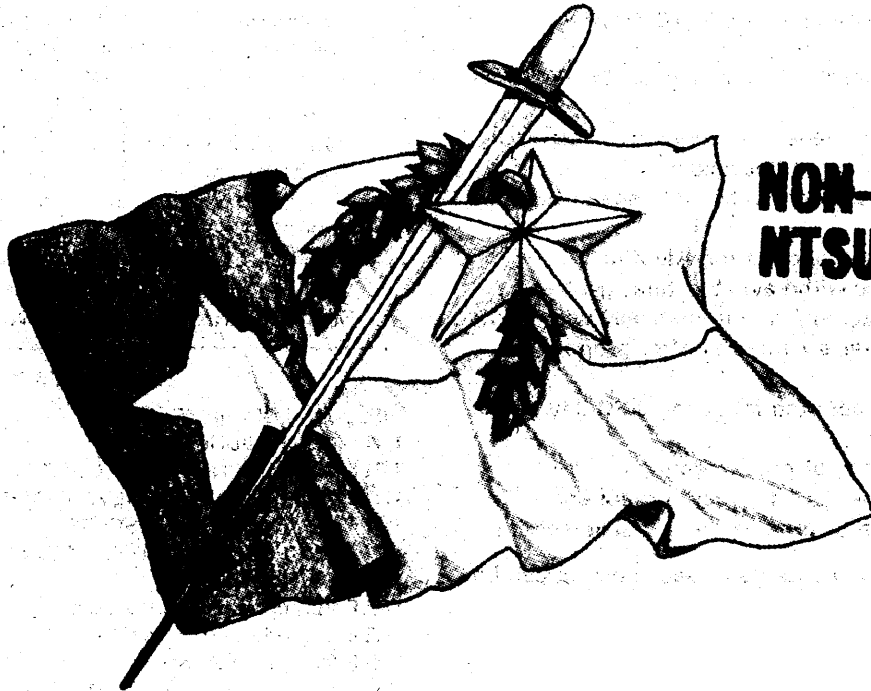


Texas Register



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Highlights

- ★ The Public Utility Commission of Texas renews the effectiveness of the emergency adoption of amendments concerning substantive rules; effective date - June 3 page 1682
- ★ The Texas Department of Mental Health and Mental Retardation adopts on an emergency basis an amendment concerning the Texas Board of Mental Health and Mental Retardation Medical Advisory Committee; effective date - May 17 page 1682
- ★ The Texas Department of Human Resources proposes new rules and repeals concerning the determination of income in the Aid to Families with Dependent Children Program; earliest possible date of adoption - June 24 page 1691

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

- Governor - appointments, executive orders, and proclamations
- Secretary of State - summaries of opinions based on election laws
- 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- Withdrawn Rules - rules withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the Texas Register six months after proposal publication date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 "same 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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Under provisions set out in the Texas Constitution, Texas Civil Statutes (Article 4399), and numerous statutes, the attorney general is authorized to write advisory opinions for state and local officials. These advisory opinions are requested by agencies or officials when they are confronted with unique or unusually difficult legal questions. The attorney general also determines, under authority of the Texas Open Records Act, whether information requested for release from governmental agencies may be held from public disclosure.

Requests for opinions, opinions, and open record decisions are summarized for publication in the *Register*.

Questions on particular submissions, or requests for copies of opinion requests should be addressed to Susan L. Garrison, Opinion Committee chairwoman, Office of the Attorney General, Supreme Court Building, Austin, Texas 78711, (512) 475-5445. Published opinions and open records decisions may be obtained by addressing a letter to the file room, fourth floor, P.O. Box 12548, Austin, Texas 78711-2548, or by telephoning (512) 475-3744. A single opinion is free; additional opinions are \$1.00 a copy.

The Attorney General

Opinions

JM-29 (RQ-24). Request from Warren New, Yoakum County attorney, Plains, concerning whether Texas Civil Statutes, Article 2529c, authorizes a city to contract with a depository bank when a majority of the city council members are stockholders in the bank.

Summary of Opinion. The city council of a general law city is prohibited by Texas Civil Statutes, Article 2529c, from entering into a depository contract with a bank when a majority of the city council members are stockholders in that bank.

TRD-833558

JM-30 (RQ-94). Request from Mary Polk, chairman, Committee on Human Services, Texas House of Representatives, Austin, concerning the constitutionality of House Bill 1002, relating to a surcharge on telephone bills to pay for telecommunication devices for the deaf.

Summary of Opinion. House Bill 1002, which proposes to provide telecommunication devices for the deaf, hearing impaired, and speech impaired, to be financed by a surcharge on telephone bills, is violative of the Texas Constitution, Article III, §51, and Article XVI, §6.

TRD-833559

JM-31 (RQ-935). Request from Edward Woolery-Price, Colorado County attorney, Columbus, concerning jurisdiction of a county court on appeal of a probation violation under Texas Civil Statutes, Article 6687b, §22.

Summary of Opinion. Texas Civil Statutes, Article 6687b, §22, does not permit a hearing officer's findings that a licensee is an habitual violator of the traffic laws, that his license should be suspended, and that the suspension should be probated to be examined in a trial *de novo* which results from an appeal of the hearing officer's later finding that the licensee violated a condition of his probation.

