

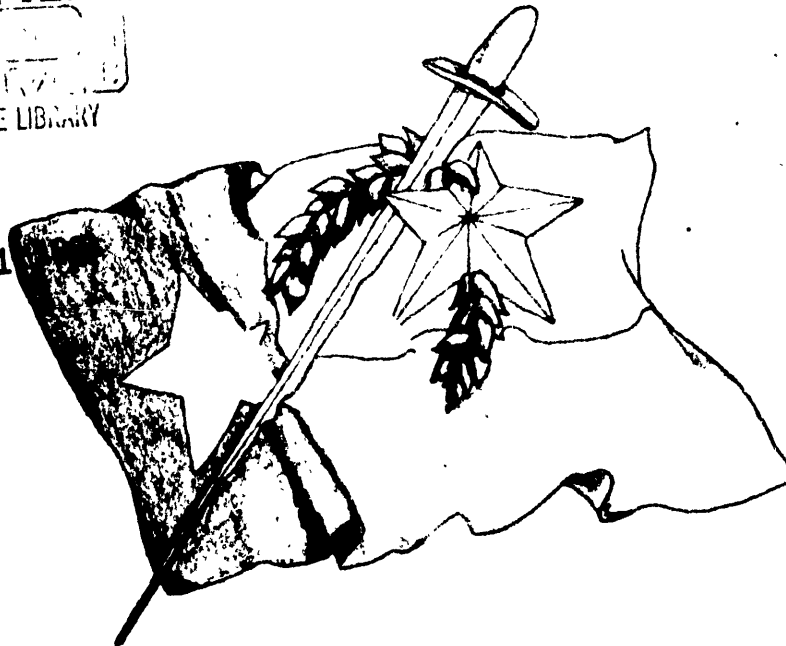
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Texas Register

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MAR 1 1983



Highlights

- ★ The State Board of Insurance adopts on an emergency basis amendments to a rule concerning domestic and foreign insurance company examination expenses and assessments; effective date - February 25..... page 755
- ★ The Texas Department of Human Resources proposes new rules and repeals concerning AFDC eligibility; earliest possible date of adoption - April 4. page 765
- ★ The State Board of Veterinary Medical Examiners adopts a new rule concerning the detection and control of rabies in humans; effective date - March 16..... page 774

How To Use the Texas Register

Texas Register

The *Texas Register* (ISN 0362-4781) is published twice a week at least 100 times a year. Issues will be published on every Tuesday and Friday in 1983 with the exception of January 25, March 8, April 26, and November 29, by the Office of the Secretary of State, 201 East 14th Street, P.O. Box 13824, Austin, Texas 78711-3824, (512) 475-7886.

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- Governor—appointments, executive orders, and proclamations
- Secretary of State—summaries of opinions based on election laws
- 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- Withdrawn Rules—rules withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the Texas Register six months after proposal publication date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.

How To Cite: Material published in the *Texas Register* is referenced by citing the volume in which a document appears, the words "TexReg," and the beginning page number on which that document was published. For example, a document

published on page 2402 of Volume 6 (1981) is cited as follows: 6 TexReg 2402.

In order that readers may cite material more easily, page numbers are now written as citations. Example: page 2 in the lower left-hand corner of this page is written "8 TexReg 2 issue date," while on the opposite page, in the lower right-hand corner, page 3 is written "issue date 8 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* (explained below), rule number, or TRD number.

Texas Administrative Code

The *Texas Administrative Code* (TAC) is the approved, collected volumes of Texas administrative rules currently being published by Shepard's/McGraw-Hill, in cooperation with this office.

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* (a listing of all the titles appears below).

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).

Latest Texas Code Reporter
(Master Transmittal Sheet): No: 10; December 1982

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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 for no more than 120 days. The emergency action is renewable once for no more than 60 days.

An agency must submit written reasons, published in the *Register*, for emergency action on a rule. The submission must also include a statement of the legal authority under which the emergency action is promulgated and the text of the emergency adoption. Following each published emergency document is certification information containing the effective and expiration dates of the action and a telephone number from which further information may be obtained.

Symbology in amended 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.

Emergency Rules

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 TAC title and part.)

Powers and Duties Expenses of Examination

059.01.16.001

The State Board of Insurance adopts on an emergency basis amendments to Rule 059.01.16.001, concerning domestic and foreign insurance company examination expenses and assessments, 1983.

Rates of assessment are levied against and collected from each domestic insurance company based on admitted assets and gross premium receipts for the 1982 calendar year and from each foreign insurance company examined during the 1983 calendar year, based on a percentage of the gross salary paid to an examiner for each month or part of month during which the examination is made. The expenses and charges assessed under authority of this rule are additional to and not in lieu of any other charge which may be made under law. The commissioner has certified the amounts to be just and reasonable.

It is the board's opinion that an imminent peril to the public welfare requires that the rule be adopted on an emergency basis. To defer the expenses of examinations so that proper examinations of companies may be made, assessments need to be made early this year. Moreover, assessments of foreign insurance

companies need to be made as each company is examined.

This rule is adopted in accordance with the Texas Insurance Code, Article 1.16, which authorizes the board to make assessments and charges to meet all the expenses and disbursements necessary to comply with the provisions of the laws of Texas relating to the examination of insurance companies and to comply with the provisions of the Texas Insurance Code, Articles 1.16, 1.17, and 1.18.

.001. *Domestic and Foreign Insurance Company Examination Expenses and Assessments, 1983.* [Foreign Insurance Company Overhead Assessment. On this day came on for consideration by the commissioner of insurance the determination of a just and reasonable rate of assessment to be levied against and collected from each foreign insurance company examined to defray the expenses of this department. After review and study of the applicable statutes, costs of examination, and the legislative appropriations, the commissioner of insurance hereby finds that the rate of assessment hereinafter provided is just and reasonable. Therefore, premises considered, the commissioner of insurance orders that the following rate of assessment be levied against and collected from each foreign insurance company examined:]

(a){(1)} Foreign insurance companies examined during the 1983 calendar year shall pay according to the overhead rate of assessment specified in this rule in addition to all other payments required by law. Each foreign insurance company examined shall pay 35% of the gross salary paid to the examiner for each month or partial month of the examination in order to cover examination longevity pay, retirement, and social security matching expenses, state insurance premium participation, and vacation and sick leave accrual. The overhead assessment will be levied with each month's billing. [An overhead charge to cover the department examiners retirement and

Social Security matching expenses, state retirement and Social Security matching expenses, state insurance premium participation, and vacation and sick leave accrual which shall be computed as follows: (a) 22% of the gross salary paid to the examiner for each month or partial month. (b) The overhead assessment will be levied with each month's billing. The assessment herein provided for is adopted in accordance with the Texas Insurance Code, Article 1.16, to comply with the provisions of Texas Insurance Code, Articles 1.16, 1.17, and 1.18, and the commissioner of insurance hereby certifies such amount to be just and reasonable. This order supplements equivalent orders of the commissioner of insurance for previous years, and such earlier orders shall continue in effect for assessments for the periods set out in such orders. Board Order 48668]

(b) Domestic insurance companies shall pay according to the following rules and rates of assessment for examination expenses as provided in the Texas Insurance Code, Article 1.16.

(1) The actual salaries and expenses of the examiners allocable to such examination shall be paid. The annual salary of each examiner is to be divided by the total number of working days in a year, and the company is to be assessed that part of the annual salary attributable to each working day the examiner is examining the company. The expenses assessed shall be those

actually incurred by the examiner to the extent permitted by law.

(2) An overhead charge to cover the cost of administrative departmental expenses attributable to examination of companies shall be paid and computed as follows:

(A) .00802 of 1.0% of the admitted assets of the company as of December 31, 1982; and

(B) .01764 of 1.0% of the gross premium receipts of the company for the year 1982.

(3) If the overhead charge, as computed under subparagraphs (A) and (B) of paragraph (2) of this subsection, produce an overhead assessment of less than \$10 a minimum overhead assessment of \$10 shall be levied and collected.

(4) The overhead assessments are based on the assets and premium receipts reported in the annual statements, except where there has been an understating of assets and/or premium receipts.

Issued in Austin, Texas, on February 25, 1983.

TRD-831531

James W. Norman

Chief Clerk

State Board of Insurance

Effective date: February 25, 1983

Expiration date: June 25, 1983

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

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. A public hearing on the proposal may also be granted if such a procedure is requested by a governmental subdivision or agency, or by an association consisting of at least 25 members.

The proposal, as published in the *Register*, must include a brief explanation of the proposed action; a fiscal statement indicating effect on state or local government; a statement explaining anticipated public benefits and possible economic costs to individuals required to comply with the rule; a request for public comments; a statement of statutory authority under which the proposed rule is to be adopted (and the agency's interpretation of the statutory authority); the text of the proposed action; and a certification statement. The certification information, which includes legal authority, the proposed date of adoption or the earliest possible date that the agency may file notice to adopt the proposal, and a telephone number to call for further information, follows each submission.

Symbology in amended 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.

Proposed Rules



TITLE 22. EXAMINING BOARDS Part XVI. Texas State Board of Physical Therapy Examiners Chapter 321. Definitions

22 TAC §321.1

The Texas State Board of Physical Therapy Examiners proposes an amendment to §321.1, concerning the definition of the term "available" when referring to

the physical therapist responsible for the supervision of the treatment being given by the physical therapist assistant. This rule is proposed by the board to comply with the requests from health care facilities, physical therapists, physical therapist assistants, and Texas citizens requiring physical therapy treatment to assure the safest treatment possible.

Lois M. Smith, executive director, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications to state or local government as a result of enforcing or administering the rule.

Ms. Smith has also 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 will be better care and safe treatment. 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 Lois M. Smith, 1300 East Anderson Lane, Building C, Suite 260, Austin, Texas 78752.

The amendment is proposed under Texas Civil Statutes, Article 4512e, §3(e), which provides the Texas State Board of Physical Therapy Examiners with the authority to adopt rules consistent with the Texas Physical Therapy Practice Act to carry out its duties in administering the Act.

§321.1. Definitions. The following words and terms, when used in this part, shall have the following meanings, unless the context clearly indicates otherwise.

Available—The supervising physical therapist must be on call and be able to be on premises within 30 minutes, when needed, whenever treatment is being given.

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 February 25, 1983.

TRD-831517 Lois M. Smith
Executive Director
Texas State Board of Physical
Therapy Examiners

Earliest possible date of adoption:
April 4, 1983

For further information, please call (512) 835-1846.

Chapter 329. Physical Therapist License

22 TAC §329.1

The Texas State Board of Physical Therapy Examiners proposes an amendment to §329.1, concerning additional study required before allowing re-examination after candidates have failed the second or subsequent physical therapist exam. The rule also shows type of proof required of this additional study to be submitted before permitting the re-examination. The board proposes these rules to comply with the requests from candidates who have failed the exam for licensure two or more times and wish to continue trying to become licensed.

Lois M. Smith, executive director, has determined that for the first five year period the rule will be in effect there will be no fiscal implications to state or local government as a result of enforcing or administering the rule.

Ms. Smith has also determined that for each year of the first five years the rule as proposed is in effect there is no public benefit anticipated as a result of enforcing the rule as proposed. 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 Lois M. Smith, 1300 East Anderson Lane, Building C, Suite 260, Austin, Texas 78752.

The amendment is proposed under Texas Civil Statutes, Article 4512e, §3(e), which provides the Texas State Board of Physical Therapy Examiners with the authority to adopt rules consistent with the Physical Therapy Practice Act to carry out its duties in administering the Act.

§329.1. License.

(a)-(i) (No change.)

(j) **Additional courses of study required for re-examination after the second or subsequent exam failure.**

(1) **Additional courses of study acceptable to the Education Committee of the board may be institutional**

courses, continuing education courses, or individually tutored areas of study. The course content must be submitted to the Education Committee for approval.

(2) **Satisfactory evidence of having completed the required courses is:**

(A) **an institution's official transcripts;**

(B) **a certificate of continuing education credits;**

(C) **a certificate of course completion;**

(D) **a notarized statement from the tutor of the course of study.**

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 February 25, 1983.

TRD-831518 Lois M. Smith
Executive Director
Texas State Board of Physical
Therapy Examiners

Earliest possible date of adoption:
April 4, 1983

For further information, please call (512) 835-1846.

Part XXI. Texas State Board of Examiners of Psychologists

Chapter 463. Applications

22 TAC §463.18

The Texas State Board of Examiners of Psychologists proposes an amendment to §463.18, concerning the time period for appealing a decision of the board.

Patti Bizzell, executive director, has determined that for the first five year period the rule will be in effect there will be no fiscal implications to state or local government as a result of enforcing or administering the rule.

Ms. Bizzell has also 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 will be applicants who are informed of the process for appealing a board decision. 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 Patti Bizzell, Texas State Board of Examiners of Psychologists, 1300 East Anderson Lane, Suite C-270, Austin, Texas 78752.

The amendment is proposed under Texas Civil Statutes, Article 4512c, §8(a), which provides the Texas State Board of Examiners of Psychologists with the authority to make all rules not inconsistent with the constitution and laws of this state which are reasonably necessary for the proper performance of its duties.

§463.18. Time Period for Appealing a Decision. An applicant [Applicants] has [will have] 30 days from the date of board action to appeal any decision [decisions] made by the board concerning his/her [their] application, after which time the application is null and void. To be considered again, a new application and filing fee must be submitted, and the application will be considered as of the date of the new application. An applicant [Applicants] may [must] meet with the board to consider his/her [their] appeal [appeals]. An applicant's failure to appear before the board within six months following the request of the board for such an appearance will result in the appeal being null and void.

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 February 22, 1983.

TRD-831462 Patti Bizzell
Executive Director
Texas State Board of Examiners
of Psychologists

Earliest possible date of adoption:
April 4, 1983

For further information, please call (512) 835-2036.

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 TAC title and part.)

Rating and Policy Forms Reducing Hazard

059.05.33.001

The State Board of Insurance proposes an amendment to Rule 059.05.33.001, which adopts by reference the key rate schedule for grading cities and towns of Texas with reference to their fire defenses and physical conditions, by adding a new rule to the schedule to provide for a 5.0% credit in determining the key rate of a city or town with a population of 50,000 or less when a written mutual aid agreement is in effect between a first key city or town and another first key city or town or military base with equivalent facilities.

G. J. Jones, deputy commissioner, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications to state or local government as a result of enforcing or administering the rule.

Mr. Jones has also 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 will be the reduction of the applicable key rate of qualifying cities or towns, thereby reducing the cost of insurance in premium dollars to the citizens of those qualifying cities or towns. The amendment will also make available increased fire protection from sources other than the protection afforded by a single city.

The anticipated economic cost to individuals who are required to comply with the rule as proposed will be:

(1) The reduction in premium dollars received by insurance companies when insuring those risks located in a qualifying city or town, but offset by reduction in losses due to increased fire protection.

(2) The reduction in premium dollars paid by individuals for insurance on property located in qualifying cities or towns.

Comments on the proposal may be submitted to G. J. Jones, Deputy Commissioner, State Board of Insurance, 1110 San Jacinto Street, Austin, Texas 78786.

The amendment is proposed pursuant to the Texas Insurance Code, Article 5.33, which provides the board with the authority to give each city, town, village, or locality credit for each and every hazard they may reduce or entirely remove

.001. Key Rate Schedule The State Board of Insurance adopts by reference the attached key rate schedule for grading cities and towns of Texas with reference to their fire defenses and physical conditions as amended and to be effective on May 1, 1983 [in 1978]. This document is published by and available from the State Board of Insurance, 1110 San Jacinto Street, Austin, Texas 78786.

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 February 23, 1983.

TRD-831498 James W. Norman
Chief Clerk
State Board of Insurance

Earliest possible date of adoption:
April 4, 1983

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

Trade Practices

059.50.04.041

The State Board of Insurance proposes new Rule 059.50.04.041, concerning the requirement of submission to the board of advertising and solicitation material to be used in connection with annuity contracts, endowment policies, and retirement income policies marketed as Individual Retirement Annuity (IRA) plans. These plans are relatively new, and the

board believes a check of advertising and solicitation material will increase the efficiency of regulation of IRAs; it is hoped the rule will promote an environment in which there will be fewer misleading IRA advertisements, solicitations, and consumer complaints.

Linda Borsheim, Advertising Section Manager, Policy Approval Division, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications to state or local government as a result of enforcing or administering the rule.

Ms. Borsheim has also 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 will be increased efficiency in the review and regulation of the advertising of IRAs, fewer misleading advertisements and solicitations, and fewer consumer complaints. The anticipated economic cost to individuals who are required to comply with the rule as proposed will be increased administrative costs, including the cost of mailing advertising and solicitation materials, and possibly furnishing a copy of the IRA "opinion letter." These costs will be determined by the number of mailings and the extent of the advertising program.

