
Bryan	Saint Joseph Hospital	06-573	Bryan	25	02/28/85
Carlos	Texas Municipal Power Agency	06-2913	Bryan	7	10/17/84
Deer Park	Cosden Oil and Chemical Company	11-302	Deer Park	20	11/08/84
Denton	Westgate Hospital and Medical Center	05-2764	Denton	7	02/25/85
El Paso	Nuclear Pharmacy, Inc	03-1999	El Paso	51	02/28/85
Fort Worth	X-Ray Equipment Company	05-1485	Fort Worth	15	02/28/85
Fort Worth	Harris Hospital	05-1837	Fort Worth	27	03/04/85
Freeport	Dow Chemical Company	11-1848	Freeport	16	03/13/85
Grand Prairie	Medical Ancillary Services, Inc	05-3212	Grand Prairie	6	03/11/85
Hale Center	Hi Plains Hospital	02-3438	Hale Center	1	03/14/85
Hazelwood, MO	Mallinckrodt, Inc	11-3008	Hazelwood, MO	8	03/12/85
Hebbronville	Conoco, Inc	08-2923	Hebbronville	5	03/13/85
Houston	Nuclear Pharmacy, Inc	11-1911	Houston	53	02/27/85
Houston	General Welding Works, Inc	11-2895	Houston	10	03/07/85
Houston	Geo Chem Research, Inc	11-3448	Houston	1	03/13/85
Houston	Sharpstown General Hospital	11-1737	Houston	17	03/14/85
Houston	Christy L. Saller, M.D., P.A.	11-3728	Houston	1	03/14/85
Houston	The University of Texas Health Science Center	11-2774	Houston	5	02/27/85
Irving	Pioneer Park Medical Center, Inc	05-3004	Irving	6	02/28/85
Lake Jackson	Brazosport Memorial Hospital	11-3027	Lake Jackson	4	03/08/85
Lockhart	Lockhart Hospital, Inc.	06-3259	Lockhart	3	03/11/85
Lone Star	Arctic Pipe Inspections, Inc	07-2858	Lone Star	3	03/14/85
Lubbock	Community Hospital at Lubbock	02-2624	Lubbock	8	02/28/85
Midland	Parkview Hospital	12-3386	Midland	5	03/08/85
Pasadena	Pasadena General Hospital	11-3504	Pasadena	2	03/11/85
Pasadena	FCL Americas, Inc	11-2216	Pasadena	13	03/13/85