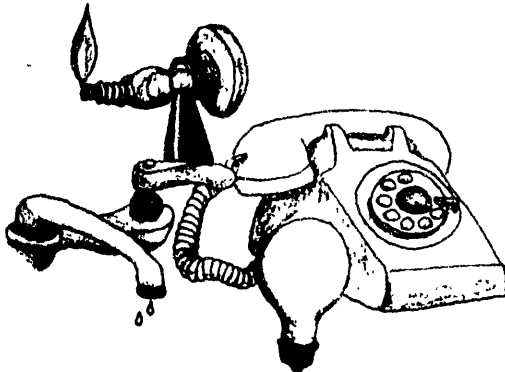
TRD-833560

Emergency Rules

An agency may adopt a new or amended rule, or repeal an existing rule on an emergency basis, if it determines that such action is necessary for the public health, safety, or welfare of this state. The rule may become effective immediately upon filing with the *Texas Register*, or on a stated date less than 20 days after filing 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.



TITLE 16. ECONOMIC REGULATION Part II. Public Utility Commission of Texas

Chapter 23. Substantive Rules Rates

16 TAC §23.23

The Public Utility Commission of Texas is renewing the effectiveness of the emergency adoption of amended §23.23, for a 60-day period, effective June 3, 1983. The amendments were originally adopted on an emergency basis in the February 11, 1983, issue of the *Texas Register* (8 TexReg 475).

Issued in Austin, Texas, on May 16, 1983.

TRD-833543 Carolyn E. Shellman
Secretary of the Commission
Public Utility Commission of
Texas

Effective date: June 3, 1983
Expiration date: August 2, 1983
For further information, please call (512) 458-0100.

Service

16 TAC §23.36

The Public Utility Commission of Texas is renewing the effectiveness of the emergency adoption of amended §23.36, for a 60-day period, effective June 3, 1983. The amendments were originally adopted on an emergency basis in the February 11, 1983, issue of the *Texas Register* (8 TexReg 477).

Issued in Austin, Texas, on May 16, 1983.

TRD-833544 Carolyn E. Shellman
Secretary of the Commission
Public Utility Commission of
Texas

Effective date: June 3, 1983
Expiration date: August 2, 1983
For further information, please call (512) 458-0100.

TITLE 25. HEALTH SERVICES Part II. Texas Department of Mental Health and Mental Retardation

Chapter 401. Texas Board of Mental Health and Mental Retardation Subchapter D. Duties

25 TAC §401.39

The Texas Department of Mental Health and Mental Retardation adopts on an emergency basis an amendment to §401.39, concerning the Medical Advisory Committee of the Texas Board of Mental Health and Mental Retardation. The amendment is being proposed simultaneously for permanent adoption.

The amendment ensures the uninterrupted service of key Medical Advisory Committee members.

The amendment is adopted on an emergency basis under Texas Civil Statutes, Article 5547-202, §2.11 (b), which provides the authority to promulgate rules of the department subject to the basic policies formulated by the Texas Board of Mental Health and Mental Retardation.

§401.39. Medical Advisory Committee.

(a)-(g) (No change.)

(h) No member may serve **more than two consecutive full terms** except in circumstances where that in-

dividual is involved in a specific project and his absence would interrupt the continuity of that project.

(i)-(l) (No change.)

Issued in Austin, Texas, on May 16, 1983.

TRD-833550

L. Gray Beck
Chairman
Texas Board of Mental Health
and Mental Retardation

Effective date: May 11, 1983

Expiration date: September 14, 1983

For further information, please call (512) 465-4670.

Proposed Rules

Before an agency may permanently adopt a new or amended rule, or repeal an existing rule, a proposal detailing the action must be published in the *Register* at least 30 days before any action may be taken. The 30-day time period gives interested persons an opportunity to review and make oral or written comments on the rule. 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.

TITLE 25. HEALTH SERVICES Part I. Texas Department of Health Chapter 37. Maternal and Child Health Services Testing Newborn Children for Phenylketonuria, Other Heritable Diseases, and Hypothyroidism

The Texas Department of Health proposes amendments to §§37.52, 37.54-37.56, 37.58, and 37.59, and also proposes the repeal of §37.57, concerning testing newborn children for phenylketonuria, other heritable diseases, and congenital hypothyroidism.

Specifically, the amendments will eliminate screening for homocystinuria and add screening for sickling hemoglobinopathies, update sections involving department approved laboratories, and make other minor changes to update the rules.

Stephen Seale, chief accountant III, 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 state government will be an estimated additional cost of \$181,820 in 1984, \$203,123 in 1985, \$224,903 in 1986, and \$249,345 in 1987. There is no anticipated effect on local government.

Mr. Seale 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 as follows. As only one

case of homocystinuria has been identified through the program in five years, it is not cost effective to continue this screening. Knowledge of the presence of sickle cell disease (or other hemoglobinopathies) can cause the physician to alter course of treatment in an ill child and may save the child's life. The present rules pertain to criteria for the time frame 1980-1981 when the hypothyroid screening was begun. The Texas Department of Health is now doing all screening in Texas. No other laboratories have expressed an interest in being certified.

There is no anticipated economic cost to individuals who are required to comply with the rules as proposed.