Comments on the proposal may be submitted to Linda Borsheim, Manager, Advertising Section, Policy Approval Division, State Board of Insurance, 1110 San Jacinto Street, Austin, Texas 78786.

This new rule is proposed under authority of the Texas Insurance Code, Article 21.21, §13, which provides the State Board of Insurance with the authority to pass rules to regulate advertising and other trade practices, and the Texas Insurance Code, Article 1.24, which provides the board with the authority to address any inquiries to any insurance company in relation to its business and condition, or any matter connected with its transactions which the board may deem necessary for the public good or for the proper discharge of its duties.

.041. Required Filing Respecting Advertising and Solicitation Material of Individual Retirement Annuity Products.

(a) The purpose of this rule is to require insurers to file with the State Board of Insurance advertising and solicitation material used in connection with annuity contracts, endowment policies, and retirement income policies marketed as Individual Retirement Annuity (IRA) plans. The rule is intended to facilitate the regulation of the marketing of such plans, and to help promote an environment in which there will be fewer improper advertisements and solicitations, and consumer complaints. The rule does not require prior board approval of the material before it is used. Lack of response by the board may not be construed as a tacit approval of the material submitted; nothing in the rule relieves any person from otherwise complying with all applicable law or from any sanction imposed by law.

(b) All advertising and solicitation material used in connection with annuity contracts, endowment policies, and retirement income policies marketed as IRA plans shall be filed with the State Board of Insurance to the

attention of the Advertising Section, Policy Approval Division.

(c) If the plan has been approved as to form by the Internal Revenue Service, the submission shall be accompanied by a copy of the opinion or determination letter from the IRS.

(d) Each filing shall be accompanied by a statement from the insurer identifying the form number or numbers of the policy or endorsement advertised or solicited.

(e) Changes in filings due only to changes in interest rates are not required to be resubmitted.

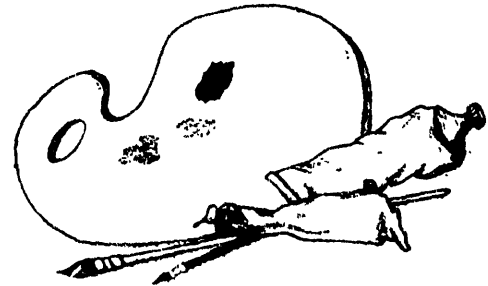
This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on February 24, 1983.

TRD-831549 James W. Norman
Chief Clerk
State Board of Insurance

Earliest possible date of adoption:
April 4, 1983

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



TITLE 31. NATURAL RESOURCES AND CONSERVATION
Part X. Texas Water Development Board
Chapter 329. General Regulations Incorporated into Permits Monitoring and Reporting System

The Texas Department of Water Resources proposes to amend §329.6 and §329.7, repeal §329.9, and adopt new §§329.9, 329.11, and 329.12, concerning monitoring and reporting systems.

The amendments to §329.6 allow sampling at points other than the final discharge point and clarify the agency's approval authority. The amendments to §329.7 require quality assurance control information and clarify the agency's authority.

The repeal of §329.9 and adoption of a new §329.9 clarify the dividing points between design capacity categories and increases monitoring requirements. Increasing monitoring requirements will have several benefits. First, it will provide a more accurate representation of discharges. Second, it will require closer observation of the operation of the plants by the operators. Third, it will provide more accurate data as a means to make more accurate projections of

future needs. Last, it will be a cost-effective means to increase the assurance of compliance. The new Table 1 also deletes settleable solids and fecal coliform monitoring requirements, because permittees are no longer required to analyze samples for this information. The new Table 1 also increases the interval for composite samples from one hour to two hours in order to obtain a more representative sample. Table 2 of this section requires phenol to be sampled by a grab sample rather than a composite sample in accordance with the latest edition of *Standard Methods for the Examination of Water and Waste Water*.

Proposed new §329.11 and §329.12 are designed to ensure that monitoring programs specified under the Federal Water Pollution Control Act, Public Law 92-500, as amended, will produce and document accurate and valid data.

Additionally, these proposed amendments and rules will conform the existing Texas Water Development Board rules to the self-reporting guidelines which have been used by the department for several years.

Mike Hodges, Fiscal Services Section chief, has determined that for the first five-year period the rules will be in effect there will be fiscal implications as a result of enforcing or administering the rules.

The effect on local government will be an estimated additional cost of \$600 per year from 1984-1988. There is no anticipated effect on state government.

Mr. Hodges has also determined that for each year of the first five years the rules as proposed are in effect the public benefit anticipated as a result of enforcing the rules as proposed will be that wastewater treatment facilities will be more closely monitored and that increased monitoring will increase the assurance of compliance in a cost effective manner. Better operation and increased compliance will result in better water quality.

The anticipated economic cost to individuals who are required to comply with the rules as proposed will be an increased laboratory analytical cost of \$600 each year from 1984-1988.

Comments on the proposal may be submitted to Jimmy Alan Hall, Staff Attorney, Texas Department of Water Resources, P.O. Box 13087, Austin, Texas, 78711, (512) 475-7851.

31 TAC §329.6, §329.7

These amendments are proposed under Texas Water Code, Chapter 26, §5.131 and §5.132, which provide the department with the authority to promulgate rules and regulations

§329.6. Required Sampling Location and Frequency of Analysis or Measurement. The necessary samples shall be taken from the effluent at the sampling [discharge] point as described in the permit. Should the permit not specify a sampling point, samples shall be collected immediately following the last treatment unit. These procedures shall be followed unless an alternate sampling and measuring point is agreed upon in advance in writing by

the executive director or his designee. Samples shall be taken and measurements shall be made at the frequencies specified in the permit for each parameter. Should any permit not specify a sampling frequency, or should the sampling frequency be stamped "NPDES Requirements Only," the discharger shall follow the frequencies set forth in Tables 1 and 2 in §329.9 of this title (relating to Self-Monitoring Schedules), basing the frequency of analysis on the currently applicable permitted average daily flow. Table 1 shall be applicable to treated domestic sewage effluent while Table 2 shall be applicable to all other wastewater effluents. Should a parameter included in a permit not be listed in the applicable table, the permittee will be instructed in writing as to what frequency of analysis shall be followed

§329.7. Documentation of Effluent Reports.

(a) The monthly effluent report consists of summarized data concerning the quality and quantity of the final effluent and **contains no information regarding** [does not specify] the records and laboratory control tests which should be performed in the interest of treatment plant process control. For each measurement or sample taken pursuant to the requirements of this report, the permittee shall record the following information:

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

{(4) The analytical techniques or methods used; and}

(4){(5)} The results of all required analyses ; and

(5) the results of adequate quality assurance control samples analyzed on the day the analysis of the sample is performed.

(b) (No change.)

(c) All records and information resulting from the required monitoring activities, including all records of analyses performed, and calibration and maintenance of instrumentation, shall be retained for a minimum of three years or for a longer period if requested by the executive director or his designee.

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 February 24, 1983.

TRD-831474

Susan Plettman
Acting General Counsel
Texas Department of Water
Resources

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April 4, 1983

For further information, please call (512) 475-7851.

31 TAC §329.9

(Editor's note: The text of the following rule being proposed for repeal will not be published. The rule may be examined in the offices of the Texas Water Development Board, Room 511, Stephen F. Austin Building, 1700 North Congress Avenue, Austin, or in the Texas Register office, 503E Sam Houston Building, Austin.)

This repeal is proposed under the Texas Water Code, Chapter 26, §5.131 and §5.132, which provides the

department with the authority to promulgate rules and regulations.

§329.9. Self-Monitoring Schedules.

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 February 24, 1983.

TRD-831475 Susan Plettman
Acting General Counsel
Texas Department of Water
Resources

Earliest possible date of adoption:
April 4, 1983

For further information, please call (512) 475-7851.

31 TAC §§329.9, 329.11, 329.12

These new rules are proposed under the Texas Water Code, Chapter 26, §5.131 and §5.132, which provides the department with the authority to promulgate rules and regulations.

(Editor's note: The tables for §329.9 are published on the pages immediately following this submission.)

§329.9. Self-Monitoring Schedules.

(a) Table 1—Self-Monitoring Schedule for Domestic Sewage Treatment Effluent.

(b) Table 2—Frequency of Measurement for Non-domestic Wastewater Effluent.

§329.11. Sampling and Laboratory Testing Methods.

(a) All sample collection, preservation, and holding time shall be conducted according to recommendations found in the latest edition of *Standard Methods for the Examination of Water and Wastewater*, (prepared and published jointly by the American Public Health Association, the American Waterworks Association, and the Water Pollution Control Federation), or Environmental Protection Agency *Methods for Chemical Analysis of Water and Wastes* (1979), or Environmental Protection Agency *Biological Field and Laboratory Methods for Measuring the Quality of Surface Waters and Effluents* (1973).

(b) The physical, chemical, and microbiological analyses of ambient water quality shall be conducted by the use of analytical methods as specified in guidelines published in the *Federal Register*, December 1, 1976, pursuant to the federal Water Pollution Control Act, §304(g), or revised guidelines as they may be published in the *Federal Register*.

(c) Flow measurements, equipment, installation, and procedures shall conform to those prescribed in the *Water Measurement Manual*, U.S. Department of the In-

terior Bureau of Reclamation, Washington, D. C., or methods that are equivalent as approved by the Texas Department of Water Resources.

(d) Laboratories shall routinely use and document intralaboratory quality control practices as recommended in the Environmental Protection Agency manual, *Handbook for Analytical Quality Control in Water and Wastewater Laboratories*. These practices will include the use of internal quality control check samples.

(e) The sampling and laboratory facilities, data, and records of quality control are subject to periodic inspection by the Texas Department of Water Resources personnel. Should the procedures specified above not be suitable to any particular situation, nonstandard sampling and testing techniques may be employed in accordance with the procedures outlined in §329.12 of this title (relating to Alternate Sampling and Laboratory Testing Methods).

§329.12. Alternate Sampling and Laboratory Testing Methods.

(a) Should the permittee feel that the required standard sampling and testing techniques are not suited to their particular situation, the permittee should request in writing the use of an alternate test procedure.

(1) Applications for alternate test procedures will be made to the executive director.

(2) Items that shall be included with an application for alternate testing procedures are:

(A) name and address of the firm making the discharge;

(B) Texas Department of Water Resources permit number;

(C) list of parameters for which alternate procedures are being requested;

(D) copy of the method of the alternate procedures; and

(E) the justification for the alternate test procedure.

(3) Additional information such as the comparability of data may also be requested.

(b) In no instance should the permittee use a procedure not included in the references cited in §329.11 of this title (relating to Sampling and Laboratory Testing Methods) until written approval to do so has been received from the executive director or his designee.

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

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TRD-831476 Susan Plettman
Acting General Counsel
Texas Department of Water
Resources

Earliest possible date of adoption:
April 4, 1983

For further information, please call (512) 475-7851.

Table 1

Design Capacity MGD.	FREQUENCY OF MEASUREMENT						Collecting of Samples
	Flow	BOD ₅	Total Suspended Solids	Chlorine Residual	pH		
0 to less than 0.05	One instantaneous measurement each working day but not less than five measurements per week (b) (c)	Once each month	Once each month	One each working day but not less than five measurements per week (c)	One each month		The laboratory tests shall be made on a grab sample collected at peak loading periods.
0.05 to less than 0.10	One instantaneous measurement each working day but not less than five measurements per week (b) (c)	One each month	One each month	One each working day but not less than five measurements per week (c)	One each month		The laboratory tests shall be made on a grab sample collected at peak loading periods.
0.10 to less than 0.50	One instantaneous measurement each working day but not less than five measurements per week (b) (c)	Two each month	Two each month	One each working day but not less than five measurements per week (c)	Two each month		The laboratory tests shall be made on a grab sample collected at peak loading periods.
0.50 to less than 1.00	The daily flow measured by a totalizing meter	One each week	One each week	One each day of the week	Two each month		The laboratory test, excepting the chlorine residual test shall be made on a composite sample made up of three portions collected no closer together than 2 hours and with the first sample collected no earlier than 10:00 a.m.
1.00 to less than 5.0	The daily flow measured by a totalizing meter	Two each week	Two each week	One each day of the week	One each week		The laboratory test, excepting the chlorine residual test shall be made on a composite sample made up of six portions collected no closer together than 2 hours and with the first sample collected no earlier than 10:00 a.m.
5.00 to less than 10.0	The daily flow measured by a totalizing meter	One each weekday (a)	One each weekday (a)	One each day of the week	One each week-day (a)		The laboratory test, excepting the chlorine residual test shall be made on 24-hr. composite samples collected no closer together than 2 hours in at least 12 individual portions.
10.0 or greater	The daily flow measured by totalizing meter	One each day	One each day	One each day of the week	One each day		The laboratory test, excepting the chlorine residual test shall be made on 24-hour composite samples collected no closer together than 2 hours in at least 12 individual portions.

(a) Weekday - Monday thru Friday

(b) Where a totalizing meter is provided, the actual volume of water which has been processed each day should be reported and noted as such.

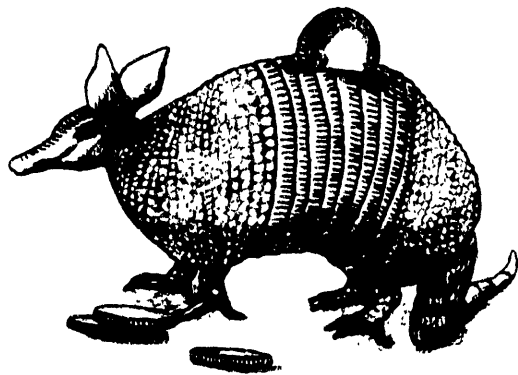
(c) Working Day - A day when the plant is visited for routine work.

NOTE: The sampling frequency should not be anything less than that routinely practiced at the facility if that frequency is greater than the minimum shown above.

Table 2
Frequency of Measurement
Volume in MGD

Parameter	Frequency of Measurement			
	0 to 0.05	0.05 to 0.50	0.50 to 2.0	2.00 to 10.0
Flow	One instantaneous measurement per operating day except on sample days when 3 instantaneous measurements made concurrently with the collection of sample portions are required.	One instantaneous measurement per operating shift - on sample days concurrent with the collection of a sample portion.	One instantaneous measurement per operating shift - on sample days concurrent with the collection of a sample portion or the reading from a totalizing flow meter.	Six instantaneous measurements per day spaced at equal intervals during the operating period or the reading from a totalizing flow meter.
pH (a)	1 per day	1 per day	1 per day	1 per day
Temperature (b)	1 per day	3 per day	3 per day	12 per day
BOD	1 per week	2 each week	2 each week	1 per day
COD	1 per week	2 each week	2 each week	1 per day
TOC	1 per week	2 each week	2 each week	1 per day
Oil & Grease	1 per week	2 each week	2 each week	1 per day
Ammonia	1 per week	2 each week	2 each week	1 per day
Nitrogen	1 per week	2 each week	2 each week	1 per day
Arsenic	1 per week	2 each week	2 each week	1 per day
Barium	1 per week	2 each week	2 each week	1 per day
Boron	1 per week	2 each week	2 each week	1 per day
Cadmium	1 per week	2 each week	2 each week	1 per day
Chromium	1 per week	2 each week	2 each week	1 per day
Copper	1 per week	2 each week	2 each week	1 per day
Lead	1 per week	2 each week	2 each week	1 per day
Manganese	1 per week	2 each week	2 each week	1 per day
Mercury	1 per week	2 each week	2 each week	1 per day
Nickel	1 per week	2 each week	2 each week	1 per day
Selenium	1 per week	2 each week	2 each week	1 per day
Silver	1 per week	2 each week	2 each week	1 per day
Zinc	1 per week	2 each week	2 each week	1 per day
TSS	1 per week	2 each week	2 each week	1 per day
TDS	1 per week	2 each week	2 each week	1 per day
Chloride	1 per week	2 each week	2 each week	1 per day
Sulphate	1 per week	2 each week	2 each week	1 per day
Nitrate	1 per week	2 each week	2 each week	1 per day
Nitrogen Sulphide (a)	1 per week	2 each week	2 each week	1 per day
Phenol (a)	1 per week	2 each week	2 each week	1 per day
Collection of Samples	Samples shall be composite samples made up of three portions, sized proportional to flow, collected no closer together than one hour and over a span of time not exceeding 24 hours.	Samples shall be composite samples made up of three portions, sized proportional to flow, one portion being collected during each operating shift or otherwise suitably distributed throughout the operating day.	Samples shall be composite samples made up of six portions, sized proportional to flow, collected concurrently with the instantaneous flow measurements made during a 24 hour time span.	Samples shall be composite samples made up of six portions, sized proportional to flow, 12 or more individual portions, sized proportional to flow, equally spaced throughout the operating day.