Pawnee	Mobil Alternative Energy, Inc.	08-2880	Denver, CO	12	03/11/85
Port Arthur	Park Plaza Hospital	10-1787	Port Arthur	12	03/05/85
Port Arthur	American Petroleum Company of Texas	10-3498	Port Arthur	1	03/13/85
Richardson	Richardson Medical Center	05-2336	Richardson	13	03/12/85
Taylor	Johns Community Hospital	06-3657	Taylor	3	03/11/85
Texas City	Amoco Oil Company	11-254	Texas City	28	03/13/85
Throughout Texas	Associated Testing Laboratories, Inc.	11-1553	Houston	9	03/01/85
Throughout Texas	NDT & Corrosion Control Service	11-3245	Houston	7	02/28/85
Throughout Texas	World Technical Services	11-3696	La Porte	3	02/28/85
Throughout Texas	Coastal Inspection Company	11-3716	Alvin	3	02/28/85
Throughout Texas	NDI Services	06-3193	Cedar Park	8	02/28/85
Throughout Texas	Bayou Testers, Inc.	11-2971	Houston	2	03/07/85
Throughout Texas	Phillips Petroleum Company	01-2459	Bartlesville, OK	7	03/07/85
Throughout Texas	NL McCullough	11-374	Houston	32	12/31/84
Throughout Texas	Comal County Unit Road System	09-3388	New Braunfels	1	02/14/85
Throughout Texas	The Upjohn Company	11-510	La Porte	33	03/06/85
Throughout Texas	Larry Thompson's Logging and Perforating, Inc	04-3197	San Angelo	3	03/01/85
Throughout Texas	Technical Welding Laboratories	11-2187	Houston	31	03/13/85
Throughout Texas	Pan American Inspection	11-3669	Houston	1	03/13/85
Throughout Texas	Perman Non-Destructive Testing	12-3683	Odessa	2	03/13/85
Throughout Texas	Winston Manufacturing Corporation	07-2832	Longview	10	03/13/85
Throughout Texas	Rountree & Company	07-3412	Longview	4	03/13/85
Throughout Texas	Jewell X-Ray Inspection Service	08-3659	Boeville	2	03/13/85
Throughout Texas	Radiographic Specialist, Inc	11-2742	Houston	8	03/13/85
Throughout Texas	Texaco, Inc	11-247	Bellaire	49	03/13/85
Throughout Texas	Exxon Chemical Americas	11-1135	Baytown	37	03/13/85
Throughout Texas	Phillips Petroleum	11-3054	Bartlesville, OK	6	03/13/85
Throughout Texas	City of San Angelo	04-2727	San Angelo	5	03/13/85
Throughout Texas	Pickett-Jacobs Consultants, Inc.	07-3690	Tyler	1	03/13/85
Throughout Texas	K and N Perforators	08-2300	Victoria	11	03/13/85
Throughout Texas	Bexar County Department of Public Works	09-2109	San Antonio	5	03/14/85
Throughout Texas	Halliburton Services	07-1835	Tyler	25	03/14/85
Throughout Texas	Dowell Schlumberger Incorporated	00-764	Tulsa, OK	44	03/14/85
Victoria	De Tar Hospital	08-1630	Victoria	18	03/05/85
Woodville	S & T Fabricators, Inc	10-3652	Woodville	1	02/08/85

TERMINATION OF LICENSES ISSUED:

Location	Name	License #	City	Amend-ment #	Date of Action
Anahuac	Chambers County Hospital	11-3538	Anahuac	1	03/06/85
Throughout Texas	TLC Inspection Company	12-3190	Odessa	1	03/13/85
Throughout Texas	Scientific Design Constructors, Inc	11-2064	Bellaire	4	03/13/85
Throughout Texas	Geosource Wireline Service, Inc	11-3127	Houston	13	03/13/85

In issuing new licenses and amending and renewing existing licenses, the Texas Department of Health, Bureau of Radiation Control, has determined that the applicants

are qualified by reason of training and experience to use the material in question for the purposes requested in accordance with *Texas Regulations for Control of Radiation* in such a manner as to minimize danger to public health and safety or property and the environment; the applicants' proposed equipment, facilities, and procedures are adequate to minimize danger to public health and safety or property and the environment; the issuance of the license(s) will not be inimical to the health and safety of the public or the environment; and the applicants satisfy any applicable special requirements in the *Texas Regulations for Control of Radiation*.

This notice affords the opportunity for a hearing on written request of a licensee, applicant, or "person affected" within 30 days of the date of publication of this notice. A "person affected" is defined as a person who is resident of a county, or a county adjacent to the county, in which the radioactive materials are or will be located, including any person who is doing business or who has a legal interest in land in the county or adjacent county, and any local government in the county; and who can demonstrate that he has suffered or will suffer actual injury or economic damage due to emissions of radiation. A licensee, applicant, or "person affected" may request a hearing by writing David K. Lackner, Chief, Bureau of Radiation Control (Director, Radiation Control Program), 1100 West 49th Street, Austin, 78756-3189.

Any request for a hearing must contain the name and address of the person who considers himself affected by Agency action, identify the subject license, specify the reasons why the person considers himself affected, and state the relief sought. If the person is represented by an agent, the name and address of the agent must be stated.

Copies of these documents and supporting materials are available for inspection and copying at the office of the Bureau of Radiation Control, Texas Department of Health, 1212 East Anderson Lane, Austin, from 8 a.m. to 5 p.m. Monday through Friday (except holidays).