Comments on the proposal may be submitted to Gilbert Levine, M.D., Director, Child Health Division, Texas Department of Health, 1100 West 49th Street, Austin, Texas, 78756, (512) 458-7700. Comments will be accepted for 30 days after publication of these proposed changes in the *Texas Register*.

25 TAC § 37.52, 37.54-37.56, 37.58, 37.59

The amendments are proposed under Texas Civil Statutes, Article 4447e, §2, which provide the Texas Board of Health with the authority to adopt rules to implement Article 4447e regarding phenylketonuria and other heritable diseases.

§37.52. *Definitions.* The following words and terms, when used in these sections [this chapter], shall have the following meanings, unless the context clearly indicates otherwise.

[Homocystinuria—An inherited condition which, if not treated, may cause mental retardation, blood clots, vision problems, skeletal abnormalities, and possibly death.]

Hypothyroidism—A condition which, if not treated, leads to [causes] mental and physical retardation.

Sickling hemoglobinopathy (including sickle cell disease)—An inherited condition, which, if not known at the time a physician treats an already ill child, may lead to a fatal outcome.

§37.54. Responsibilities of Physician or Other Persons Attending a Newborn Child.

(a) The physician or nonphysician attending the newborn has primary responsibility for seeing that testing is performed according to these sections, and that a satisfactory specimen is submitted to the department on a properly completed form. [When a birth occurs outside of an institution involved in the care of newborns, the physician, midwife, or other person in attendance at the birth is responsible for seeing that testing is done.]

(b) Collection of blood **must** [should] be done using a sterile lancet, causing blood from the heel to be absorbed directly onto the filter-paper form.

(c) Specimens **must** [should] air-dry on a flat surface for at least two hours and then be mailed within 24 hours to the department. If multiple specimens are mailed in one envelope, care **must** [should] be taken to avoid cross-contamination.

§37.55. Testing for PKU, Galactosemia, Sickling Hemoglobinopathies [Homocystinuria], and Congenital Hypothyroidism.

(a) PKU[,] and galactosemia[, and homocystinuria]. Blood **must** [should] be obtained 24 or more hours after protein feeding was started. If a child is to be discharged from a hospital prior to that time, the specimen **must** [should] be obtained immediately before discharge and a follow-up specimen obtained at **one week of age** [age two to four weeks]. This second specimen is not mandatory; however, it is strongly urged that it be obtained, **particularly** if the [above mentioned] time criteria of this subsection are [criterion is] not met. **If the child is tested after three days of age, the second test should be done at one to four weeks.**

(b) **Sickling Hemoglobinopathies.** Testing **must be done on all initial specimens (under seven days of age). Confirmatory studies are recommended at six months of age when results are abnormal. Specimens received by the department will be considered as "initial" only when so indicated on the laboratory request form.**

(c)(b) Hypothyroidism. Blood **must** [should] be obtained when the child is at least 36 hours old, or according to the instructions in subsection (a) of this section. Neither thyroxine (T4) determination nor thyroid-stimulating hormone (TSH) determination alone is sufficient for hypothyroidism screening.

(d)(c) **Method of testing.** Testing for all four conditions will be performed from a single filter-paper specimen.

(e) **Premature/sick infants. Premature/sick infants should have their initial test screen at about seven days of age.**

§37.56. Testing Procedures To Be Used. The tests covered by these sections must be performed by **the department, which** [either a diagnostic laboratory within the department or a department-approved laboratory. The department] will be responsible for determining and implementing proper laboratory testing procedures for all of the conditions referred to in these sections.

(1)-(2) (No change.)

(3) Laboratory results will be mailed to the person specified on the screening form upon completion of testing by the department **in compliance with department policies.**

§37.58. Department Approval of Laboratories To Participate in the Testing Program. Laboratories wishing to participate in the testing program are to contact the Bureau of Laboratories, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756, for information on certification.

(a) Application. To gain approval in this program, a laboratory must file an application form obtainable from the department. Completion of an application form is necessary only once, when entering the approved program, provided the laboratory remains approved.

(b) Testing.

(1) Beginning in January 1981, new applicant laboratories must successfully test an initial set of four specimens sent to them using the procedures for which they desire approval. Approval will be given for screening for one or more of the four diseases covered by these sections. If a laboratory does not screen for all parameters, then provision to have the remaining tests run on actual specimens must be made. After initial testing, laboratories must successfully test four specimens quarterly.

(2) All analysts in a laboratory may test themselves on the sets of unknown specimens, but only one report marked in the appropriate columns as the testing laboratory's final decision on the specimens should be returned.

(3) Included in the approval notification will be the testing laboratory identification number and group number. These numbers must be shown on all proficiency test reports and correspondence with this department.

(c) Reporting. Reports on proficiency test specimens will be made on department-prepared forms. A due date will be placed on each form that is mailed, and the results must be received by us on or before that date for the laboratory to avoid being placed on probationary status. Delinquency notices will be sent to those laboratories that fail to respond on time, and laboratories that fail to respond to delinquency notices may have their approval status restricted, suspended, or revoked by the department after an opportunity for a hearing in accordance with the formal hearing procedures of the department.

(d) Grading. Regardless of the total number of evaluation specimens sent to a laboratory, specimens will always be in sets of four. Each type of result on each specimen will receive a grade based on a possible 100. Each incorrect result will result in a loss of points rounded off to six. Transcription errors are counted off as are technical errors. A minimum grade of 82 on each set of

four specimens is acceptable. A copy of each report form showing a grade for that set is returned to the laboratory.