(a) The required laboratory tests shall be made on grab samples.
(b) The temperature shall be measured in situ on the water at the permit sampling point.



TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Resources Chapter 3. AFDC

The Texas Department of Human Resources proposes the following new rules and repeals, concerning determining AFDC eligibility based on incapacity and the requirement for social security numbers. The department is proposing new §3.2004 and §§3.2705-3.2716 and the repeal of existing §§3.2705-3.2720. The proposed new rules on determining eligibility based on incapacity are written so that internal operating procedures are eliminated. They emphasize the clients' responsibility to assist the department in getting needed information and the workers' greater latitude in requesting re-examination of the clients' eligibility based on incapacity. The proposed new rule on social security numbers requires each member of a group to provide a social security number to the department or apply for a number before the members can be certified for AFDC.

David Hawes, Programs Budget and Statistics director, has determined that for the first five-year period the rules will be in effect there will be no fiscal implications to state or local government as a result of enforcing or administering the rules.

Mr. Hawes has also determined that for each year of the first five years the rules as proposed are in effect the public benefit anticipated as a result of enforcing the rules as proposed will be a more effective assessment of AFDC eligibility based on incapacity and the availability of information and client identification through use of social security numbers. There is no anticipated economic cost to individuals required to comply with the rules as proposed.

Comments may be submitted to Susan L. Johnson, Administrator, Policy Development Support Division—178, Texas Department of Human Resources, 153-B, P.O. Box 2960, Austin, Texas 78769, within 30 days of publication in this *Register*.

Legal Requirements

40 TAC §3.2004

This new rule is proposed under the Human Resources Code, Title 2, Chapter 31, which authorizes the department to administer public assistance programs.

§3.2004. Requirement for Social Security Numbers. The Social Security Act requires, as a condition of AFDC eligibility, that each client furnish the DHR with a social security number (SSN). This requirement is met by requiring each member of a group applying for or receiving AFDC either to provide an SSN or to apply for a number before that person can be certified for assistance.

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 February 28, 1983.

TRD-831542

Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

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April 4, 1983

For further information, please call (512) 441-3355,
ext. 2037.

Deprivation of Parental Support

40 TAC §§3.2705-3.2720

(Editor's note: The text of the following rules being proposed for repeal will not be published. The rules may be examined in the offices of the Texas Department of Human Resources, 706 Banister Lane, Austin, or in the Texas Register office, 503E Sam Houston Building, Austin.)

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

- §3.2705. *Determining Initial and Continued Incapacity.*
- §3.2706. *Examination Procedures.*
- §3.2707. *Special Examinations.*
- §3.2708. *Re-examinations.*
- §3.2709. *Procedures to Determine Temporary Incapacity.*
- §3.2710. *Referral of Incapacitated Recipients to Supplemental Security Income (SSI).*
- §3.2711. *Aged, Blind, and Disabled Parents.*
- §3.2712. *Mental Incapacity.*
- §3.2713. *Hospitals (Other Than VA).*
- §3.2714. *Veterans Administration.*
- §3.2715. *Social Security.*
- §3.2716. *Failure of Individual To Furnish Requested Medical Evidence.*
- §3.2717. *Reapplication Following Denial by Review Team.*

- §3.2718. *Recipients Participating in Vocational Rehabilitation Training*
§3.2719. *Three Months Grant Extension*
§3.2720. *Deprivation Because of Physical or Mental Incapacity*

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 February 28, 1983

TRD-831544 Marlin W. Johnston
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Texas Department of Human
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For further information, please call (512) 441-3355,
ext 2037

40 TAC §§3 2705-3.2716

These new rules are proposed under the Human Resources Code, Title 2, Chapter 31, which authorizes the department to administer public assistance programs

§3.2705. *Deprivation because of Physical or Mental Incapacity.* To be eligible for AFDC based on a parent's incapacity, one parent in the family group must have a medically determined mental or physical impairment which has kept or will keep him from performing his usual work for at least 30 days from the application date. The DHR determines incapacity based on current documentation from a competent medical evaluation

§3.2706. *Determining Initial and Continued Incapacity.*

(a) A child is automatically considered deprived of parental support if his parent(s) qualifies for SSI or RSDI benefits because of physical or mental disability. A parent eligible for SSI or RSDI on the basis of age must have a mental/physical examination to determine if he meets the AFDC program's definition of incapacity.

(b) If the client is employed, or accepts employment for 30 hours a week or more, but continues to meet the definition of incapacity for AFDC, the test of incapacity is whether the client's current monthly earnings are equal to or exceed earnings of his usual work. If current earnings equal or exceed past earnings, the DHR considers that the client no longer is incapacitated, and the case is denied. These clients are entitled to be considered for four months post Medicaid. If earnings are less and countable income does not result in a denial of the case, the DHR considers that the basis of incapacity still exists and the grant is continued.

(c) If a client with no employment history to compare earnings to is working 30 or more hours a week, the department does not consider him incapacitated. The worker must deny the case.

§3.2707. *Examination Procedures.*

(a) Reports from medical providers in or out of Texas are acceptable if they are:

(1) made within 60 days before the application date;

(2) applicable to the present condition the client claims as the basis for incapacity, and

(3) considered by the Disability Determination Section to be competent medical testimony.

(b) If the client has not been under a physician's care or hospitalized within the past 60 days, he must have a current physical examination. The DHR pays an amount set by the DDS for this service. The DHR also authorizes payment for information supplied from the physician's record. The DHR does not pay for both a physical examination and existing medical record information

§3.2708. *Special Examinations.* If information from a routine examination is insufficient for the department to make an eligibility decision, the client must receive a special examination. Special examinations can only be authorized by the DDS. The department pays the cost of special examinations based on the physician's usual charges. The department gives clients a choice of specialists to perform their special examinations. The client may be examined by a specialist of his choice, not on the DHR list, if that is his preference

§3.2709. *Re-examinations.* To re-establish medical eligibility based on current information, the client must inform the department of where he has received treatment and comply with a re-examination, if required.

§3.2710. *Reinstatement after Caseworker Denial on Non-incapacity Factors.* Clients who meet the department's definition of incapacity and are denied AFDC because of factors other than incapacity can reapply and, if otherwise eligible, be certified without another medical examination. This is limited to clients who are permanently excused from further medical examination and those whose period of incapacity has not expired.

§3.2711. *Procedure To Determine Temporary Incapacity.* Clients who are temporarily incapacitated and apply for AFDC are entitled to a determination of eligibility within 45 days of the application date. If eligible based on temporary incapacity, these clients are certified for at least 30 days. Upon return to work, these clients are entitled to an assessment of their eligibility for four months post medical assistance.

§3.2712. *Veterans Administration.* The responsible relative must sign the form veterans use to request information from Veterans Administration records, if information is requested for veterans not competent to authorize release of information. If a guardian has been appointed, the guardian must sign the form; otherwise, the next of kin signs.

§3.2713. *Failure of Client To Furnish Requested Medical Information.* The DHR must advise the client that failure to keep a doctor's appointment is considered failure to furnish information. Failure to keep an appointment for examination may result in denial, unless the client notifies the DHR of circumstances beyond his control. If the client is making every effort to obtain the medical examination promptly, the department may give him more time to get the needed examination. If the client does not keep the second appointment, the department

denies his application or grant for failure to furnish information.

§3.2714. *Reapplication Following Denial by DDS.* The department pays for re-examinations of clients denied based on the definition of incapacity after 12 months from the date of denial, with the following exceptions:

- (1) special permission is first obtained from DDS; or
- (2) a case is appealed with additional medical reports requested by the claimant, his representative, or the hearing officer.

§3.2715. *Clients Participating in V. R. Training.* If the department's Disability Determination Section determines that a client no longer meets the department's definition of physical or mental incapacity, and the client has not begun a vocational rehabilitation (V. R.) training program, the client is no longer eligible for AFDC based on incapacity. If the client no longer meets the department's definition of physical or mental incapacity but he already is involved in a V. R. training program, the grant may be continued if the Disability Determination Section approves. If the Disability Determination Section approves, the grant is continued until the client completes the program or has reasonable time to do so.

§3.2716. *Three-months Grant Extension.* If a parent returns to the home after a period of hospitalization, incarceration, or absence for some other reason, or the Disability Determination Section finds a parent no longer meets the department's definition of incapacity, the worker has the option to continue the grant for a maximum of three months. The client must still be financially eligible for AFDC during the grant extension period.

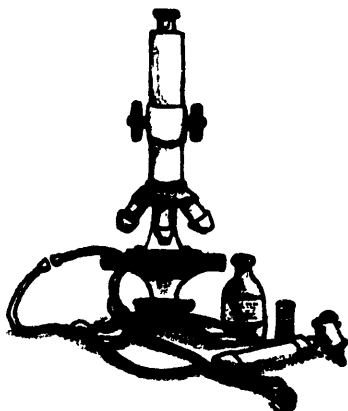
This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on February 28, 1983.

TRD-831543 Martin W. Johnston
Commissioner
Texas Department of Human
Resources

Earliest possible date of adoption:
April 4, 1983

For further information, please call (512) 441-3355,
ext. 2037.



Chapter 16. ICF/SNF Medical Review and Re-evaluation

40 TAC §16.7103

The Texas Department of Human Resources proposes to amend § 16.7103, concerning intermediate care facilities/skilled nursing facilities. Section 16.7103 is being amended to specify the department's level-of-care requirements when a recipient-patient transfers from one Title XIX facility to another. The department will allow the continuation of the current level of care if no more than 30 days have elapsed between discharge from one facility and admission to the new facility. The admitting facility must be contracted to provide the recipient-patient's current level of care.

David Hawes, Programs Budget and Statistics director, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications to state or local government as a result of enforcing or administering the rule.

Mr. Hawes has also 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 will be the improvement of procedures by continuing the current level of care when a recipient-patient transfers between Title XIX facilities. This will also result in a reduction in paperwork. 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 in writing to Susan L. Johnson, Administrator, Policy Development Support Division-545, Texas Department of Human Resources 153-B, P. O. Box 2960, Austin, Texas 78769, within 30 days of publication in this *Register*.

The amendment is proposed under the Human Resources Code, Title 2, Chapters 22 and 32, which authorizes the department to administer public assistance programs.

§16.7103. *Utilization Review Plan.*

(a)-(f) (No change.)

(g) Requirements of the review process. A continued-stay review is the determination of the need for continuing nursing facility care and a re-evaluation of the established level of care.

(1)-(9) (No change.)

(10) If the recipient-patient is discharged or transferred to another section of the facility, the administrator of the facility must submit, within 72 hours, a patient transaction notice showing the change to the long-term care unit. If known, the administrator must include the recipient-patient's post-discharge address on the patient transaction notice. If the recipient-patient moves to another Title XIX facility (ICF II, ICF, SNF, or ICF-MR), the administrator of the admitting facility must initiate a level-of-care determination for admission when:

(A) more than 30 days have elapsed between discharge from one facility and admission to the new facility, or

(B) the recipient-patient's current level of care has expired, or

(C) the admitting facility is contracted to provide a different level of care than the recipient-patient's current level of care.

(h)-(i) (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 February 28 1983

TRD 831537 Marlin W Johnston
 Commissioner
 Texas Department of Human
 Resources

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For further information, please call (512) 441-3355,
ext. 2037

Resources 153-B, P.O. Box 2960, Austin, Texas 78769, within 30 days of publication in this Register.

The repeal is proposed under the Human Resources Code, Title 2, Chapters 22 and 32, which authorizes the department to administer public assistance programs

§23.2110. Change in Status of Recipient

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 February 28, 1983

TRD 831538 Marlin W Johnston
 Commissioner
 Texas Department of Human
 Resources

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For further information, please call (512) 441-3355,
ext 2037

**Chapter 23. Nursing Facility
Administration
Subchapter V. Level-of-Care
Determination**

40 TAC §23.2110

(Editor's note: The text of the following rule being proposed for repeal will not be published. The rule may be examined in the offices of the Texas Department of Human Resources, 706 Banister Lane, Austin, or in the Texas Register office, 503E Sam Houston Building, Austin.)

The Texas Department of Human Resources proposes to repeal §23.2110, concerning nursing facility administration. Section 23.2110 is being repealed because the department has revised its level-of-care requirements when a recipient-patient transfers from one Title XIX facility to another. These requirements are described in §16.7103 of this title, relating to intermediate care facilities/skilled nursing facilities and §27.1207 of this title, relating to intermediate care facilities for mentally retarded.

David Hawes, Programs Budget and Statistics director, has determined that for the first five-year period the repeal will be in effect there will be no fiscal implications to state or local government as a result of the repeal.

Mr. Hawes has also 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 will be the improvement of procedures by continuing the current level of care when a recipient-patient transfers between Title XIX facilities. This will also result in a reduction in paperwork. There is no anticipated economic cost to individuals as a result of the repeal.

Comments on the proposal may be submitted to Susan L. Johnson, Administrator, Policy Development Support Division—545, Texas Department of Human

**Chapter 27. Intermediate Care
Facility for Mentally Retarded
Subchapter M. Admission Policies**
40 TAC §27.1214

The Texas Department of Human Resources proposes new §27.1214, concerning discharge or transfer. Section 27.1214 specifies the department's level-of-care requirements when a recipient-patient transfers from one Title XIX facility to another. The department will allow the continuation of the current level of care if no more than 30 days have elapsed between discharge from one facility and admission to the new facility. The admitting facility must be contracted to provide the recipient-patient's current level of care.

David Hawes, Programs Budget and Statistics director, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications to state or local government as a result of enforcing or administering the rule.

Mr. Hawes has also 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 will be the improvement of procedures by continuing the current level of care when a recipient-patient transfers between Title XIX facilities. This will also result in a reduction in paperwork. There is no anticipated economic cost to individuals required to comply with the rule as proposed.

Comments may be submitted to Susan L. Johnson, administrator, Policy Development Support Division—545, Texas Department of Human Resources 153-B, P.O. Box 2960, Austin, Texas 78769, within 30 days of publication in this Register.

The new rule is proposed under the Human Resources Code, Title 2, Chapters 22 and 32, which authorizes

the department to administer public assistance programs.

§27.1214. Discharge or Transfer If a recipient-patient is discharged or transferred to another section of the facility, the administrator of the facility must submit, within 72 hours, a patient transaction notice showing the change to the long-term care unit. If known, the administrator must include the recipient-patient's post-discharge address on the patient transaction notice. If the recipient-patient moves to another Title XIX facility (ICF II, ICF, SNF, or ICF-MR), the administrator of the admitting facility must initiate a level-of-care determination for admission when

- (1) more than 30 days have elapsed between discharge from one facility and admission to the new facility; or
- (2) the recipient-patient's current level of care has expired; or
- (3) the admitting facility is contracted to provide a different level of care than the recipient-patient's current level of care

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

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Commissioner
Texas Department of Human
Resources

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For further information, please call (512) 441-3355,
ext. 2037

Chapter 41. Utilization Review Implementation Procedures for Nursing Facilities

40 TAC §41.302

The Texas Department of Human Resources proposes to amend §41.302, concerning utilization review. Section 41.302 is being amended because the department has revised its level-of-care requirements when a recipient-patient transfers from one Title XIX facility to another. These requirements are described in §16.7103 of this title, relating to intermediate care facilities/skilled nursing facilities and §27.1214 of this title, relating to intermediate care facilities for mentally retarded.

David Hawes, Programs Budget and Statistics director, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications to state or local government as a result of enforcing or administering the rule.

Mr. Hawes has also 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 will be the improvement of procedures by continuing the current level of care when a recipient-patient transfers between Title XIX facilities. This will also result in a reduction in paperwork. There is no anticipated economic cost to individuals required to comply with the rule as proposed.

Comments may be submitted to Susan L. Johnson, Administrator, Policy Development Support Division—545, Texas Department of Human Resources 153-B, P.O. Box 2960, Austin, Texas 78769, within 30 days of publication in this *Register*.

The amendment is proposed under the Human Resources Code, Title 2, Chapters 22 and 32, which authorizes the department to administer public assistance programs.

§41.302. Admissions.