Issued in Austin, Texas, on March 28, 1985.

TRD-852791 Robert A. MacLean
Deputy Commissioner
Professional Services
Texas Department of
Health

Filed: March 29, 1985
For further information, please call (512) 836-7000.

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Opportunity for Public Hearing

The City of Beeville has filed Application 373 with the Texas Department of Health (TDH) for a permit to operate an existing Type I municipal solid waste disposal site located approximately 0.4 mile southwest of Beeville, 0.4 mile southwest of the intersection of FM Road 351 and Viggo Road, on the south side of Viggo Road, in Bee County.

The site consists of approximately 79.65 acres of land, and is to receive daily approximately 45 tons of solid wastes under the regulatory jurisdiction of the TDH.

No public hearing will be held on this applications unless a person affected has requested a public hearing. Any such request for a public hearing shall be in writing and

contain the name, mailing address, and phone number of the person making the request; and a brief description of how the requester, or persons represented by the requester, has suffered or will suffer actual injury or economic damage by the granting of the application. If a hearing is requested by a person affected, notice of such hearing will be provided to the requester and will also be published in a newspaper of general circulation in the area where the site is located at least 30 days prior to the date of such hearing. If no request for a hearing is received within 30 days of the date of publication of the said notice in a newspaper of general circulation, the Department will make a decision.

Requests for a public hearing and/or requests for a copy of the technical summary of the application prepared by the Bureau of Solid Waste Management shall be submitted in writing to the Chief, Bureau of Solid Waste Management, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756. A copy of the complete application may be reviewed at the Bureau of Solid Waste Management or at the department's Public Health Region 8 headquarters located at 1401 South Rangerville Road, Harlingen, Texas 78550; telephone (512) 423-0130.

Issued in Austin, Texas, on March 28, 1985.

TRD-852792 Robert A. MacLean
Deputy Commissioner
Professional Services
Texas Department of
Health

Filed: March 29, 1985
For further information, please call (512) 458-7271.

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Order Modification to Rescind Source Impoundment

Notice is given that the Bureau of Radiation Control, under the authority of the *Texas Regulations for Control of Radiation* §13.9(a), amended an order dated June 7, 1984, issued to Roy G. Hudspeth, owner of Yellowjacket Wireline, Odessa, Radioactive Material License 12-3369, to authorize the release of source Serial Number 71-1-572B from impoundment for transfer to Larry Thompson's Logging and Perforating Company, which has demonstrated ownership, is properly licensed, and which did not cause the emergency.

All other portions of the order dated June 7, 1984, and all other constraints placed on Roy G. Hudspeth, owner of Yellowjacket Wireline, by that order remain in effect. The issued order is as shown in the following.

A copy of all relevant material is available for public inspection at the Bureau of Radiation Control, 1212 East Anderson Lane, Austin, from 8 a.m. to 5 p.m. Monday through Friday (except holidays).

The agency order dated June 7, 1984, issued to Roy G. Hudspeth, owner of Yellowjacket Wireline, (the licensee) is hereby amended as follows:

Under the authority of the *Texas Regulations for Control of Radiation*, Part 13, §9(a), the agency authorizes the release of source Serial Number 71-1-572B from impoundment for transfer to Larry Thompson's Logging and Perforating Company, who has demonstrated ownership, is properly licensed, and who did not cause the emergency.

All other portions of the order dated June 7, 1984, and all other constraints placed on Roy G. Hudspeth, owner of Yellowjacket Wireline, (the licensee) in that order remain in effect.

The order was signed on March 12, 1985, by Richard A. Ratliff, P.E., Director, Division of Compliance and Inspection, Bureau of Radiation Control.

Issued in Austin, Texas, on March 28, 1985.

TRD-852680 Robert A. MacLean
Deputy Commissioner
Professional Services
Texas Department of Health

Filed: March 28, 1985
For further information, please call (512) 835-7000.