[(e) Approval.]

(1) When a laboratory enters the program by successfully testing and reporting on the initial set of four specimens using the report form provided, then that laboratory is placed on the list of those approved for the specified conditions for which the laboratory screens. Thereafter, screening specimens may be accepted by that laboratory.

(2) Military installations participating in a government-conducted proficiency testing program, and independent or hospital laboratories participating in a public health service program, the program of another state health department, or in an established professional society proficiency testing program, do not have to examine specimens in this department's approval program. Such laboratories may instead send to this department copies of their graded reports from those other offices.

[(f) Disapproval.] If a laboratory fails to pass on its initial attempt to gain approval, it must wait 30 days before reapplying. Failure on second application or subsequent applications will preclude approval each time until an additional 30 days have elapsed, but, in addition, certification must accompany the application that specific action to correct any problems has been taken.

[(g) Changes.]

(1) It is required that any change in address, location, and tests be made known to the department. Changes in personnel need not be reported.

(2) If any test procedure is to be dropped or the methodology altered significantly, the department must be notified. If a procedure is to be dropped, no further action is necessary after notification. If a new parameter or a new procedure is to be added or if the laboratory changed location, then an evaluation set of specimens must be tested. Successful completion of this study will permit continued approval or the adding of the new procedure or parameter, as appropriate. Failure with a new procedure or parameter will preclude reapplication for 30 days.]

§37.59. Follow-Up and Record Keeping on Positive Tests.

(a) The department will maintain an active system of follow-up for all suspected cases of PKU, galactosemia, [homocystinuria] sickling hemoglobinopathies, and congenital hypothyroidism. It is the responsibility of the person attending the newborn to make sure that the newborn is screened, to obtain repeat specimens when indicated, and to assist in the provision of follow-up services to confirmed cases, when appropriate.

(b) The newborn's health care provider is responsible for the child's case management. However, the department will provide assistance when [where] possible, to assure that care is provided. Local or regional health departments will provide follow-up and other needed assistance [for those infants whose health care is obtained] through the public health system.

(c) (No change.)

(d) Data will be collected in order to derive incidence/prevalence rates for the various conditions. Such epidemiologic data will be obtained largely from information on the filter-paper form; thus, completeness of

the form is crucial. This data may [Data collection of this nature may, in the future,] identify high-risk population groups, with the ultimate goal of preventing the severe sequelae of the conditions.

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 May 17, 1983.

TRD-833586 Robert A. MacLean, M.D.
Deputy Commissioner
Professional Services
Texas Department of Health

Proposed date of adoption: July 16, 1983
For further information, please call (512) 458-7700.

25 TAC §35.57

(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 Health, 1100 West 49th Street, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The repeal is proposed under Texas Civil Statutes, Article 4447e, §2, which provides the Texas Board of Health with the authority to adopt rules to implement Article 4447e regarding phenylketonuria and other heritable diseases.

§37.57. Department-Approved Laboratories.

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 May 17, 1983.

TRD-833587 Robert A. MacLean, M.D.
Deputy Commissioner
Professional Services
Texas Department of Health

Proposed date of adoption: July 16, 1983
For further information, please call (512) 458-7700.

Part II. Texas Department of Mental Health and Mental Retardation

**Chapter 401. Texas Board of Mental Health and Mental Retardation
Subchapter D. Duties**

25 TAC §401.39

(Editor's note: The Texas Department of Mental Health and Mental Retardation proposes for permanent adoption the amendment it adopts on an emergency basis in this issue. The text of the amendment is published in the Emergency Rules section of this issue.)

The Texas Department of Mental Health and Mental Retardation proposes an amendment to §401.39, con-

cerning the Medical Advisory Committee of the Texas Board of Mental Health and Mental Retardation.

The amendment would provide the board with the option of reappointing a member of the medical advisory committee one time.

Sue Dillard, Office of Standards and Quality Assurance director, has determined that for the first five-year period the rule as proposed will be in effect there will be no fiscal implications for state or local government as a result of the rule as proposed.

Ms. Dillard has also determined that there will be a public benefit as a result of enforcing or administering the rule as proposed because it allows productive committee members to continue serving without interruption for a longer period of time. No additional cost to persons who are required to comply with the rule is expected.

Comments on the proposal may be submitted to Linda Logan, Rules Coordinator, P.O. Box 12668, Austin, Texas, within 30 days after publication.

The amendment is proposed under Texas Civil Statutes, Article 5547-202, § 2.11(b), which provides the authority to promulgate rules of the department subject to the basic and general policies formulated by the Texas Board of Mental Health and Mental Retardation.

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 May 16, 1983.

TRD-833551 L. Gray Beck
Chairman
Texas Board of Mental Health
and Mental Retardation

Earliest possible date of adoption:
June 25, 1983

For further information, please call (512) 465-4670.



TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Resources

Chapter 3. AFDC

The Texas Department of Human Resources proposes new rules and repeals governing the Aid to Families with Dependent Children (AFDC) Program.