- (a)-(f) (No change.)
- (g) A readmission is an admission to the same facility following a patient transaction notice discharge.
 - (1) (No change.)
 - (2) In addition, a new admission certification using a Medical—Nursing Care Evaluation will be required when the patient has been in another nursing home]
 - (2)(3) A new admission certification using a Medical—Nursing Care Evaluation is [will be] required when more than 30 days have elapsed between the discharge and readmission date.

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 February 28, 1983.

TRD-831540 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Earliest possible date of adoption
April 4, 1983

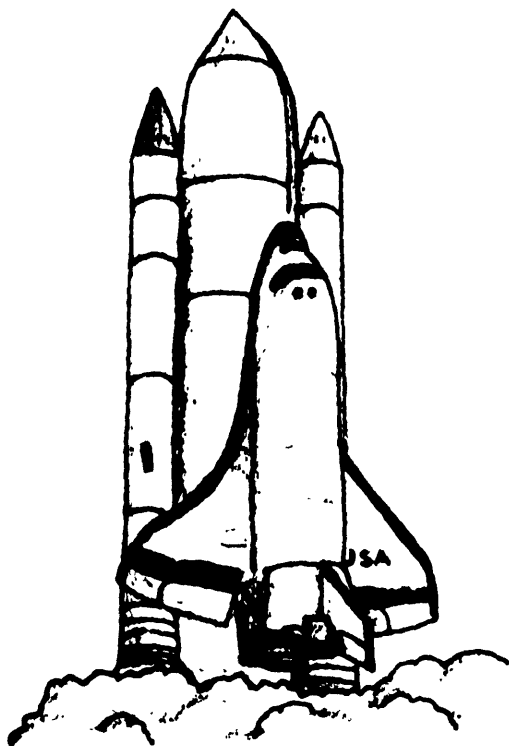
For further information, please call (512) 441-3355,
ext. 2037.

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 generally 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. Notice of the withdrawal will appear in the next regularly scheduled issue of the *Register*. The effective date of the automatic withdrawal will appear immediately following the published notice.

No further action may be taken on a proposal which has been automatically withdrawn. However, this does not preclude a new proposal of an identical or similar rule following normal rulemaking procedures.



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 TAC title and part.)

Trade Practices

059.50.04.041

The State Board of Insurance has withdrawn from consideration for permanent adoption proposed Rule 059.50.04.041, concerning trade practices. The text of the new rule as proposed appeared in the December 31, 1982, issue of the *Texas Register* (7 *TexReg* 4539).

Issued in Austin, Texas, on February 25, 1983.

TRD-831548

James W. Norman
Chief Clerk
State Board of Insurance

Filed: February 28, 1983

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

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.

The document, as published in the *Register*, must indicate whether the rule is adopted with or without changes to the proposal. The notice must also include paragraphs which: explain the legal justification for the rule, how the rule will function; contain comments received on the proposal, list parties submitting comments for and against the rule, explain why the agency disagreed with suggested changes; and contain the agency's interpretation of the statute under which the rule was adopted.

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. The text of the rule, as appropriate, will be published only if final action is taken with alterations to the proposal. The certification information, following the submission, contains the effective date of the final action, the proposal's publication date, and a telephone number to call for further information.

Adopted Rules

TITLE 7. BANKING AND SECURITIES Part III. State Banking Board Chapter 31. Miscellaneous General Rules

7 TAC §31.5

The State Banking Board adopts an amendment to §31.5, with changes to the proposed text published in the January 21, 1983, issue of the *Texas Register* (8 TexReg 260).

Mary Beth Rogers was appointed first assistant to the state treasurer and, as such, is a member of the board in the absence of the treasurer. However, Texas Civil Statutes, Article 342-115, requires that the board rules prescribe the assistance by name. The amendment identifies Mary Beth Rogers as first assistant to the state treasurer. The state treasurer stated that the reference to the treasurer in the masculine gender should be deleted. The board adopted that modification from the proposed text.

The amendment is adopted under the authority of Texas Civil Statutes, Article 342-115, which requires the first assistant to the state treasurer to be identified by name in the board rules.

§31.5. Members of the Board. When either the state treasurer or the commissioner is unable to personally attend an official meeting of the board, the respective first deputy of such member may appear and vote. The present first deputy to the state treasurer is Mary Beth Rogers, first assistant, and the present first deputy to the commissioner is Gary K. Pool, deputy banking commissioner.

Two such deputies may not sit as substitute members of the Banking Board at the same time.

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 February 25, 1983

TRD-831525 O. A. Cassity III
Assistant General Counsel
Banking Department of Texas

Effective date: March 18, 1983

Proposal publication date: January 21, 1983

For further information, please call (512) 475-4451.

TITLE 22. EXAMINING BOARDS Part XV. Texas State Board of Pharmacy Chapter 291. Pharmacies Community Pharmacy (Class A)

22 TAC §291.32

The Texas State Board of Pharmacy adopts an amendment to §291.32, without changes to the proposed text published in the December 3, 1982, issue of the *Texas Register* (7 TexReg 4130).

This amendment establishes standards for the practice of each community pharmacy and regulates and controls community pharmacy practice to protect the public health, safety, and welfare. This amendment allows supportive personnel to prepare prescription labels in pharmacies by using, under certain condi-

tions, manual record keeping systems and data processing systems. The amendment outlines the requirements that allow supportive personnel to perform this function.

No comments were received regarding adoption of this amendment.

This amendment is adopted under Texas Civil Statutes, Article 4542a-1, § 17, 29, and 30, which provide the Texas State Board of Pharmacy with the authority to govern the practice of community pharmacy and community pharmacists and the standards that each community pharmacy and its employees or personnel must meet to qualify for licensing or relicensing as a community pharmacy.

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 February 23, 1983.

TRD-831478 Fred S. Brinkley, Jr., R.Ph.
Executive Director/Secretary
Texas State Board of Pharmacy

Effective date: March 17, 1983
Proposal publication date: December 3, 1982
For further information, please call (512) 478-9827.

Clinic Pharmacy (Class D)

22 TAC §291.93

The Texas State Board of Pharmacy adopts an amendment to §291.93, with changes to the proposed text published in the December 3, 1982, issue of the *Texas Register* (7 TexReg 4136).

This amendment establishes standards for the practice of each clinic pharmacy, regulating clinic pharmacy practice to protect the public health, safety, and welfare.

This amendment allows supportive personnel in a Class D Pharmacy to label oral contraceptives and devices and those drugs received in the manufacturer's original package, which includes unit of use packages, to prepare these drugs and devices for provision, under the supervision of a pharmacist.

One comment was received and was considered at the board business meeting on February 8, 1983. As a result, the board has made some changes from the proposed text, involving clarification and expansion of the text, plus a certain amount of reorganization. Some changes were made to subsection (e)(2)(B)-(D), and a new paragraph (3) was added to the subsection, to distinguish between labeling of drugs prepackaged by a pharmacist and those which are prepackaged in an original manufacturer's container. Since this new paragraph (3) is added, the original paragraphs (3) and (4) of the subsection will now be renumbered as paragraphs (4) and (5) respectively; the text of these two paragraphs will be reprinted here in full, despite the fact that in the proposal these paragraphs were listed as having "no change."

The amendment is adopted under Texas Civil Statutes, Article 4542a-1, which provides the Texas State Board of Pharmacy with the authority to govern the practice of clinic pharmacies and clinic pharmacists and the standards that each clinic pharmacy and its employees or personnel involved in the practice of clinic pharmacy must meet to qualify for licensing or relicensing as a clinic pharmacy.

§291.93. Operational Standards.

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

(e) Drugs.

(1) (No change.)

(2) Prepackaging drugs for provision.

(A) Prepackaging drugs for provision shall be performed in a licensed pharmacy by a pharmacist.

(B) The label of the prepackaged unit shall bear:

(i) name and strength of the drug;

(ii) internal control number;

(iii) manufacturer's expiration date;

(iv) appropriate ancillary label(s);

(v) name and address of the facility;

(vi) quantity of drug; and

(vii) if desired, any other labeling information required for provision, as specified in paragraph (2) (D) of this subsection.

(C) Records of prepackaging shall be maintained to show:

(i) the name and strength of the drug;

(ii) internal control number;

(iii) name of manufacturer, manufacturer's lot number, and expiration date;

(iv) quantity per package and number of packages;

(v) date packaged; and

(vi) signature of pharmacist who prepackaged the drug.

(D) Such drugs shall be labeled prior to provision with the following information:

(i) date provided;

(ii) patient name;

(iii) name and address of the facility;

(iv) name and strength of the drug;

(v) practitioner's name; and

(vi) directions for use.

(E) Such drugs shall be labeled by the pharmacist; however, when drugs are being provided under the supervision of a physician according to standardized medical procedures, a qualified and trained person may print on the label at the time of such provision the date of provision, the patient's name, and the name of the practitioner.

(3) Provision of drugs prepackaged in an original manufacturer's container bearing patient directions for use.

(A) Such drugs shall be labeled prior to provision with the same information as specified by paragraph (2)(D) of this section.

(B) Such drugs shall be labeled as specified by paragraph (3)(C) of this section; however, when drugs are being provided under the supervision of a physician according to standardized medical procedures, a qualified and trained person may print on the label at the time of

such provision the date of provision, the patient's name, and the name of the practitioner.

(C) The label shall be affixed by:

(i) a pharmacist in a licensed pharmacy; or
(ii) supportive personnel in a Class D Pharmacy, provided the drugs and control records required by paragraph (3)(D) of this section are quarantined together until checked and released by a pharmacist.

(D) If drugs are labeled in accordance with paragraph (3)(C)(ii) of this section, then records of labeling shall be maintained to show:

(i) name and strength of drug labeled;
(ii) name of manufacturer, manufacturer's lot number, and expiration date of drug labeled;
(iii) quantity per package and number of packages labeled;
(iv) date labeled;
(v) name of the supportive personnel affixing the label; and
(vi) the signature of the pharmacist who checks and releases the drugs.

(4) Labeling.

(A) The proper labeling of drugs to be dispensed or provided is the responsibility of the pharmacist-in-charge and/or consultant pharmacist and/or practitioner except when dangerous drugs are being provided under the supervision of a physician; then a qualified and trained person or persons may print at the time of such provision the date of provision, the patient's name, and the name of practitioner of the label.

(B) The label shall be affixed, legible and in a form not easily altered.

(C) The label shall bear:

(i) date provided or dispensed;
(ii) patient/client name;
(iii) name and address of facility;
(iv) name of medication;
(v) dosage/strength;
(vi) directions for use (the patient/client shall be provided verbal and/or written information on side effects, interactions, and precautions), and
(vii) if a generic drug is substituted—generic name, name of manufacturer or distributor, and words "substituted for brand prescribed," and the information required by clauses (i)-(vi) of this subparagraph shall be on the label.

(D) Relabeling of any previously labeled drug is the responsibility of the pharmacist-in-charge and/or consultant pharmacist and/or practitioner.

(5) Drug dispensing and storage.

(A) Any drug bearing an expiration date may not be dispensed beyond the said expiration date of the drug.

(B) All drugs shall be stored at a safe and adequate temperature.

(C) Drug samples supplied by manufacturers shall be properly stored, labeled, provided, or dispensed in the same manner as prescribed by these rules for dangerous drugs.

(D) Samples of controlled substances may not be stored, provided, or dispensed from the clinic.

(E) Outdated drugs shall be removed from stock.

(F) Dispensing is the responsibility of the pharmacist-in-charge and/or consultant pharmacist and/or practitioner.

(G) Drugs may be administered, provided, or dispensed pursuant to the physician's orders, standing delegation orders (as defined by rules of the Texas State Board of Medical Examiners), or standing medical orders (as defined by rules of the Texas State Board of Medical Examiners) that are consistent with the medical objectives of the clinic.

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 February 23, 1983.

TRD-831477 Fred S. Brinkley, Jr., R.Ph.
Executive Director/Secretary
Texas State Board of Pharmacy

Effective date: March 17, 1983

Proposal publication date: December 3, 1982

For further information, please call (512) 478-9827.

Chapter 309. Generic Substitution

22 TAC §309.3

The Texas State Board of Pharmacy adopts an amendment to §309.3, without changes to the proposed text published in the December 3, 1982, issue of the *Texas Register* (7 TexReg 4137).

This amendment saves consumers money by allowing the substitution of lower-priced generically equivalent drug products for certain brand name drug products in certain instances; pharmacies and pharmacists can thus pass on the net benefit of the lower costs of the generically equivalent drug.

The amendment clarifies that the two signature line requirement does not apply to dangerous drug prescriptions issued in another state by a practitioner. It further states the conditions whereby such prescriptions may be substituted by the pharmacist.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 4542a-1, §40, which authorizes the Texas State Board of Pharmacy to establish procedures to govern the substitution of lower priced generically equivalent drug products for certain brand name products.

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 February 23, 1983.

TRD-831479 Fred S. Brinkley, Jr., R.Ph.
Executive Director/Secretary
Texas State Board of Pharmacy

Effective date: March 17, 1983

Proposal publication date: December 3, 1982

For further information, please call (512) 478-9827.

**Part XXIV. State Board of
Veterinary Medical Examiners
Chapter 573. Rules of Professional
Conduct**

22 TAC §573.31

The State Board of Veterinary Medical Examiners adopts new §573.31, without changes to the proposed text published in the January 18, 1983, issue of the *Texas Register* (8 TexReg 211).

The new rule aids in the detection and control of rabies in humans. It requires veterinarians to determine from all clients if a deceased animal had human contact prior to death. Veterinarians will also be required to maintain detailed rabies vaccination records for at least three years.

No comments were received regarding adoption of the new rule.

The new rule is adopted under Texas Civil Statutes, Article 7465a, §7, which authorizes the State Board of Veterinary Medical Examiners to make or amend such rules and regulations as may be necessary or desirable to carry into effect the provisions of the Veterinary Practice Act.

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 February 22, 1983.

TRD-831452 Roger D. Shipman
 Executive Secretary
 State Board of Veterinary
 Medical Examiners

Effective date: March 16, 1983
Proposal publication date: January 18, 1983
For further information, please call (512) 458-1183.

**TITLE 31. NATURAL RESOURCES
AND CONSERVATION**

**Part X. Texas Water Development
Board**

**Chapter 355. Water Loan Assistance
Fund**

**Water Conservation, Water Quality, and
Water Development Planning and
Research and Flood Control Planning
Fund**

31 TAC §§355.101-355.108

The Texas Water Development Board adopts new §§355.101-355.108, concerning water conservation, water quality, and water development planning and research and flood control planning fund, with no changes in the text as published in the December 31, 1982, issue of the *Texas Register* (7 TexReg 4553). The new rules will reduce cost of water quality pro-

tection and water supply, increase productivity of water use in industry and agriculture, increase water conservation, and improve management and administration of water programs. These rules describe policies of general applicability to the research and planning fund program including the development of a project list, selection process in awarding contracts, ownership of work product, and payment procedures.

No comments were received regarding adoption of these new rules.

The new sections are adopted under the Texas Water Code, §§5.131 and 5.132, which provides the Texas Water Development Board with the authority to make any rules necessary to carry out the powers and duties under the provisions of the Water Code and other laws of the state and to establish and approve all general policy of the Texas Department of Water Resources. The rules are adopted under the authority of Texas Water Code, §§15.001-15.003, 15.005, 15.102, and 15.103, which gives the Texas Water Development Board specific authority to adopt rules relating to the water assistance fund authorized by the Texas Water Code, Chapter 15.

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 February 25, 1983.

TRD-831524 Susan Plettman
 Acting General Counsel
 Texas Department of Water
 Resources

Effective date: March 18, 1983
Proposal publication date: December 31, 1982
For further information, please call (512) 475-7836.

**TITLE 40. SOCIAL SERVICES AND
ASSISTANCE**

**Part I. Texas Department of
Human Resources**

**Chapter 3. AFDC
Income**

40 TAC §3.3205

The Texas Department of Human Resources adopts amendments to §3.3205, concerning lump sum payments as unearned income in the AFDC program.

This amendment is adopted in compliance with requirements of the U.S. Department of Health and Human Services, effective November 29, 1982. The department is developing additional changes to its rule about lump sum payments which will be proposed in a future issue of the *Texas Register*.

Section 3.3205 is amended to specify that the client's income plus the amount of the lump sum payment is

compared to the client's budgetary rather than recognizable needs figure to determine if the client is eligible.

The amendment is adopted under the Human Resources Code, Title 2, Chapters 22 and 31, which authorizes the department to administer public assistance programs.

This amendment is adopted under federal requirements, effective November 29, 1982.

§3.3205. Unearned Income.