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Public Hearing

The Texas Department of Health will conduct a public hearing on Application 1756 of Energy Advancement, Inc., for a permit to operate a proposed Type V municipal solid waste processing (incinerator) facility with energy recovery system to be located approximately 3.3 miles northeast of the northeast city limits of New Braunfels, five miles northeast of the intersection of Interstate Highway 35 and State Highway 46, 2.9 miles northeast of the junction of FM Road 483 with FM Road 1101, and in between FM Road 1101 and Kohlenberg Road in Comal County.

The hearing will be held at 11:30 a.m. on Wednesday, May 1, 1985, in the commissioners courtroom, Comal County Courthouse, 100 Main Plaza, New Braunfels.

Issued in Austin, Texas, on March 28, 1985.

TRD-852793 Robert A. MacLean
Deputy Commissioner
Professional Services
Texas Department of Health

Filed: March 29, 1985
For further information, please call (512) 458-7271.

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Rape Prevention and Crisis Services

The Texas Department of Health is accepting letters of intent to apply for sexual assault prevention and crisis services funding under the preventive health and health services block grant and state funds. Funds will be available October 1, 1985.

Letters of intent to apply for funds should be sent to Charles H. Gregory, M.D., Texas Department of Health, Bureau of Emergency Management, 1100 West 49th Street, Austin, Texas 78756. Applications will be due July 1, 1985.

Eligible entities who send letters of intent will receive application kits consisting of materials pertinent to submitting an application. An eligible entity is a rape crisis center.

For more information, contact Alana S. Mallard, Program Supervisor, Bureau of Emergency Management, at (512) 465-2601.

Issued in Austin, Texas, on March 28, 1985.

TRD-852790 Robert A. MacLean
Deputy Commissioner
Professional Services
Texas Department of Health

Filed: March 29, 1985
For further information, please call (512) 465-2601.

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Texas Health Facilities Commission

Applications Accepted for Amendment, Declaratory Ruling, Notices of Intent, and Petition for Reissuance of Certificate of Need

Notice is hereby given by the Texas Health Facilities Commission of applications accepted as of the date of this publication. In the following list, the applicant is listed first, file number second, the relief sought third, and a description of the project fourth. DR indicates declaratory ruling; AMD indicates amendment of previously issued commission order; CN indicates certificate of need; PFR indicates petition for reissuance; NIE indicates notice of intent to acquire major medical equipment; NIEH indicates notice of intent to acquire existing health care facilities; NIR indicates notice of intent regarding a research project; NIE/HMO indicates notice of intent for exemption of HMO-related project; and EC indicates exemption certificate.

Should any person wish to become a party or interested person to any of the previously stated applications, that person must file a proper request to become a party or interested person to the application within 10 days after the date of this publication of notice. If the 10th 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 or interested person should be mailed to the chair of the commission at P.O. Box 50049, Austin, Texas 78763, and must be received at the commission no later than 5 p.m. on the last day allowed for filing of a request to become a party or interested person.

The contents and form of a request to become a party or interested person to any of these applications must meet the criteria set out in 25 TAC §515.9. Failure of a party or interested person to supply the necessary information in the correct form may result in a defective request to become a party or interested person.

Dickinson Industries, Inc., a Texas Corporation,
Houston

AN85-0318-174

NIEH—Request for a declaratory ruling that a certificate of need is not required for Dickinson Industries, Inc., to acquire by lease Aldine Community Care Center, an existing 197-bed ICF nursing facility located in Houston, from Walter L. Fox, Velma A. Fox, John P. Lambrecht, Mildred V. Lambrecht, D. Richard Ewin, Barbara J. Ewin, Clair L. Hotten, and Mary Jo Hotten.