The rules clarify requirements for AFDC eligibility and are based on the final regulations received from Health and Human Services concerning the Omnibus Budget and Reconciliation Act of 1981. The department has made several changes for internal clarification purposes. Significant policy changes are:

- (1) Clients are not eligible if the equity in one automobile exceeds \$1,500.
- (2) The stepparent rules are revised to conform to Texas law and reflect the responsibility of a wife to support her husband.
- (3) Rules governing consideration of income are restructured.
- (4) Utility supplement payments to clients through Housing and Urban Development or through local housing authorities are exempted from consideration as income.
- (5) The 12-month time period for correcting underpayments to clients is deleted. The department repays clients whenever an underpayment is discovered.

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 fiscal implications as a result of enforcing or administering the rules. Because the rules will not be implemented before August 1983, there are no fiscal implications for fiscal year 1983. The savings to the state will be \$1,423,460 for fiscal year 1984; \$1,647,587 for fiscal year 1985; \$1,911,146 for fiscal year 1986; and \$2,226,487 for fiscal year 1987. There are no fiscal implications for local government. There is no expected increase or loss of revenue to state or local governments.

Mr. Hawes also has determined that for each year of the first five years the rules as proposed are in effect the public benefit will be conformity between AFDC policies and federal regulations. There is no anticipated economic cost to individuals who are required to comply with the rules as proposed.

Comments on the proposal may be submitted to Susan L. Johnson, Administrator, Policy Development Support Division-010, Texas Department of Human Resources, P. O. Box 2960, Austin, Texas 78769, within 30 days of publication in this *Register*.

Legal Requirements

40 TAC §§3.2001-3.2003

(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, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The following repeals are proposed under the Human Resources Code, Title 2, Chapters 22 and 31, which authorizes the department to administer public assistance programs.

- §3.2001. *Age.*
- §3.2002. *Establishing Age.*
- §3.2003. *Establishing School Attendance.*

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 May 18, 1983.

TRD-833596 Marlin W. Johnston
 Commissioner
 Texas Department of Human
 Resources

Earliest possible date of adoption:
June 24, 1983

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

The following rules are proposed under the authority of the Human Resources Code, Title 2, Chapters 22 and 31, which authorizes the department to administer public assistance programs.

§3.2001. *Age.* To receive assistance, a "dependent child" must be less than 18 years old. The child's grant is continued through the month the child becomes 18. An 18-year-old child is eligible if the child is a full-time student (as defined by the school) in high school or is regularly attending vocational or technical training as an equivalent to high school attendance. The child must be expected to graduate before or during the month of his 19th birthday. If the child graduates before the month of his 19th birthday, the child's grant continues only through the graduation month. The child's grant is continued through the month the child becomes 19 if the child graduates in that month.

§3.2002. *Establishing Age.*

(a) The applicant is required to show documentation establishing the date of birth and relationship of the child to the AFDC caretaker. This may be an official birth record or hospital or baptismal certificate. The applicant must use a document that fully establishes age and relationship of the child for whom assistance is requested.

(b) The applicant is entitled to assistance in obtaining the documentation if the applicant cannot obtain it himself.

(c) The department certifies only the children whose age and relationship are proven. If the applicant does not provide documentation by the established deadline for any of the children, the application is denied.

(d) Current recipients must provide documentation concerning age and relationship if those items were not verified during the application process.

(e) A newborn child is not certified in an active case until the recipient complies with the age and relationship documentation requirements.

§3.2003. *School Attendance Special Considerations.*

(a) Handicapped children may attend fewer hours than other students or receive instructions from a visiting teacher at home and still meet the school attendance requirement.

(b) Children enrolled in a vocational adjustment program are considered full-time students.

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 May 18, 1983.

TRD-833589 Marlin W. Johnston
 Commissioner
 Texas Department of Human
 Resources

Earliest possible date of adoption:
June 24, 1983

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

Relationship and Domicile

40 TAC §3.2101

(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, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

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

§3.2101. *Establishment of Relationship and Domicile.*

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 May 18, 1983.

TRD-833597 Marlin W. Johnston
 Commissioner
 Texas Department of Human
 Resources

Earliest possible date of adoption:
June 24, 1983

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

The following rule is proposed under the authority of the Human Resources Code, Title 2, Chapters 22 and 31, which authorizes the department to administer public assistance programs.

§3.2101. *Establishing Relationship and Domicile*

(a) A child meets the domicile requirement if he lives, or a newborn child will live, in the home of a relative within the required degree of relationship.

(b) A child meets the relationship requirement if he lives with the following relatives (either natural or adoptive):

- (1) father or mother,
- (2) grandfather or grandmother,
- (3) brother or sister,
- (4) uncle or aunt,
- (5) first cousin,
- (6) nephew or niece,
- (7) stepfather or stepmother,

- (8) stepbrother or stepsister,
- (9) step grandparents, or
- (10) natural father or paternal grandparents of an illegitimate child.

(c) Relationship extends to the degrees of "great" and "great-great" for relatives listed in paragraphs (2), (4), (6), and (9) of subsection (b) of this section.

(d) Relationship extends to the spouse of the relatives listed in subsection (b) of this section except for the spouse of the stepbrother, stepsister, stepfather, stepmother, and step grandparent.

(e) A child meets the relationship requirement if he lives with his relative even though a court has jurisdiction over the child or an agency is the child's managing conservator. If a child lives with a managing conservator, the conservator must meet the relationship requirement.