(a) Unearned income includes all benefits that are regularly available to the client, including pensions, allowances, contributions, and military allotments. It also includes lump sum payments the client receives after AFDC certification. If the client receives a lump sum payment, the worker adds the total amount to the unearned income and the earned income minus the earned income disregards. If the combined amount exceeds the budgetary needs figure for the family's size, the client is ineligible. The period of ineligibility begins with the month the client receives the lump sum payment.

(b)-(c) (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.

Issued in Austin, Texas, on February 28, 1983.

TRD-831541 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Effective date: November 29, 1982
Proposal publication date: N/A
For further information, please call (512) 441-3355,
ext. 2037.

Chapter 15. Medicaid Eligibility

The Texas Department of Human Resources adopts amendments to §15.3223 and 15.3309, without changes, and to §15.3302, with minor editorial changes to the proposed text published in the December 7, 1982, issue of the *Texas Register* (7 TexReg 4248). These amendments are necessary to comply with changes in Supplemental Security Income policy. The text of §15.3223 and §15.3309 will not be republished.

Section 15.3223 is amended to specify that an applicant or recipient must be given an opportunity to disprove ownership of any or all funds in a joint bank account to which the applicant or recipient has unrestricted access. Section 15.3302 is amended to clarify the treatment of interest payments and deposits to joint bank accounts to which an applicant or recipient has unrestricted access. Section 15.3309 is amended to clarify that interest income may be excluded if it meets the definition of irregular or infrequent income.

No comments were received regarding adoption of the amendments.

**Subchapter GG. Resources for
Individuals Related to the SSI Program**

40 TAC §15.3223

The amendment is adopted under the Human Resources Code, Title 2, Chapters 22 and 32, 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 February 25, 1983.

TRD-831528 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Effective date: April 1, 1983
Proposal publication date: December 7, 1982
For further information, please call (512) 441-3355,
ext. 2037.

**Subchapter HH. Income for Individuals
Related to the SSI Program**

40 TAC §15.3302, §15.3309

The amendments are adopted under the Human Resources Code, Title 2, Chapters 22 and 32, which authorizes the department to administer public assistance programs.

§15.3302. General Principles Concerning Income.

(a) The department has established the following general principles for considering income.

(b) The caseworker considers any cash received from the sale of a resource as a resource, not as income.

(c) The caseworker does not consider as income a premium payment for supplementary medical insurance benefits under Title XVIII (Medicare) which is paid by a third party.

(d) The caseworker does not consider as income the value of any third-party payment for medical care or medical services furnished to an individual. Income does not include the value of advice, consultation, training, or other services of a strictly social nature furnished to an individual.

(e) Because gross wages before taxes are considered income when determining the amount of an individual's wages or unearned income, the caseworker does not consider a refund of income taxes to the individual as income.

(f) The caseworker considers any lump sum payment as income for the month in which it is received and as a resource for the following months.

(g) If an aged or disabled individual has dependents who are receiving either SSI or AFDC, the caseworker does not consider any income of these individuals in determining the eligibility of the aged or disabled individual. This income has already been considered in determining the dependents' need for SSI or AFDC.

(h) If an eligible individual has unrestricted access to a joint bank account, the caseworker determines the

amount of income to consider from interest payments on the account or deposits by co-holders to the account as follows.

(1) If the co-holders of the account are not eligible for AFDC, SSI, or MAO, or are not a spouse or parent whose income is deemed to the eligible individual, the caseworker considers all interest payments and deposits made by the ineligible co-holders as income of the eligible individual.

(2) If one or more co-holders is eligible for AFDC, SSI, or MAO, or is a spouse or parent whose income is deemed to the eligible individual, the caseworker does not consider a deposit by the co-holder, spouse, or parent as income to the eligible individual. The caseworker equally divides interest payments and deposits by the other co-holders among the eligible individuals and/or spouse or parent.

(3) If an eligible individual has disproved ownership of all or a part of the funds in a joint account, the caseworker does not consider as income any deposits by the co-holders before the change in the account designa-

tion. The caseworker considers interest payments as income to the eligible individual in proportion to the amount of the funds owned by the eligible individual.

(4) For this policy, the term "spouse" includes a spouse whose income is considered in the applied income determination process, either to divert income for the spouse's needs or to obtain a contribution from the spouse.

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 February 25, 1983.

TRD-831529

Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Effective date: April 1, 1983

Proposal publication date: December 7, 1982

For further information, please call (512) 441-3355,
ext. 2037.

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. Although some notices may be received too late for publication before the meeting is held, all those filed are published in the *Register*. Notices concerning state agencies, colleges, and universities must contain the date, time, and location of the meeting, and an agenda or agenda summary. Published notices concerning county agencies include only the date, time, and location of the meeting. These notices are published alphabetically under the heading "Regional Agencies" according to the date on which they are filed.

Any of the governmental entities named above must have notice of an emergency meeting, or 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. However, notices of emergency additions or revisions to a regional agency's agenda will not be published since the original agenda for the agency was not published.

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. These notices may contain more detailed agendas than space allows to be published in the *Register*.

Open Meetings

Battleship Texas Commission

Wednesday, March 2, 1983, 1:30 p.m. The Battleship Texas Commission met in emergency session in Room 104, Texas Law Center, 1414 Colorado Street, Austin. Items on the agenda included minutes of the previous meeting; budget review; and the right of Battleship Texas employees to union representation in complaints and grievances. The emergency status is necessary because the budget review must be held before the commission goes before the Senate Finance Committee.

Contact: Ruth Pirtle, 3527 Battleground Road, La Porte, Texas 77571, (713) 479-2411.

Filed: February 24, 1983, 4:19 p.m.
TRD-831481

State Board of Canvassers

Tuesday, March 8, 1983, 11 a.m. The State Board of Canvassers will meet in Room 125, the secretary of state's office, State Capitol, Austin. According to the agenda the board will amend the official canvass for U.S. Representative District 24.

Contact: Donnette Smith, Elections Division, Office of the Secretary of State, P.O.

Box 12887, Austin, Texas 78711, (512) 475-3091.

Filed: February 28, 1983, 4:45 p.m.
TRD-831578

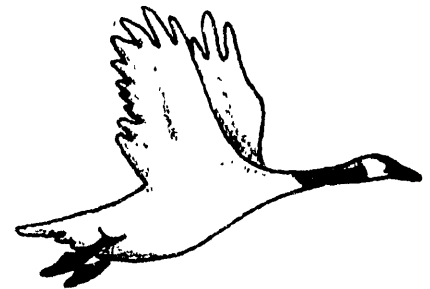
Texas State Board of Examiners of Professional Counselors

Saturday, March 5, 1983, 9 a.m. The Texas State Board of Examiners of Professional Counselors will meet in Room T-507, Texas Department of Health, 1100 West 49th Street, Austin. Items on the agenda summary include approval of the December 11, 1982, minutes; adoption of proposed rules relating to specialty designations; consideration of licensure application by John Abell, Ed.D.; discussion of Senate Bill 477 and House Bill 866 relating to the regulation of marriage and family counselors; review and possible revision of fee structure for professional counselors; matters relating to development of licensure examination; consideration of licensure applications and procedures; discussion of continuing education requirements for renewal of licensure and appropriated funds needed to operate the counselor licensure program for the next biennium; other matters relating to the licensure and regulation of professional

counselors; and the setting of the next meeting date.

Contact: Daniel L. Boone, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7511.

Filed: February 25, 1983, 4:07 p.m.
TRD-831526



Texas County and District Retirement System

Friday, March 11, 1983, 9 a.m. The Board of Trustees of the Texas County and District Retirement System will meet in the Hyatt on Town Lake, Austin. Items on the agenda summary include the minutes of December 8, 1982, meeting; the consideration of applications for service retirement benefits and disability retirement benefits; reports from actuary, legal counsel, invest-

Texas Register

ment counsel, and the director; and the date of June meeting.

Contact: J. Robert Brown, 802 Perry-Brooks Building, Austin, Texas 78701, (512) 476-6651.

Filed: February 24, 1983, 4:14 p.m.
TRD-831487

Office of the Governor

Thursday, March 3, 1983, 9 a.m. The Governor's Select Committee on Water Quality Standards for Lake Travis and Lake Austin of the Office of the Governor met in emergency session at 3700 Lake Austin Boulevard, Austin. According to the agenda, the committee considered a report by the Technical Subcommittee. The emergency status was necessary because the authority of the committee to consider water quality standards for Lake Travis and Lake Austin will expire March 17, 1983, and it is necessary that the action recommended by the report be taken at the soonest possible time to promote the best interests and public welfare of the Lake Travis and Lake Austin areas.

Contact: John M. Scanlan, 602 West 11th Street, Austin, Texas, (512) 478-4651.

Filed: February 28, 1983, 1:24 p.m.
TRD-831593

Texas Health Facilities Commission

Friday, March 11, 1983, 9:30 a.m. The Texas Health Facilities Commission will meet in Suite 305, Jefferson Building, 1600 West 38th Street, Austin. According to the agenda summary, the commission will consider the following applications.

Certificates of Need

The University of Texas Medical Branch,
Galveston, and Hermann Hospital,
Houston

AH82-1110-173

Hermann Park Manor, Houston

AN82-1105-161

Charter Rio Grande Hospital, Laredo

AH82-1105-159

Clear Lake Hospital, Webster

AH82-1122-209

McAllen Methodist Hospital, McAllen

AH82-0408-017

CT Diagnostic Center, El Paso

AO82-1001-071

Fireside Lodge, Cleburne

AN81-0630-029

Doctor's Hospital of Permian Basin,
Midland

AH82-0510-052

Midland Memorial Hospital, Midland

AH82-0618-009

Nunc Pro Tunc Order

American Medical International, Inc.,
Houston

AH82-1230-317

Amendment of Certificate of Need Order

Wichita General Hospital, Wichita Falls

AH81-0309-017A(011883)

Declaratory Rulings

Hendrick Medical Center, Abilene

AH83-0127-070

AN83-0127-072

Notice of Intent Regarding a Research Project

The University of Texas System Cancer
Center, Houston

AH82-1129-217

Notice of Intent to Acquire Major Medical Equipment

David L. Robinson, M.D., P.A., Tyler

AS83-0128-082

Notices of Intent to Acquire Existing Health Care Facilities

Z. H. Ramey, Jr., San Antonio

AN83-0125-056

Beverly Enterprises, Fort Smith,
Arkansas

AN83-0126-060

AN83-0126-062

Mullin and Mullin, Inc., Kaufman

AN83-0117-036

Edwin S. and Alice B. Doyle,
El Cenrritto, California

AN83-0121-046

AN83-0121-048

University Associates, a California
limited partnership, Marina Del Rey,
California

AN83-0128-086

AN83-0128-096

Med West Health Care Management
Corporation, Omaha, Nebraska

AN83-0128-088

AN83-0128-090

AN83-0128-092

AN83-0128-094

Fort Worth Medical Investors, Ltd.,
Atlanta, Georgia

AN83-0128-084

Contact: John R. Neel, P.O. Box 50049,
Austin, Texas 78763.

Filed: February 28, 1983, 9:24 a.m.
TRD-831535

Texas Department of Human Resources

Tuesday and Wednesday, March 8 and 9, 1983, 9 a.m. daily. The Advisory Committee on Child Care Facilities of the Texas Department of Human Resources will meet in the Sherman Room, Villa Capri Motel, 2400 IH 35 North, Austin. Items on the agenda include member orientation, the director's report, proposed revisions to the minimum standards for emergency shelters, fees for facility licenses, and providing copies of children's medical/dental files to child-placing agencies.

Contact: Doug Sanders, P.O. Box 2960,
Austin, Texas 78769, (512) 441-3355, ext.
6039.

Filed: February 25, 1983, 4:39 p.m.
TRD-831532

State Board of Insurance

Friday, March 4, 1983, 9 a.m. The State Board of Insurance will meet in Room 414, 1110 San Jacinto Street, Austin. According to the agenda, the board will consider a hospital professional liability filing by Landmark American Insurance Company.

Contact: Pat Wagner, 1110 San Jacinto
Street, Austin, Texas 78786, (512) 475-2950.

Filed: February 24, 1983, 1:34 p.m.
TRD-831466

Tuesday, March 8, 1983, 9 a.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 342, 1110 San Jacinto Street, Austin. The section will conduct a public hearing in Docket 7068—whether National Institute Life Insurance Company, Dallas, has complied with Commissioner's Order 83-0075, January 7, 1983.

Contact: John Brady, 1110 San Jacinto
Street, Austin, Texas 78786, (512) 475-2287.

Filed: February 28, 1983, 11:37 a.m.
TRD-831563

Tuesday, March 8, 1983, 10 a.m. The State Board of Insurance will meet in Room 414, 1110 San Jacinto Street, Austin. Items on the agenda summary include final action on new Rules 059.01.15.222, 059.04.021, and 059.03.42.030-.038, amendments to Rules 059.14.38.017, .018, and .021-.030, and Rule 059.01.15.212, repeal of Rule 059.03.01.001; and proposed action on new Rules 059.05.08.011-.013, and 059.05.03.011-.013, amendments to Rules 059.01.16.001 and 059.05.03.001, and repeal of Rules

059.01.16.002, 059.05.08.001-.005, 059.05.02.001, and 059.01.24.002.

Contact: Pat Wagner, 1110 San Jacinto Street, Austin, Texas, (512) 475-2950.

Filed: February 28, 1983, 4:13 p.m.
TRD-831575

Monday, March 14, 1983, 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. The section will conduct a public hearing in Docket 7098—application for extension of time within which to sell real estate by Union Bankers Insurance Company, Dallas.

Contact: John Brady, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2287.

Filed: February 28, 1983, 11:37 a.m.
TRD-831564

Texas Juvenile Probation Commission

Friday, March 4, 1983, 9:30 a.m. The Texas Juvenile Probation Commission made additions to the agenda of a meeting to be held at 4711 Harry Hines Boulevard, Dallas. The additions concern a public hearing, approval of the January 21, 1983, minutes; a director's report regarding operations, finances, and a legislative update; discussion of membership of juvenile boards; and a review of the first draft of commission standards.

Contact: Judy Culpepper or Bill Anderson, P.O. Box 13547, Austin, Texas 78711, (512) 443-2001.

Filed: February 24, 1983, 1:52 p.m.
TRD-831467

Texas Board of Land Surveying

Thursday and Friday, March 10 and 11, 1983, 8 a.m. daily. The Texas Board of Land Surveying will meet in Suite 210 West, 1106 Clayton Lane, Austin. Items on the agenda include minutes of the previous meeting; grading and evaluation of examinations given on February 21 and 22, 1983 committee reports; an informal hearing; interviews; correspondence and continued business; and new business.

Contact: Betty J. Pope, Suite 210 West, 1106 Clayton Lane, Austin, Texas 78723, (512) 452-9427.

Filed: February 25, 1983, 2:38 p.m.
TRD-831523

State Board of Morticians

Tuesday-Thursday, March 8-10, 1983, 9 a.m. daily. The State Board of Morticians will meet on March 8 and 10 at 1513 IH 35 South to conduct formal hearings regarding actions of licensees; consider applicants for reciprocal license and requests for reinstatement; certify embalmer practical grades; review reciprocal applications, clarify funeral director apprenticeship prior to school and the request for an extension of the six-month period to register as an apprentice; review the Jesus Zavala file; and certify written grades. The board will meet on March 9 at 2200 IH 35 South to conduct funeral director and embalmer written examinations.

Contact: John W. Shocklee, 1513 IH 35 South, Austin, Texas 78741, (512) 442-6721.

Filed: February 28, 1983, 12:19 p.m.
TRD-831561

Texas Municipal Retirement System

Saturday, March 19, 1983, 9:00 a.m. The Board of Trustees of the Texas Municipal Retirement System will meet at 1200 North Interregional Highway, Austin. According to the agenda summary, the board will hear and approve the December 11, 1982, minutes; review service, disability, and supplemental disability retirements; review supplemental death benefit payments; review and approve financial statements; consider a resolution authorizing a merger into the system of the City of Athen's employee's pension plan; hear reports on pending legislation and by the actuary, legal counsel, and director; and consider any other business to come before the board.

Contact: Jimmie L. Mormon, P.O. Box 2225, Austin, Texas 78768, (512) 476-7577.

Filed: February 28, 1983, 2:28 p.m.
TRD-831562

Pan American University

Tuesday, March 1, 1983. Committees of the Pan American University Board of Regents and the full board will meet in the Longoria Room, Arnulfo L. Oliveira Memorial Library, Pan American University at Brownsville. Times, committees, and agendas are as follows.

10:10 a.m. The Buildings and Grounds Committee will consider the biology annex

and approval of a bid for moving and demolition of temporary buildings.