**Dickinson Industries, Inc., a Texas corporation,
Houston
AN85-0318-175**

NIEH—Request for a declaratory ruling that a certificate of need is not required for Dickinson Industries, Inc., to acquire by lease Wileyvale Community Nursing Home, an existing 130-bed ICF nursing facility located in Houston, from Walter L. Fox, Velma A. Fox, John P. Lambrecht, Mildred V. Lambrecht, D. Richard Ewin, Barbara J. Ewin, Clair L. Hotten, and Mary Jo Hotten.

**Wichita General Service Corporation, Wichita Falls
AH85-0326-188**

NIEH—Request for a declaratory ruling that a certificate of need is not required for Wichita General Service Corporation to acquire by lease Wichita General Hospital, an existing general acute care hospital licensed for 300 beds and operating 229 beds located in Wichita Falls, from Wichita County—City of Wichita Falls, Texas Hospital Board.

**Healthcare Midland/Odessa, Inc., a subsidiary of
Healthcare International, Inc., Austin
AH85-0327-192**

NIEH—Request for a declaratory ruling that a certificate of need is not required for Healthcare Midland/Odessa, Inc., a subsidiary of Healthcare International, Inc., to acquire by purchase West Plains, a psychiatric hospital, an approved but not yet constructed 60-bed psychiatric hospital to be located in Midland, from Southwest Health of Midland/Odessa, Inc., a wholly-owned subsidiary of Southwest Health, Inc. Upon acquisition, the facility's name will change to Glenwood, a psychiatric hospital.

**A. Lee Schlichtemeier, M.D., P.A., Tyler
AO85-0327-193**

NIE—Request for a declaratory ruling that a certificate of need is not required for A. Lee Schlichtemeier, M.D., P.A., to acquire a 6-MV linear accelerator, a treatment planning simulator, treatment planning computer, and general medical office equipment. The proposed equipment will be located in the offices of A. Lee Schlichtemeier, M.D., P.A., (or a subsidiary organization) to be located between the 500 and 1200 blocks of North Fourth Street in Longview. The proposed equipment will be utilized on an outpatient basis only.

**Kirby W. Perry and Mike Burris for Deer Creek
Nursing Home, Wimberley
AN83-0419-366A(030785)**

CN/AMD—Correction of notice published in the March 15, 1985 issue of the *Texas Register*. Request for an extension of the completion deadline from April 30, 1985, to September 1, 1986, in Certificate of Need AN83-0419-355, which authorized the certificate holder to construct, equip, and operate a 120-bed intermediate nursing home facility.

Issued in Austin, Texas, on April 1, 1985

TRD-852864 John R. Neel
General Counsel
Texas Health Facilities
Commission

Filed: April 1, 1985
For further information, please call (512) 475-8940.

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Texas Department of Human Resources Public Hearing

The Texas Department of Human Resources (DHR) is currently studying several inpatient hospital reimbursement methodologies for the Texas Title XIX (Medicaid) Program to identify the optimum system for Texas. Arthur Young and Company is assisting DHR in this effort. Systems under consideration are the per diem method, a system similar to the Medicare Diagnosis Related Group (DRG), a Texas prospective payment system which is a per case method similar in some respects to the Medicare DRG system, and the current Tax Equity and Fiscal Responsibility Act (TEFRA) reimbursement system which is a retrospective system based upon cost per discharge. A recommendation as to the optimum system is scheduled to be made to the board of the Texas Department of Human Resources in May or June 1985. If a new system is to be implemented, it would be operational on or about January 1, 1986.

Six public hearings will be conducted for the purpose of receiving comments from interested parties throughout the state concerning Medicaid inpatient hospital reimbursement and which system should be used in the Texas Medicaid Program. Input received from the hearings will be considered during the course of the study. The dates, times, and locations of the hearings are as follows.

9 a.m. on April 16, 1985, auditorium, Texas Tech Regional Health Center, 4800 Alberta, El Paso.

9 a.m. on April 17, 1985, Holiday Inn Civic Center, 801 Avenue Q, Lubbock.