(f) If an illegitimate child lives with his natural father, the child meets the relationship requirement if the father acknowledges paternity. If the illegitimate child lives with his paternal grandparents and the grandparents cannot obtain the father's statement of paternity they must provide:

- (1) proof that the child's biological father is their son, and
- (2) a source for collateral contact that can establish that the child is their son's child. The collateral source must be a person that has no vested interest in the establishment of paternity.

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 May 18, 1983.

TRD-833590 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Earliest possible date of adoption:
June 24, 1983

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

Determination of Need

40 TAC §§3.3003-3.3005, 3.3008-3.3013

(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, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The following repeals are proposed under the Human Resources Code, Title 2, Chapters 22 and 31, which authorizes the department to administer public assistance programs.

§3.3003. *Definitions.*

§3.3004. *Persons Who Can Be Included in the Certified Group.*

§3.3005. *SSI Recipients.*

§3.3008. *Stepparents.*

§3.3009. *Children Placed in the Homes of Relatives.*

§3.3010. *Persons in Nursing Homes.*

§3.3011. *Persons Entering State Schools for the Mentally Retarded.*

§3.3012. *Legally Entered Aliens with Sponsors.*

§3.3013. *Strikers.*

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 May 18, 1983.

TRD-833598 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Earliest possible date of adoption:
June 24, 1983

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

The following new rules are proposed under the authority of the Human Resources Code, Title 2, Chapters 22 and 31, which authorizes the department to administer public assistance programs.

§3.3003. *Definitions.* The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

Caretaker--Is:

- (A) a person who is:
 - (i) physically present in the home and supervises and cares for the children.
 - (ii) a relative within the required degree of relationship.
 - (iii) a needy individual as defined by department standards.
 - (iv) a citizen or alien lawfully admitted to the United States for permanent residence or otherwise residing in the United States under color of law.

(B) Normally, the individual applying for the children qualifies as caretaker. If this individual does not qualify, his needs are not included in the AFDC grant. If another individual in the home can qualify as caretaker, his needs are included. This applies even though the payment is in the name of the unqualified individual. If there is no qualified caretaker, only the needs of the eligible children are included in the AFDC grant.

(C) If there is a legal parent or stepparent in the home ineligible for budget inclusion but physically and mentally able to provide care, no other person may be designated as caretaker.

Minor parent--A person under 18 years of age who has a child and has never married or has been married but the marriage was annulled.

(A) If a minor parent is a member of a current AFDC household, the DHR evaluates the situation to determine if the parent should be certified as caretaker for the child. If the minor parent cannot be considered as a caretaker, the existing caretaker is used for the minor parent and the child.

(B) If a minor parent is not a member of an AFDC household, the parent is not eligible to be certified as caretaker if he lives with his own parents and is supported by them. Unless a court order has relieved the parents of the duty to support their unmarried minor child, they have a legal obligation to provide clothing,

shelter, food, medical care, and education. If the minor parent's child is eligible, he is certified for AFDC as a non-caretaker case. An exception is made if the minor parent has income in his own right and uses the income to meet his needs as a member of the family group. In this situation, the minor parent is regarded as a needy person and is eligible for consideration as a caretaker.

Payee—A person to whom the AFDC warrant is issued if no one in the household qualifies or wants to be a caretaker. The payee must be within the degree of relationship required of a caretaker. Payees are not included in the grant and do not receive medical assistance. An ineligible alien may serve as payee for AFDC eligible children who meet the citizenship or legal entrant requirements.

Protective payee—A person who receives and manages the AFDC warrant if the caretaker does not comply with child support regulations and cannot establish good cause or is not using the AFDC payments for the children's benefit.

(A) A protective payee is mandatory when caretakers do not have good cause for not complying with child support regulations or when they do not use the AFDC payments for the children's benefits. The caretaker's needs are removed from the grant if he refused to comply with child support requirements. The caretaker may participate by suggesting appropriate persons for the protective payee.

(B) The protective payee must ensure that the grant is used for the benefit of the children.

(C) The client is notified about the need for a protective payee and is given an opportunity to appeal.

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

§3.3004 Persons Who May Be Included in the Certified Group.

(a) The AFDC certified group includes only the following individuals:

- (1) the caretaker, if eligible.
- (2) eligible children.
- (3) a second parent if one parent is incapacitated.

(b) Other persons are not included in the AFDC grant.

§3.3005. SSI Recipients

(a) If a family member begins receiving Supplemental Security Income (SSI), he is removed from the AFDC certified group. The AFDC budget includes only the income and needs for those in the AFDC certified group, excluding the SSI recipient.

(b) If a parent receives SSI or is designated as an essential person in the SSI grant, he is not eligible for inclusion in the AFDC grant. According to SSI policy, a parent's resources and income, if any, are counted against the SSI budget. His SSI grant or other income or resources are not diverted to meet the needs of his AFDC dependents. Likewise, the AFDC grant or any portion of the resources or income of the AFDC certified group is not counted against the parent's SSI grant.

(c) If a child in the AFDC group is certified for SSI, the parent's income, if any, is applied to the other

AFDC members. The AFDC grant excludes the child's income.

(d) If several children receive Retirement, Survivors and Disability Insurance (RSDI) payments and one of the children is certified for SSI, the sum of the RSDI payments is prorated for each child in the family except the child who receives SSI. Only the portion accruing to the certified AFDC children is counted against the AFDC budget. Court-ordered child support payments and veterans' benefits designated for children are not prorated.