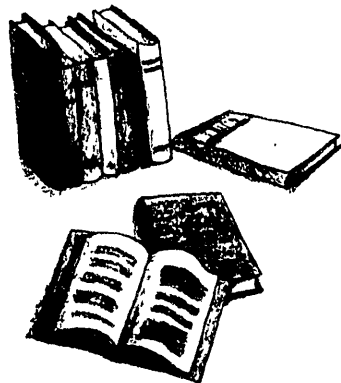
10:30 a.m. The Finance Committee will consider budget changes.

10:45 a.m. The Academic and Developmental Affairs Committee will meet in executive session to consider personnel.

11 a.m. The Board of Regents will consider reports of the Buildings and Grounds Committee, Finance Committee, Academic and Developmental Affairs Committee; and the Committee of the Whole will consider a policy of admission to athletic events for faculty and staff; grants, donations, and gifts; informational items; and a date for the next meeting. The board will also meet in executive session.

Contact: Dr. Miguel A. Nevarez, Pan American University, Edinburg, Texas 78539, (512) 381-2100.

Filed: February 25, 1983, 2:27 p.m.
TRD-831519-831522



Board of Pardons and Paroles

Monday-Friday, March 14-18, 1983, 9 a.m. The Board of Pardons and Paroles will meet in Room 711, Stephen F. Austin Building, Austin. According to the agenda, the board will review cases of inmates for parole consideration; act on emergency reprieve requests and other acts of executive clemency; review reports regarding persons on parole; review procedures affecting the day-to-day operation of support staff; review and initiate needed rule changes relating to general operation, executive clemency, parole, and all hearings conducted by this agency; and take action upon gubernatorial directives.

Contact: John W. Byrd, 711 Stephen F. Austin Building, Austin, Texas, (512) 475-3363.

Filed: February 28, 1983, 3:41 p.m.
TRD-831574

State Pension Review Board

Wednesday, March 2, 1983, 8:30 a.m. The Legislative Advisory Committee of the State Pension Review Board met in emergency session in Room G-35-B, Senator Traeger's office, State Capitol. According to the agenda, the committee discussed upcoming legislation. The emergency status was necessary due to legislation.

Contact: Benette Meadows, P.O. Box 13498, Austin, Texas 78711, (512) 475-8332.

Filed: February 25, 1983, 12:08 p.m.
TRD-831514

Texas State Board of Physical Therapy Examiners

Friday, April 8, 1983, 7 p.m. The Texas State Board of Physical Therapy Examiners will meet in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the board will conduct a public hearing on proposed rules.

Contact: Lois M. Smith, 1300 East Anderson Lane, Building C, Room 260, Austin, Texas 78752, (512) 835-1846.

Filed: February 25, 1983, 10:17 a.m.
TRD-831491

State Property Tax Board

Friday, March 18, 1983, 10:00 a.m. The State Property Tax Board will meet in the Agency Conference Room, 9501 IH 35 North, Austin. According to the agenda the board will consider approval of the December 8, 1982, minutes; a rule repealing 34 TAC §161.8, Interstate Allocation of Personal Property, for the 1982 tax year; adoption of new rule 34 TAC §161.8, Interstate Allocation of Personal Property, for 1983 and future tax years; adoption of rule amendment 34 TAC §161.1, which changes the title of the rule adopting by reference the *Guidelines for the Valuation of Agricultural Lands*; adoption of new rule 34 TAC §161.11, Appraisal of Timberlands, which adopts by reference *Guidelines for the Valuation of Timberlands*; approve a resolution regarding changes in school district market values based on the agency's 1981 market value study; discuss proposed revisions to the agency's *General Appraisal Manual*; report of appraisal district operations survey; and discuss the agency's 1983 Taxpayer Information Program. The board

will also meet in executive session for discussion of personnel and legal matters.

Contact: Kenneth E. Graeber, 9501 IH 35 North, Austin, Texas 78761, (512) 837-8622.

Filed: February 28, 1983, 10:42 a.m.
TRD-831554

Texas Department of Public Safety

Tuesday, March 8, 1983, 10 a.m. The Public Safety Commission of the Texas Department of Public Safety will meet in the commission room, 5805 North Lamar Boulevard, Austin. Items on the agenda include approval of minutes, budget matters, personnel matters, and other unfinished business.

Contact: James B. Adams, 5805 North Lamar Boulevard, Austin, Texas, (512) 465-2000, ext. 3700.

Filed: February 24, 1983, 4:44 p.m.
TRD-831482

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, and dockets follow.

Wednesday, March 9, 1983, 9 a.m. A pre-hearing conference in Docket 5021—application of Bulverde Utility Company for a rate increase.

Contact: Carolyn E. Shellman, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: February 28, 1983, 9:31 a.m.
TRD-831551

Wednesday, March 9, 1983, 10 a.m. A pre-hearing conference in Docket 4916—application of Water Services, Inc., doing business as Suburban Water Services Company for a rate increase.

Contact: Carolyn E. Shellman, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: February 28, 1983, 9:28 a.m.
TRD-831547

Friday, March 11, 1983, 9 a.m. The Public Utility Commission of Texas will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin. According to the agenda, the com-

mission will consider final orders in Dockets 4339 and 4757, 4749, 4822, 4917, 4921, 4832, 4740, 4750, 4827, 4900, 3976 and 4304, 4771, 4309, 4599, 4139, 4841, 4881, 4882, 4886, 4928, 4579 and 4580, 4590, 3969, 4683, 4436, 4876, 4885, 4915, 4967, 4968, 4969, 4901, 4333, 4519, 4640, 4668, 4678, 4680, and 4772

Contact: Carolyn E. Shellman, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: February 24, 1983, 4:15 p.m.
TRD-831486

Addition to the above agenda:

The commission will vote on a new chairman.

Contact: Carolyn E. Shellman, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100

Filed: February 25, 1983, 10:16 a.m.
TRD-831490

The Hearings Division of the Public Utility Commission of Texas will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin. Days, times, and dockets follow.

Friday, April 22, 1983, 9 a.m. A hearing on the merits in Docket 5003—application of Bailey Electric Cooperative Association for authority to change rates.

Contact: Carolyn E. Shellman, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: February 28, 1983, 9:30 a.m.
TRD-831550

Friday, April 22, 1983, 10 a.m. A hearing on the merits in Dockets 4812 and 4823—application of HHM Corporation for a certificate of convenience and necessity within Chambers County and an application of Chacko Thomas and Associates to purchase HHM Corporation.

Contact: Carolyn E. Shellman, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: February 24, 1983, 10:25 a.m.
TRD-831461

Railroad Commission of Texas

Monday, March 7, 1983, 9 a.m. The following divisions of the Railroad Commission of Texas will meet at 1124 IH 35 South, Austin. Divisions, meeting rooms, and agendas follow.

The Administrative Services Division will meet in the first floor auditorium, Room

107, to consider and act on the division director's report on division administration, budget, procedures, and personnel matters.

Contact: Roger Dillon, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1211.

Filed: February 25, 1983, 10:57 a.m.
TRD-831507

The Automatic Data Processing Division will meet in the first floor auditorium to consider and act on the 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: February 25, 1983, 10:57 a.m.
TRD-831506

The Flight Division will meet in Room 107 to consider and act on the 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: February 25, 1983, 11:01 a.m.
TRD-831511

The Gas Utilities Division will meet in Room 107 to consider Dockets 3706 and 2313 and the director's report.

Contact: Lucia Sturdevant, P.O. Drawer 12967, Austin, Texas 78711, (512) 475-0461

Filed: February 25, 1983, 10:59 a.m.
TRD-831509

The Office of Information Services will meet in the first floor auditorium to consider and act on the division director's report on division administration, budget, procedures, and personnel matters.

Contact: Brian W. Schaible, P.O. Drawer 12967, Austin, Texas 78711.

Filed: February 25, 1983, 10:54 a.m.
TRD-831502

The Oil and Gas Division will meet in the first floor auditorium to consider various matters falling within the commission's oil and gas regulatory jurisdiction.

Contact: Jan Burris, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1307.

Filed: February 25, 1983, 10:56 a.m.
TRD-831505

Addition to the above 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) 445-1273.

Filed: February 25, 1983, 10:55 a.m.
TRD-831503

The Personnel Division will meet in the first floor auditorium to consider and act on the division director's report on division administration, budget, procedures, and personnel matters.

Contact: Herman L. Wilkins, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1120.

Filed: February 25, 1983, 10:58 a.m.
TRD-831508

The Office of the Special Counsel will meet in the third floor conference room to consider and act on the division director's report relating to pending litigation, Sunset Commission review, and other budget, administrative, and personnel matters.

Contact: Walter Earl Lilie, 1124 IH 35 South, Austin, Texas 78704, (512) 445-1186.

Filed: February 25, 1983, 11 a.m.
TRD-831510

The Surface Mining and Reclamation Division will meet in Room 107 to consider and act on the division director's report on division administration, budget, procedures, and personnel matters.

Contact: J. Randel (Jerry) Hill, 105 West Riverside Drive, Austin, Texas, (512) 475-8751.

Filed: February 25, 1983, 10:51 a.m.
TRD-831499

The Transportation Division will meet in the first floor auditorium, Room 107, to consider Docket 024397ZZB—application of Kerrville Bus Co., Inc., for changes in the fuel adjustment charge contained in the Fuel Adjustment Charge, Motor Bus Passenger Fares, Express Rates, and Charter Coach Charges for Bus Lines subject to NBTA tariffs and various matters falling within the commission's transportation regulatory jurisdiction.

Contact: Sandy Yates, 1124 IH 35 South, Austin, Texas 78704, (512) 445-1330.

Filed: February 25, 1983, 10:52 a.m.
TRD-831500, 831501

Thursday, March 17, 1983, 9 a.m. The Oil and Gas Division of the Railroad Commission of Texas will meet in the Midland Hotel, Wall and Lorraine Streets, Midland. According to the agenda summary, the divi-

sion will conduct a statewide oil and gas hearing.

Contact: Harriett Trammel, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1297.

Filed: February 25, 1983, 10:55 a.m.
TRD-831504

Texas Sesquicentennial Museum Board

Friday, March 11, 1983, 10:00 a.m. The Texas Sesquicentennial Museum Board will meet in the third floor auditorium, United Bank Building, 15th and Guadalupe Streets, Austin. According to the agenda, the board will consider approval of the previous meeting minutes, discuss legislative activities, assignments, and committee assignments, a presentation to the legislature and interested groups, and items for general discussion.

Contact: Fran Lochridge Forbes, Room 152, Stephen F. Austin Building, Austin, Texas, (512) 475-1615

Filed: February 28, 1983, 9:31 a.m.
TRD-831552

Texas State Soil and Water Conservation Board

Monday, March 7, 1983, 1 p.m. The Texas State Soil and Water Conservation Board will meet in Room 513, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. Items on the agenda include district director appointments, a matching fund allocation for Cap Rock Soil and Water Conservation District 126; a 1984-1985 budget request; soil and water conservation district audits; Public Law 83-566, concerning the Watershed Program; legislation; a report on a salinity investigation; and a staff report.

Contact: Harvey Davis, 1002 First National Building, Temple, Texas, (817) 773-2250 or STS 820-1250.

Filed: February 25, 1983, 2:09 p.m.
TRD-831516

Advisory Council for Technical-Vocational Education in Texas

Wednesday and Thursday, March 23 and 24, 1983, 1:30 p.m. and 8 a.m., respectively. The Advisory Council for Technical Vocational Education in Texas will meet in the Laredo Room, Dunfey's of Dallas, 3800

Texas Register

West Northwest Highway, Dallas. According to the agenda summary, the council will receive a presentation on business and office education—a national perspective by L. Millard Collins of IBM; receive greetings by a member of the National Advisory Council; review a draft of the State Annual Program Plan and Accountability Report for vocational education, hear committee reports and other special reports, review tentative plans for the 1983 public forum activities; and tour the executive secretarial school, the Skyline Career Center, and the Eastfield College campus.

Contact: Valeria Blaschke, P.O. Box 1886, Austin, Texas 78767, (512) 475-2046

Filed: February 28, 1983, 3:01 p.m.
TRD-831573

Texas Water Commission

Tuesday, April 5, 1983, 9 a.m. The Texas Water Commission will meet in Meeting Room 105, Continuing Education Building, Alford Center, Paris Junior College, 2400 Clarksville, Paris. According to the agenda summary, the commission will consider the following:

Application by the City of Blossom, P.O. Box 297, Blossom, Texas 75416, to the Texas Department of Water Resources for proposed Permit 10715-02 to authorize a discharge of treated domestic sewage effluent at a volume not to exceed an average flow of 250,000 gallons per day. The applicant proposes to build a new wastewater treatment plant and to abandon the existing facility with the completion of the proposed plant.

Application by the City of Blossom, P.O. Box 297, Blossom, Texas 75416, to the Texas Department of Water Resources for a renewal of Permit 10715-01, which authorizes a discharge of treated domestic sewage effluent at a volume not to exceed an average flow of 100,000 gallons per day from the treatment facilities which are located immediately south of the intersection of U.S. Highway 82 and Bois D'Arc Street in the City of Blossom in Lamar County.

Application of the City of Leonard, P.O. Drawer 1, Leonard, Texas 75452, to the Texas Department of Water Resources for an amendment to Permit 10920-01 to authorize an increase in treated domestic wastewater effluent from a volume not to exceed an average flow of 120,000 gallons per day to 424,000 gallons per day and to revise the biochemical oxygen demand lim-

itations from 30 milligrams per liter to 20 milligrams per liter and the suspended solids limitations from 90 milligrams per liter to 20 milligrams per liter. The applicant proposes to build a new wastewater treatment facility to handle an increase in flow from the growing population of the City of Leonard.

Contact: Joe O'Neal, P.O. Box 13087, Austin, Texas 78711, (512) 475-2711.

Filed: February 24, 1983, 11:31 a.m.
TRD-831463-831465

Thursday, April 7, 1983, 9 a.m. The Texas Water Commission will meet in Conference Room 4100A, City of Houston City Hall Annex, 900 Bagby, Houston. According to the agenda summary, the commission will consider the following:

Application of Northwest Harris County Municipal Utility District 25, care of Rowe & Jung, 2727 Allen Parkway, Suite 1680, Houston, Texas 77019, to the Texas Department of Water Resources for proposed Permit 12655-01 to authorize a discharge of treated domestic sewage effluent at a volume not to exceed an average flow of 2,250,000 gallons per day. The applicant proposes to construct a new sewage treatment plant to serve the needs of a residential development located within the district.

Application of Harris County Municipal Utility District 115, care of Smith & Murdaugh, 1811 Houston Natural Gas Building, Houston, Texas 77002, to the Texas Department of Water Resources for proposed Permit 12661-01 to authorize a discharge of treated domestic sewage effluent at a volume not to exceed an average flow of 1,500,000 gallons per day. The applicant proposes to construct a new sewage treatment plant to serve the needs of commercial and residential development within the district.

Contact: James Larkins, P.O. Box 13087, Austin, Texas 78711, (512) 475-1468.

Filed: February 25, 1983, 11:22 a.m.
TRD-831513, 831515

Tuesday, April 12, 1983, 9 a.m. The Texas Water Commission will meet on the second floor, Conroe City Hall Council Chambers, 505 West Davis, Conroe. According to the agenda summary, the commission will consider the following:

Application of Lewis Health Care Facilities, Incorporated, P.O. Box 889, Porter, Texas 77365, to the Texas Department of Water Resources for proposed Permit 12567-01 to authorize a discharge of treated domestic

sewage effluent at a volume not to exceed an average flow of 12,000 gallons per day from the proposed Pine Shadows Retreat Sewage Treatment Plant. The applicant proposes to provide domestic wastewater treatment for the Pine Shadows Retreat Nursing Home.

Application of Iola Independent School District, P.O. Box 756, Iola, Texas 77861, to the Texas Department of Water Resources for proposed Permit 12664-01 to authorize a discharge of treated domestic sewage effluent at a volume not to exceed an average flow of 7,000 gallons per day from the proposed treatment facilities which are to serve the domestic needs of students and faculty of the school system.

Contact: James Routke, Jr., P.O. Box 13087, Austin, Texas 78711, (512) 475-1339.

Filed: February 28, 1983, 11:23 a.m.
TRD-831559, 831560

Wednesday, April 13, 1983, 9 a.m. The Texas Water Commission will meet at Pollution Control Laboratories and Emergency Medical Services Training, 7411 Park Place, Houston. According to the agenda summary, the commission will consider the application of Peek Road Utilities, Inc., P.O. Box 338, Bellaire, Texas 77401, to the Texas Department of Water Resources for proposed permit 12633-01 to authorize a discharge of treated domestic sewage effluent at a volume not to exceed an average flow of 400,000 gallons per day. The applicant proposes to develop a high density residential development.