10:30 a.m. on April 18, 1985, Arlington Public Library, 101 East Abram, Arlington.

9 a.m. on April 23, 1985, Institute of Texas Culture, University of Texas at San Antonio, Hemisfair Plaza, 801 South Bowie, San Antonio.

9 a.m. on April 24, 1985, Saint Luke's United Methodist Church, 3471 Westheimer, Houston.

8:30 a.m. on April 25, 1985, town hall, second floor, 118 East Tyler, Harlingen.

The following is a brief description of the systems being studied and compared to the current TEFRA methodology.

Per diem—Payment is based upon a statewide, prospective, per day rate. The rate includes all inpatient hospital services. Payment is made for each allowable day of care.

Texas Based Diagnosis Related Group—This system would be similar to the Medicare fully implemented Diagnosis Related Group (DRG) system. The Texas DRG system would reimburse hospitals on a prospective, per case basis for allowable Medicaid inpatient hospitalizations. The payment would be based upon a statewide amount per DRG using the same basic Medicare major diagnostic categories and DRGs. The DRG relative weights and the average cost per discharge amount would be based upon historical Texas Medicaid payments. No hospitals would be excluded from the reimbursement system and the payment amount would be for all inpatient hospital services provided for a case.

Texas Prospective Payment System (TEPPS)—The TEPPS system is a prospective, per case payment system similar to the Medicare DRG system. The payment is a statewide amount based upon a DRG. The TEPPS system, based upon historical Texas Medicaid payments, is composed of 114 illness categories (compared to Medicare's 23 major diagnosis categories) and 456 payment

categories (compared to Medicare's 468 DRG payment categories). The payment categories are based upon the diagnosis of the patient, whether or not surgery was performed and whether or not there were complications or co-morbidity. This system does not differentiate payment based upon the type of surgery performed. No hospital would be excluded from the reimbursement system and the payment amount would be for all inpatient hospital services provided for a case.

Brian D. Packard, DHR, is the project leader. Mr. Packard can be reached at (512) 465-1106 or at the Texas Department of Human Resources, P.O. Box 2960, Mail Code 611-S, Austin, Texas 78769.

Issued in Austin, Texas, on April 1, 1985.

TRD-852855 Marlin W. Johnston
Commissioner
Texas Department of
Human Resources

Filed: April 1, 1985
For further information, please call (512) 450-3788.

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State Property Tax Board Consultant Contract Award

Pursuant to Texas Civil Statutes, Article 6252-11c, the State Property Tax Board furnishes this notice of contract award. The consultant proposal request appeared in the January 15, 1985, issue of the *Texas Register* (10 TexReg 188). This notice supplements the consultant

contract award that appeared in the March 29, 1985, issue of the *Texas Register* (10 TexReg 1093).

Description of Service. The consultants will serve as school district field reviewers in the board's 1985 property valuation study based on the 1985 tax year.

Address of Consultant. The consultants are Capitol Appraisal Group, Inc., 150 West Park 4, 8140 MoPac Expressway, Austin, Texas 78759, and Thomas Y. Pickett Company, 4464 Sigma Road, Dallas, Texas 75240.

Contract Value and Period. The total value of the contracts is \$71,280. The beginning date of the contract with Thomas Y. Pickett is March 18, 1985, and the ending date is August 31, 1985. The beginning date of contract with Capitol Appraisal Group, Inc., is March 26, 1985, and the ending date is August 31, 1985. The value of the contract with Capitol Appraisal is \$36,960, and the value of the contract with Thomas Y. Pickett is \$34,320.

The total value of all contracts awarded under the consultant proposal request is \$105,600.

Due Date of Reports. Final reports prepared by consultants under these contracts shall be submitted prior to August 23, 1985.

Issued in Austin, Texas, on March 28, 1985.

TRD-852857 Ron Patterson
Executive Director
State Property Tax Board

Filed: March 28, 1985
For further information, please call (512) 834-4901.

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