§3.3008 Stepparents

(a) If either the legal parent or the stepparent is incapacitated, the department takes the following action:

(1) If the stepparent wants his needs and income included in the AFDC grant, the department budgets the case like a regular AFDC case.

(2) If the stepparent does not want to be included in the AFDC grant, the department does not certify the legal parent as caretaker if the stepparent's income is sufficient to meet the legal parent's needs.

(3) If one of the parents receives SSI, the other parent may be certified as caretaker with only the income of the AFDC-certified recipients considered in the AFDC grant.

(4) If the parent's children born of their marriage are deprived of parental support because of incapacity, the stepchildren are technically deprived. The department budgets the case like a regular AFDC case.

(b) The stepparent is allowed to divert his income to meet his needs, the needs of the legal parent, and the needs of his other tax dependents in the home. The stepparent also is allowed deductions for work related expenses, tax dependents outside the household, and monthly alimony or child support payments. The stepparent's remaining income after deductions is considered available to meet the stepchildren's needs.

§3.3009. Children Placed in the Homes of Relatives.

If children live with relatives other than their parents, deprivation of parental support from the child's natural, legal, or adoptive parents must be established. The relative a child lives with may be included in the grant as a caretaker if the relative is needy and otherwise meets the definition of a caretaker. If a married relative wants to be considered as the caretaker, his need is determined according to the rules for stepparents. If the relative's spouse receives SSI, the relative is eligible if he has no other income. If the relative is not legally obligated to support the child, but voluntarily contributes money to the child, the amount of the contribution is considered in determining the child's AFDC eligibility.

§3.3010 Persons in Nursing Homes. If a member of the AFDC-certified group enters a nursing facility his needs are left in the AFDC budget during his temporary stay in the nursing facility or until he is certified for SSI.

§3.3011 Persons Entering State Schools for the Mentally Retarded. If an AFDC recipient enters a state school for the mentally retarded, the recipient's needs are removed from the AFDC grant. If the recipient is the caretaker or payee and there are often eligible children, the grant is continued in the name of another eligible person.

§3.3012. Legally Entered Aliens with Sponsors

(a) If a sponsored alien applies for benefits for the first time after September 30, 1981, the department considers that the sponsor's income and resources are available for the support of the alien for three years after the alien enters the United States, unless exempted under subsection (e) of this section

(b) The sponsored alien must be lawfully admitted for permanent residence or permanently living in the United States under color of law. The alien must

(1) provide the DHR any necessary information about the sponsor's income and resources that are considered available to the alien, and

(2) obtain the sponsor's cooperation. If the sponsor refuses to cooperate, the alien's application for AFDC is denied

(c) A sponsor is an individual, not an organization who executed an affidavit of support or a similar agreement on behalf of an alien as a condition of the alien's entry into the United States. A sponsor's income and resources are not considered if the sponsor receives SSI or AFDC

(d) The sponsor's income and resources are not considered available for meeting the needs of other unsponsored members of the alien's family unless the sponsor's income or resources are actually available to the unsponsored members

(e) A sponsor's income and resources are not considered available to an alien who is

(1) admitted to the United States before April 1, 1980, as a result of the application of the provisions of the Immigration and Naturalization Act, §203(a)(7),

(2) admitted to the United States after March 31, 1980, as a result of the application of the provisions of the Act, §207(c),

(3) paroled into the United States as a refugee under the Act, §212(d)(5),

(4) granted political asylum by the attorney general under the Act, §208,

(5) a Cuban or Haitian entrant, as defined in the Refugee Education Assistance Act of 1980 (Public Law 96-422), §501(e), or

(6) the spouse or dependent child of the sponsor

§3.3013. Strikers A family is not eligible for AFDC for any month in which the caretaker is participating in a strike on the last day of the month. The needs of another individual in the certified group participating in a strike on the last day of the month are not included when determining the amount of the grant

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 May 18, 1983

TRD-833591 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Earliest possible date of adoption
June 24, 1983

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

Resources

40 TAC §3 3109

(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, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The following repeal is proposed under the Human Resources Code, Title 2, Chapters 22 and 31, which authorizes the department to administer public assistance programs

§3 3109 Vehicle

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 May 18, 1983

TRD 833599 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Earliest possible date of adoption
June 24, 1983

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

The following new rule is proposed under the authority of the Human Resources Code, Title 2, Chapters 22 and 31, which authorizes the department to administer public assistance programs

§3 3109 Vehicle The value of one vehicle, owned and used by a client or members of the client's household for transportation, is disregarded unless the equity exceeds \$1,500. If the equity exceeds \$1,500, the family is not eligible. The equity in other vehicles is a countable resource.