Contact: David Hume, P.O. Box 13087, Austin, Texas 78711, (512) 475-2711.

Filed: February 28, 1983, 3:20 p.m.
TRD-831570

Texas Youth Council

Monday, February 28, 1983, 8 p.m. The Board of the Texas Youth Council met in emergency session by conference call originating at the executive director's office, 8900 Shoal Creek Boulevard, Austin. The board met in executive session to consider settlement negotiations in the Morales v. Turman case. The emergency status was necessary because the time set for the U.S. District Court filing presents an urgent public necessity.

Contact: Ron Jackson, 8900 Shoal Creek Boulevard, Austin, Texas 78766.

Filed: February 28, 1983, 4:52 p.m.
TRD-831577

Thursday, March 10, 1983, 9 a.m. The Board of the Texas Youth Council will meet at 8900 Shoal Creek Boulevard, Austin. Items on the agenda summary include approval of minutes, legislative report, fiscal year 1983 operating budget, transfer of fiscal year 1983 funds, and update of signature authority. The board will also meet in executive session.

Contact: Ron Jackson, 8900 Shoal Creek Boulevard, Austin, Texas 78766

Filed: February 28, 1983, 4:54 p.m.
TRD-831579

Regional Agencies Meetings Filed February 24

The Bastrop County Appraisal District, Board of Review, held an emergency rescheduled meeting in the Bastrop County Commissioners Court, 803 Pine Street, Bastrop, on February 25, 1983, at 7:30 p.m. The meeting was originally scheduled for February 28, 1983. Information may be obtained from Roy E. Humble, 705 Spring Street, Bastrop, Texas, (512) 321-4316.

The Tarrant County Appraisal District, Appraisal Review Board, will meet in Suite 300, 1701 River Run, Fort Worth, on March 9, 1983, at 9 a.m. Information may be obtained from Bobby Reed, 1701 River Run, Suite 200, Fort Worth, Texas 76107, (817) 332-3151.

The Wheeler County Appraisal District will meet in the district's office, Courthouse Square, Wheeler, on March 7, 1983, at 2 p.m. Information may be obtained from Marilyn Copeland, P.O. Box 349, Wheeler, Texas 79096, (806) 826-5900.
TRD-831460

Meetings Filed February 25

The Bastrop County Appraisal District, Board of Directors, met in the conference room, Bastrop County Courthouse, 803 Pine Street, Bastrop, on March 3, 1983, at 6:30 p.m. Information may be obtained from Roy E. Humble, 705 Spring Street, Bastrop, Texas 78602, (512) 321-4316.

The Blanco County Appraisal District, Board of Directors, will meet in the Blanco County Courthouse Annex, Johnson City, on March 8, 1983, at 6:30 p.m. Information may be obtained from Analee Parton, P.O. Box 338, Johnson City, Texas 78636, (512) 868-4624.

The Coryell County Appraisal District, Board of Directors, met in the Coryell

County Appraisal District Office, 105 North Seventh Street, Gatesville, on March 3, 1983, at 7 p.m. Information may be obtained from Darrell Eisenbe, P.O. Box 142, Gatesville, Texas 76528, (817) 865-6593.

The Dallas Area Rapid Transit, Special Service Needs Committee, met in emergency session in Room 505, Dallas City Hall, 1500 Marilla, Dallas, on February 25, 1983, at 4:30 p.m. Information may be obtained from Cinde Weatherby, Lock Box 12, Love Field Terminal Building, Dallas, Texas 75235, (214) 358-3217.

The Edwards Underground Water District, Board of Directors, will meet in the fourth floor conference room, Tower Life Building, 310 South St. Mary's, San Antonio, on March 8, 1983, at 10 a.m. Information may be obtained from Thomas P. Fox, 1200 Tower Life Building, San Antonio, Texas 78205, (512) 222-2204.

The Hunt County Tax Appraisal District, Board of Directors, met in the board room, 4815 B King Street, Greenville, on March 3, 1983, at 7 p.m. Information may be obtained from Henry F. Popp or Jeanne Penney, 4815 B King Street, Greenville, Texas 75401, (214) 454-3510.

The Texas Municipal Power Agency, Board of Directors, will meet at the First Southwest Company, eighth floor, Mercantile Dallas Building, Dallas, on March 4, 1983, at 11 a.m. Information may be obtained from Frank H. Bass, Jr., 2225 East Randol Mill Road, Suite 600, Arlington, Texas 76011, (817) 461-4400.

Meetings Filed February 28

The Archer County Appraisal District, Board of Directors, will meet in the Archer City Courthouse, Archer City, on March 9, 1983, at 5 p.m. Information may be obtained from A. G. Reis, P.O. Box 1141, Archer City, Texas 76351, (817) 574-2172.

The Brown County Appraisal District, Board of Directors, will meet at 403 Fisk, Brownwood, on March 7, 1983, at 7 p.m. Information may be obtained from Alvis Sewalt, 403 Fisk, Brownwood, Texas 76801, (915) 643-5676.

The Carson County Appraisal District, Board of Directors, will meet at 220 Main Street, Panhandle, on March 9, 1983, at 4 p.m. Information may be obtained from Dianne Lavake, Box 970, Panhandle, Texas 79068.

The East Texas Council of Governments, Executive Committee, met in emergency session at 3800 Stone Road, Kilgore, on March 3, 1983, at 2 p.m. Information may be obtained from Glynn J. Knight, 3800 Stone Road, Kilgore, Texas 75662, (214) 984-8641.

The Gregg County Appraisal District, Board of Directors, will meet at 2010 Gilmer Road, Longview, on March 8, 1983, at noon. Information may be obtained from William I. Carroll, P.O. Box 6700, Longview, Texas 75608, (214) 759-0015.

The Hanford County Appraisal District Board will meet at 13 West Kenneth Avenue, Spearman, on March 9, 1983, at 3 p.m. Information may be obtained from Alice Peddy, Box 567, Spearman, Texas 79081, (806) 659-5575.

The Harris County Appraisal District, Board of Directors, will meet at 3737 Dacoma, Houston, on March 4, 1983, at 7 a.m. Information may be obtained from Searcy German, P.O. Box 10975, Houston, Texas 77292, (713) 683-9200.

The Hood County Appraisal District, Board of Directors, will meet in the district office, 1902 West Pearl, Granbury, on March 8, 1983, at 7:30 p.m. Information may be obtained from Ben H. Griffin, P.O. Box 819, Granbury, Texas 76048, (817) 573-5595.

The Texas Municipal Power Agency, Board of Directors, will meet at the First Southwest Company, eighth floor, Mercantile Dallas Building, First Southwest Company, Dallas, on March 4, 1983, at 11 a.m. Information may be obtained from Frank H. Bass, Jr., 2225 East Randol Mill Road, Suite 600, Arlington, Texas 76011, (817) 461-4400.

The Palo Pinto Appraisal District, Board of Directors, met in emergency session at 603 South Oak, Mineral Wells, on March 2, 1983, at 1:30 p.m. Information may be obtained from Ruth Henderson, 100 Southeast Fifth Street, Mineral Wells, Texas 76067, (817) 325-6871.

The South Texas Development Council, STED Corporation, met at the Roma City Hall, Roma, on March 3, 1983, at 11 a.m. The board of directors met at the same location on the same day at 2 p.m. Information may be obtained from Robert Mendiola or Julie Saldana, P.O. Box 2187, Laredo, Texas 78041, (512) 722-3995.
TRD-831545

The Legislature

For the purpose of public information, the *Register* publishes a listing of the bills that have been submitted to the governor 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 the bill.

Bills Submitted to the Governor

February 25

HB 373 Relating to supplemental appropriations to the Senate and State Purchasing and General Services Commission required by fire damage to the Capitol.

Sponsor: Blake

Bills Signed by the Governor

February 25

HB 373 Relating to supplemental appropriations to the Senate and State Purchasing and General Services Commission required by fire damage to the Capitol.

Effective Date: February 25, 1983

The *Register* is required by statute to publish applications to purchase control of state banks (filed by the banking commissioner); notices of rate ceilings (filed by the consumer credit commissioner); changes in interest rate and applications to install remote service units (filed by Texas Savings and Loan commissioner); and consultant proposal requests and awards (filed by state agencies, regional councils of government, and the Texas State Library and Archives Commission).

In order to aid agencies in communicating information quickly and effectively, other information of general interest to the public is published as space allows. This often includes applications for construction permits (filed by the Texas Air Control Board), applications for amendment, declaratory ruling, and notices of intent (filed by the Texas Health Facilities Commission), applications for waste disposal permits (filed by the Texas Water Commission), and notices of public hearing.

In Addition



Texas Air Control Board Applications for Construction Permits

Notice is hereby given by the Texas Air Control Board of applications for construction permits received during the period of February 14-83, 1983.

Information relative to the applications listed below, including projected emissions and the opportunity to comment or to request a hearing, may be obtained by contacting the office of the executive director at the central office of the Texas Air Control Board, 6330 Highway 290 East, Austin, Texas 78723.

A copy of all material submitted by the applicant is available for public inspection at the central office of the Texas Air Control Board at the address stated above, and at the regional office for the Air Quality Control Region within which the proposed facility will be located.

Listed are the names of the applicants and the cities in which the facilities are located; type of facilities; location of the facilities (if available); permit numbers; and type of application—new source or modification.

Astro Reddi Mix Corporation, Pearland; ready mix concrete; 51288 Fryway at McHard Road; 4657C; new source

C.O.D. Concrete, Incorporated, Katy; concrete batch plant; (location not available); 7271A; new source

Man Gas Transmission Corporation, Eagle Pass; gas sweetening plant; Highway 57; 9283; new source

Dunnick Brothers & Gilchrist, Canton; highway construction; (location not available); 9284; new source

Issued in Austin, Texas, on February 22, 1983.

TRD-831450 Ramon Dasch
Director of Hearings
Texas Air Control Board

Filed: February 23, 1983
For further information, please call (512) 451-6711, ext 354.

Banking Department of Texas Applications To Acquire Control of a State Bank

Texas Civil Statutes, Article 342-401a, requires any person who intends to buy control of a state bank to file an application with the banking commissioner for the commissioner's approval to purchase control of a particular bank. A hearing may be held if the application is denied by the commissioner.

On January 25, 1983, the banking commissioner received an application to acquire control of Bank of Cypress Trails, Westfield, by Robert W. Carey of Cypress, and Charles M. Friday of Houston.

On February 24, 1983, notice was given that the application would not be denied.

Additional information may be obtained from Robert E. Stewart, 2601 North Lamar, Austin, Texas 78705, (512) 475-4451.

Issued in Austin, Texas, on February 24, 1983.

TRD-831496 O. A. Cassity III
Assistant General Counsel
Banking Department of Texas

Filed: February 25, 1983
For further information, please call (512) 475-4451.

On February 23, 1983, the banking commissioner received an application to acquire control of Citizens State Bank, Anton, by Don Workman of Lubbock, E. E. Palmer, E. M. Palmer, and H. D. Atchison, all of Levelland, Don R. Johnson of Sundown, and John F. Lott, Jr., of Post.

Additional information may be obtained from Robert E. Stewart, 2601 North Lamar, Austin, Texas 78705, (512) 475-4451.

Issued in Austin, Texas, on February 23, 1983.

TRD-831484 O. A. Cassity III
Assistant General Counsel
Banking Department of Texas

Filed: February 24, 1983
For further information, please call (512) 475-4451.

On February 25, 1983, the banking commissioner received an application to acquire control of First State Bank, Harper, by Jerry Warren and Michael McCormick of Gorman, and Phillip Joe Harrison of Eastland.

Additional information may be obtained from Robert E. Stewart, 2601 North Lamar, Austin, Texas 78705, (512) 475-4451.

Issued in Austin, Texas, on February 25, 1983.

TRD-831546 O. A. Cassity III
Assistant General Counsel
Banking Department of Texas

Filed: February 28, 1983
For further information, please call (512) 475-4451.

On February 22, 1983, the banking commissioner received an application to acquire control of First State Bank of Rising Star, Rising Star, by Bill E. Read of Coahoma.

Additional information may be obtained from Robert E. Stewart, 2601 North Lamar, Austin, Texas 78705, (512) 475-4451.

Issued in Austin, Texas, on February 22, 1983.

TRD-831485 O. A. Cassity III
Assistant General Counsel
Banking Department of Texas

Filed: February 24, 1983
For further information, please call (512) 475-4451.

On January 21, 1983, the banking commissioner received an application to acquire control of South Main Bank, Houston, by Louis A. Farris, Jr., and W. C. Murchison, Jr., both of Dallas.

On February 22, 1983, notice was given that time limitations had expired, thus allowing acquisition of control.

Additional information may be obtained from Robert E. Stewart, 2601 North Lamar, Austin, Texas 78705, (512) 475-4451.

Issued in Austin, Texas, on February 22, 1983.

TRD-831451 O. A. Cassity III
Assistant General Counsel
Banking Department of Texas

Filed: February 23, 1983
For further information, please call (512) 475-4451.

Public Hearing

The Hearing Officer of the State Banking Board will conduct a hearing on Tuesday, April 12, 1983, at 9 a.m. at 2601 North Lamar, Austin, Texas, on the charter application for the Independence Bank, to be located in Plano, Collin County.

Additional information may be obtained from O. A. Cassity III, 2601 North Lamar, Austin, Texas 78705, (512) 475-4451.

Issued in Austin, Texas, on February 23, 1983.

TRD-831483 O. A. Cassity III
Assistant General Counsel
Banking Department of Texas

Filed: February 24, 1983
For further information, please call (512) 475-4451.



Office of Consumer Credit Commissioner Rate Ceilings

Pursuant to the provisions of House Bill 1228, 67th Legislature of Texas, Regular Session, 1981, 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, Article 1.04, as amended Texas Civil Statutes, Article 5069-1.04.

Effective Period ⁽¹⁾	Type of Transaction	
	Commercial ⁽³⁾ Consumer ⁽²⁾ /thru \$250,000	Commercial ⁽⁴⁾ over \$250,000
Indicated Rate		
Weekly Rate Ceiling		
03/07/83-03/13/83	18%	18%
Monthly Rate Ceiling (Variable Commercial Only)		
03/01/83-03/31/83	18%	18%
Quarterly Rate Ceiling		
04/01/83-06/30/83	18%	18%
Annual⁽⁵⁾ Rate Ceiling		
04/01/83-06/30/83	20.48%	20.48%

- (1) Dates set out above are inclusive
- (2) Credit for personal, family, or household use
- (3) Credit for business, commercial, investment, or other similar purpose.
- (4) Same as (3) above, except excluding credit for agricultural use.
- (5) Only for open end as defined in Texas Civil Statutes, Article 5069-1.01(f).

Issued in Austin, Texas, on February 28, 1983.

TRD-831536 Sam Kelly
Consumer Credit Commissioner

Filed: February 28, 1983
For further information, please call (512) 475-2111.

Texas Energy and Natural Resources Advisory Council Consultant Contract Awards

The Texas Energy and Natural Resources Advisory Council (TENRAC) hereby furnishes this notice of contract award. The consultant proposal was submitted to TENRAC unsolicited, through the Texas University Coal Research Consortium (UCRC) which recommended its funding. The Consortium was established in 1980 by TENRAC and the four major state supported universities (University of Texas at Austin, Texas A&M University, University of Houston, and Texas Tech University) for pursuing coordinated research on lignite and coal. This notice of contract award does not come under Texas Civil Statutes, Article 6252-11c, but is furnished as public information. A description of the project is as follows:

Project 80-L-7-2c will carry out trace element analysis and species characterization of deep basin lignite core samples collected under several other TENRAC contracts as a part of the TENRAC deep basin lignite evaluation program. This overall program was adopted by TENRAC at its March 12, 1981, meeting, and in its present phase, is be-

ing managed by the Bureau of Economic Geology, University of Texas at Austin. The trace elements to be determined under the present contract include As, Ba, Be, B, Cd, Cr, Co, Cu, F, Pb, Hg, Li, Mn, Mo, Ni, Se, Ti, V, Ag, and Zn. Selected radioactive elements will also be identified.

The contractor is Texas A&M University, Department of Chemistry, College Station, Texas 77843. The total value of the contract is \$61,820.48. The beginning date of the contract is October 22, 1982, and the ending date of the contract is August 31, 1983.

Progress reports are due the 10th of every month beginning from November 10, 1982; a draft interim report is due August 1, 1983; and a final interim report is due August 31, 1983.

Issued in Austin, Texas, on February 24, 1983.

TRD-831493 M. Lee Wilson
Technology Development
Division
Texas Energy and Natural
Resources Advisory Council

Filed: February 25, 1983
For further information, please call (512) 475-0414.

The Texas Energy and Natural Resources Advisory Council (TENRAC) hereby furnishes this notice of contract award. The consultant proposal was submitted to TENRAC unsolicited, through the Texas University Coal Research Consortium (UCRC) which recommended its funding. The Consortium was established in 1980 by TENRAC and the four major state supported universities (University of Texas at Austin, Texas A&M University, University of Houston, and Texas Tech University) for pursuing coordinated research on lignite and coal. This notice of contract award does not come under Texas Civil Statutes, Article 6252-11c, but is furnished as public information. A description of the project is as follows:

Project 82-UCRC-1 will carry out chemical and morphological characterization of mineral matter present in deep basin lignite core samples collected under several other TENRAC contracts as a part of the TENRAC deep basin lignite evaluation program. This overall program was adopted by TENRAC at its March 12, 1981, meeting, and in its present phase, is being managed by the Bureau of Economic Geology, University of Texas at Austin. The mineral matter characterization will be conducted using the latest analytical electron microscopy (AEM) and x-ray diffraction techniques, and will be carried out in close cooperation with the Bureau's mineral studies laboratory. Identification and analysis will include mineral phases containing at least the following elements: As, Ba, Cd, Cr, Co, Cu, Pb, Hg, Mn, Mo, Ni, Se, V, Ag, Zn, Ti, U, and Th.

The contractor is Texas Tech University, Department of Geology, Lubbock, Texas 79409. The total value of the contract is \$28,167. The beginning date of the contract is October 20, 1982, and the ending date of the contract is August 31, 1983.

Progress reports are due the 10th of every month beginning from November 10, 1982; a draft interim report is due August 1, 1983; and a final interim report is due August 31, 1983.

Issued in Austin, Texas, on February 24, 1983.

TRD-831494 M. Lee Wilson
 Technology Development
 Division
 Texas Energy and Natural
 Resources Advisory Council

Filed: February 25, 1983
For further information, please call (512) 475-0414.

The Texas Energy and Natural Resources Advisory Council (TENRAC) hereby furnishes this notice of contract award. The consultant proposal was submitted to TENRAC unsolicited, through the Texas University Coal Research Consortium (UCRC) which recommended its funding. The Consortium was established in 1980 by TENRAC and the four major state supported universities (University of Texas at Austin, Texas A&M University, University of Houston, and Texas Tech University) for pursuing coordinated research on lignite and coal. This notice of contract award does not come under Texas Civil Statutes, Article 6252-11c, but is furnished as public information. A description of the project is as follows:

Project 82-UCRC-2 will conduct experimental investigation on potential low-cost chemical desulfurization schemes for removal of organic and inorganic forms of sulfur from Texas lignites. The research will include investigation of various solvent systems, such as liquid hydrofluoric acid, aqueous sulfuric acid and methanol, and chemical reaction and kinetic effects of a various desulfurizing agents and catalysts in slurry phase systems. The desulfurizing agents and catalysts to be studied include metal (iron and molybdenum) carbonyls, phosphorus and phosphoric acid, hydrogen peroxide/alkali metal carbonates, and boron trifluoride. The contract covers the first year of this two year project.

The contractor is the University of Texas at Austin, Department of Chemical Engineering, Austin, Texas 78712. The total value of the contract is \$25,400. The beginning date of the contract is October 6, 1982, and the ending date of the contract is August 31, 1983.

Progress reports are due quarterly and the ending date of the contract is due August 1, 1983; and a final interim report is due August 31, 1983.

Issued in Austin, Texas, on February 24, 1983.

TRD-831495 M. Lee Wilson
 Technology Development
 Division
 Texas Energy and Natural
 Resources Advisory Council

Filed: February 25, 1983
For further information, please call (512) 475-0414.

General Land Office Correction of Error

A proposal submitted by the General Land Office contained an error as published in the March 1, 1983, issue of the *Texas Register* (8 TexReg 727). The amendment to 31 TAC §13.31(d)(2) should read as follows.

((2) If the holder of a prospect permit allows the permit to expire without again filing an application to prospect, another party's interest may intervene.)

Texas Department of Health Block Grants Regional Hearings

The Texas Department of Health submitted a miscellaneous document titled Block Grants Regional Hearings, published in the March 1, 1983, issue of the *Texas Register* (8 TexReg 744). The document contained information on preliminary block grant hearings to assist the Texas Department of Health in drafting an intended use of Maternal and Child Health and Preventive Health block grant funds in Texas for fiscal year 1984.

The public will also be able to review the report drafted at the preliminary public hearings on the intended use of funds at public hearings to be scheduled later. Also, programs consolidated into this block grant and administered by the Texas Department of Health will include the Local Health Department Health Incentive (314d).

Issued in Austin, Texas, on February 25, 1983.

TRD-831527 Robert A. McLean, M.D.
 Deputy Commissioner
 Professional Services
 Texas Department of Health

Filed: February 25, 1983
For further information, please call (512) 458-7640.

Correction of Error

A proposal by the Texas Department of Health contained errors as published in the February 22, 1983, issue of the *Texas Register*. In §37.23, at 8 TexReg 591, the definition of "hearing aid" should read "A small portable electronic device that amplifies sound and is worn by a person to compensate for a hearing loss. This instrument is designed for, or may be represented as, aiding, improving, or correcting defective human hearing."

In the same section, on the same page, the definition of "Monaural" should read "A hearing aid arrangement that utilizes one hearing aid, which may be fitted to one ear or may be fitted to both ears with a Y-cord."

At 8 TexReg 592, the text of §37.25(a)(6) should read "The contractor must supply its federal vendor identification number to the department to ensure vendor payments from the state comptroller's office."

At 8 TexReg 594, the text of §37.28(f) should read "The hearing-impaired individual returns to the contractor to have hearing aid(s) issued after:"

Public Hearing

A public hearing will be held on the adoption of proposed rules, 25 TAC §§289.91-289.99, concerning environmental standards for sanitation at temporary places of employment. The proposed rules set minimum standards of sanitation for employees of agriculture and similar physically-dispersed operations which tend to be of a mobile or temporary nature. These rules will replace emergency rules which became effective February 15, 1983. The emergency and proposed rules were published in the February 22, 1983, issue of the *Texas Register* (8 TexReg 585 and 596, respectively).

The hearing will be on Wednesday, March 16, 1983, at 1 p.m., in the auditorium, Texas Department of Health, 1100 West 49th Street, Austin, Texas

For further information, please call Joel H. Smith, P.E., Occupational Health Program, Texas Department of Health, 1100 West 49th Street, Austin, Texas, 78756, (512) 458-7254.

Issued in Austin, Texas, on February 24, 1983.

TRD-831530 Robert A. MacLean, M.D.
Deputy Commissioner
Professional Services
Texas Department of Health

Filed: February 25, 1983

For further information, please call (512) 458-7254.

Texas Health Facilities Commission

Application Accepted for Amendment, Declaratory Ruling, and Notice of Intent

Notice is hereby given by the Texas Health Facilities Commission of an application 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 to the above-stated application, that person must file a proper request to become a party to the application within 15 days after the date of this publication of notice. If the 15th day is a Saturday, Sunday, state or federal holiday, the last day shall be extended to 5 p.m. of the next day that is not a Saturday, Sunday, state or federal holiday. A request to become a party 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.

The contents and form of a request to become a party to the application must meet the criteria set out in 25 TAC §515.9. Failure of a party to supply the necessary information in the correct form may result in a defective request to become a party.

Valley Community Hospital, Inc., Brownsville
AN81-1209-020A(012483)

CN/AMD--Request for an amendment of Certificate of Need AH81-1209-020 which authorized the construction of a 33,475 square foot building addition and the renovation of 15,685 square feet in the existing hospital building. The certificate holder requests an amendment to (1) extend the completion deadline from July 24, 1984 to January 31, 1986; (2) increase the total project cost from \$7,235,000 to \$8,491,000; (3) increase the number of private rooms by two and decrease the number of semi-private rooms by one; (4) increase the square feet of new construction from 33,475 square feet to 44,632 square feet and the gross square feet of renovation from 15,685 square feet to 19,609 square feet; (5) add two birthing rooms rather than the delivery room authorized by the certificate of need; (6) provide two trauma rooms and four examination rooms rather than the delivery room authorized by the certificate of need; (7) add three supervisors' offices and two classrooms, and reduce the number of dayrooms approved by one; (8) provide for one rather than two additional diagnostic x-ray units; and (9) eliminate the addition of one minor operating room as authorized by the certificate of need.

Issued in Austin, Texas, on February 28, 1983.

TRD-831534 John R. Neel
General Counsel
Texas Health Facilities
Commission

Filed: February 28, 1983

For further information, please call (512) 475-6940.

Texas Department of Human Resources Consultant Contract Award

In accordance with Texas Civil Statutes, Article 6252-11c, the Texas Department of Human Resources furnishes this notice of consultant contract award. The consultant proposal request was published in the September 17, 1982, issue of the *Texas Register* (7 TexReg 3385).

Description of Study. The evaluation will be carried out by ABT Associates, Inc. (AAI) under contract with the Texas Department of Human Resources. Texas is one of six states participating in the AFDC Home Health Aide Demonstration Project. The demonstration is sponsored by the Health Care Financing Administration of the U.S.

Department of Health and Human Services. The study will measure costs and benefits of the demonstration program, including welfare dependency among the AFDC participants, and the reduction or prevention of institutionalization among the home care service clients.

Name and Address of Consultant. ABI Associates, Inc., 55 Wheeler Street, Cambridge, Ma., 02138.

Total Value of Contract. Total value of this contract is \$1,203,352. Of this amount, \$1,083,016.80 is the federal share and \$120,335.20 is the state share.

Beginning and Ending Dates of Contract. The effective date of the contract is February 15, 1983, and it will be in effect through June 30, 1986.

Due Dates of Reports. AAI will submit four reports. The first report will focus on program start-up and will be due in July 1983. The second report will be due in July 1984 and will include results of the initial follow-up for service clients. The third report will be due in July 1985, and will contain an analysis of trainee and client outcomes. The fourth report will be due in July 1986 and will contain the complete analysis of program outcomes for trainees and clients.

Issued in Austin, Texas, on February 24, 1983.

TRD-831468 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Filed: February 24, 1983
For further information, please call (512) 441-3355,
ext. 2037.



Texas Historical Commission Consultant Contract Award

In accordance with Texas Civil Statutes, Article 6252-11c, the Texas Historical Commission (THC) is announcing the award of a contract for consulting services. The Consultant Proposal Request appeared in the December 24, 1982 issue of the *Texas Register* (7 TexReg 4507).

Individual Awarded Contract. THC awarded the contract to Paula Peters, 5607 Shady Oak Court, Austin, Texas 78756.

Amount of Contract. The contract amount is \$22,074.46. The contract extends from February 1 through August 31, 1983.

Description of Duties. THC contracted with consultant to visit and assist small cities in Texas in establishing a downtown revitalization program and to oversee the development, writing, and production of a downtown revitalization manual for Texas.

Reports Due. A report will be due August 31, 1983.

Issued in Austin, Texas, on February 28, 1983.

TRD-831533 Curtis Tunnell
Executive Director
Texas Historical Commission

Filed: February 28, 1983
For further information, please call (512) 475-3092.

State Board of Insurance Company Licensing

The following applications have been filed with the State Board of Insurance and are under consideration:

(1) Application for a name change by Robinson Reinsurance Corporation, a domestic fire and casualty insurance company. The home office is in Waco. The proposed new name is National Group Reinsurance Corporation.

(2) Application for incorporation of First Texas Life Assurance Company, to be a domestic life insurance company. The home office is proposed to be in Mt. Pleasant.

(3) Application for admission to do business in Texas of Nationwide Variable Life Insurance Company, a foreign life insurance company. The home office is in Columbus, Ohio.

(4) Application for admission to do business in Texas of Ramsey Insurance Company, a foreign fire and casualty insurance company. The home office is in St. Paul, Minnesota.

(5) Application for admission to do business in Texas of Athena Assurance Company, a foreign fire and casualty insurance company. The home office is in St. Paul, Minnesota.

(6) Application for incorporation of Eisenhower Life Insurance Company, to be a domestic life insurance company. The home office is proposed to be in San Antonio.

(7) Application for incorporation of BBI Life Insurance Company, to be a domestic life insurance company. The home office is proposed to be in San Antonio.

(8) Application for admission to do business in Texas of Swiss-Am Reassurance Company, a foreign life insurance company. The home office is in Wilmington, Delaware.

Issued in Austin, Texas, on February 23, 1983.

TRD-831497 James W. Norman
Chief Clerk
State Board of Insurance

Filed: February 25, 1983
For further information, please call (512) 475-2950.

Texas Low Level Radioactive Waste Disposal Authority Consultant Contract Award

The Texas Low-Level Radioactive Waste Disposal Authority has entered into a contract with Dames & Moore Environmental Consultants of Houston, to perform a siting study for a low-level radioactive waste disposal facility as specified in the Authority's Request for Proposals RWDA-82-2, published in the November 2, 1982, issue of the *Texas Register* (7 TexReg 3904). This is a professional services contract awarded pursuant to the provisions of Texas Civil Statutes, Article 664-4.

The authority received 22 proposals in response to RWDA-82-2. All proposals were evaluated based upon their technical merit, qualifications and experience of staff, and administrative factors. The contact person for additional information is Robert V. Avant, Jr., P.E., Assistant General Manager, Texas Low-Level Radioactive Waste Disposal Authority, 1300-C East Anderson Lane, Suite 175, Austin, Texas 78752, (512) 835-6795.

Issued in Austin, Texas, on February 24, 1983.

TRD-831492 Lawrence R. Jacobi, Jr., P.E.
General Manager
Texas Low-Level Radioactive
Waste Disposal Authority

Filed: February 25, 1983

For further information, please call (512) 835-6795.

Railroad Commission of Texas— Oil and Gas Division Extension of Comment Period on Proposed Amendment to 16 TAC §3.91

The deadline for written comments on the proposed amendment to 16 TAC §3.91, (relating to Gas Market Demand) was incorrectly listed as February 22 in the

January 28, 1983 issue of the *Texas Register* (8 TexReg 306). The intended deadline was February 28, 1983. Pursuant to a request by Forest Oil Company, that deadline has been extended to the date of the public hearing on this proposed amendment, March 10, 1983.

Any questions or requests for further extensions should be addressed to Mr. Patrick Thompson, Legal Section, Oil and Gas Division, Railroad Commission of Texas, P.O. Drawer 12967, Austin, Texas 78711.

Issued in Austin, Texas, on February 25, 1983.

TRD-831512 John W. Camp
General Counsel
Railroad Commission of Texas

Filed: February 25, 1983

For further information, please call (512) 445-1186.

Boards for Lease of State-Owned Lands Correction of Error

An open meeting notice by the Boards for Lease of State-Owned Lands contained an error as published in the March 1, 1983, issue of the *Texas Register*. The meeting should have read as follows.

Friday, March 4, 1983, 1:30 p.m. The Board for Lease of Texas Indian Commission of the Boards for Lease of State-Owned Lands will meet in Room 831, General Land Office, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. Items on the agenda include approval of the minutes of the previous board meeting and a pooling application.

Contact: Linda K. Fisher, 1700 North Congress Avenue, Room 835, Austin, Texas 78701, (512) 475-4307.

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in the second issue of every month, a guide to agency activity for the previous month is published. Quarterly and annual indexes to the *Register* are published separately and bound in light blue for distinction

Also included in the Index section is a list of the Texas Administrative Code titles that were affected by the rule-making activity of the previous month.

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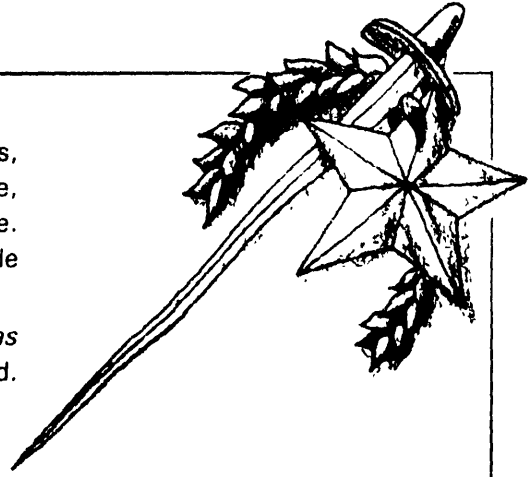
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