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 833592 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Earliest possible date of adoption
June 24, 1983

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

Income

40 TAC §§3.3201-3.3223

(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, Room 503E, Sam Houston Building, 201 East 14th Street, Austin)

The repeals are proposed under the Human Resources Code, Title 2, Chapters 22 and 31, which authorizes the department to administer public assistance programs

- §3.3201 *Definition*
- §3.3202. *Earned Income*
- §3.3203 *Employment Income.*
- §3.3204 *Self-employment Income.*
- §3.3205 *Unearned Income*
- §3.3206. *Retirement, Survivors, and Disability Insurance (RSDI).*
- §3.3207. *Veterans' Benefits*
- §3.3208. *Assistance from Other Agencies.*
- §3.3209. *Support Payments from Absent Parents.*
- §3.3210 *Income from Property*
- §3.3211. *Support by Other Household Members.*
- §3.3212. *Loans and Grants*
- §3.3213. *VA Benefits for Students*
- §3.3214. *Foster Care Payments*
- §3.3215 *Disregarded income from Other Programs.*
- §3.3216. *HUD Utility Supplements.*
- §3.3217. *In-Kind Contributions.*
- §3.3218 *Contributions Direct to Vendor*
- §3.3219 *Earned Income of Children*
- §3.3220 *Loans, Grants, Scholarships, and Work Study.*
- §3.3221 *RSDI Benefits for Students*
- §3.3222. *Special Energy Assistance Payments*
- §3.3223 *Income of an Alien's Sponsor*

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 May 18 1983

TRD-833600 Marlin W Johnston
Commissioner
Texas Department of Human Resources

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

40 TAC §§3.3201-3.3213, 3.3215-3.3233

The following rules are proposed under the authority of the Human Resources Code, Title 2, Chapters 22 and 31, which authorizes the department to administer public assistance programs

§3.3201 *Determining Income*

(a) In determining eligibility, the department considers earned and unearned income if the client receives it regularly and predictably. The department considers income only if the client receives it in cash or by another negotiable instrument

(b) The department considers the income of any household member who

- (1) is included in the certified group, or
- (2) is not included in the certified group but is legally responsible for a member of the certified group.

§3.3202. *Client Responsibilities Related to Income* Before being certified or recertified, the client must comply with the following requirements.

(1) pursuing and taking advantage of all income to which he is legally entitled, including veterans', social security, and unemployment benefits. The only exception is that the client may choose between SSI and AFDC benefits.

(2) providing proof of the source and amount of income

(3) providing information if the department needs to contact the source of income

(4) reporting income and eligibility status monthly, if required

§3.3203 *Earned Income* Earned income is countable in determining AFDC eligibility and the amount of the grant. Earned income includes

(1) wages, salaries, and commissions received in exchange for work performed for an employer

(2) profits from self employment

(3) income that accrues over a period of time and for which a settlement is made at one time.

§3.3204 *Wages, Salaries, and Commissions.*

(a) Wages are payments received from an employer:

(1) on an hourly or other regular basis, or

(2) for each item produced by the employee.

(b) Salaries are fixed payments paid on a regular basis regardless of the number of hours an employee works or items the employee produces

(c) Commissions are fees received by an employee for units of business transacted or services performed for an employer

(d) The department considers as earnings the cash value of an "in-kind" item the client receives from an employer if the client has the option of receiving his earnings in cash or in-kind. The department does not consider the value of an in-kind item if the client does not have this option and acceptance of the item is required for employment

(e) Gross earned income is the total amount the client receives before deductions. Gross earnings may include earned income credits (EIC). Net earned income is the amount left after the department subtracts the earned income deductions the client is entitled to receive.

(f) The department considers earnings from the Comprehensive Employment and Training Act (CETA), the Community Service Act, and the Elementary and Secondary Education Act, Title I, according to the rules governing these earnings

§3.3205 *Self Employment Income*

(a) Self-employment income is derived from the production or sale of goods and services. Business expenses are deducted from the gross self-employment income. The department does not consider monthly installment payments to replace or improve capital items as a business expense. The department does not make deductions for depreciation, obsolescence, or similar "paper" losses. The department does not allow income from one business to be used to offset losses from another business.

(b) Clients who are self-employed may be entitled to the same earned income deductions as clients who are employees

§3.3206 Earned Income of Children.

(a) The earned income of a child under 19 years old is counted in the 150% maximum income test. It is exempted in the budgetary and recognizable needs tests if:

- (1) the child is a full-time student, or
- (2) the child is a part-time student and not employed full time. Full-time employment is 30 or more hours a week

(b) Payments to participants in CITA's Job Corps Program are exempted after completion of the 150% maximum income test. This rule applies only to AFDC recipients certified as children. The earned income of AFDC recipients under 19 years old, who are certified as caretaker parents, is subject to the income policies applied to AFDC caretakers

§3.3207 Unearned Income

(a) Unearned income is income a client receives without performing work related activities and includes benefits from other programs, pensions, retirement benefits, contributions, living allowances, and military allotments

(b) To be eligible for AFDC, a client must accept benefits for which he is legally entitled and benefits routinely offered by other agencies. A client cannot refuse to accept a benefit or contribution unless there are conditions involved that restrict the client's fundamental rights

(c) Sections 3.3208 - 3.3221 contain the rules governing various types of unearned income

§3.3208 Retirement, Survivors, and Disability Insurance (RSDI) Benefits

(a) Clients must apply for RSDI benefits if they might be eligible. The client is allowed time to apply for and receive a decision regarding RSDI benefits (usually three months). The client is not entitled to AFDC if he refuses to apply for or follow through with an application for RSDI

(b) RSDI benefits are countable in all three AFDC income tests. The department pays the premiums for Part B Medicare for AFDC clients and this premium is added to the amount of RSDI income received

§3.3209 Veteran's Benefits. The department considers monthly Veterans' Administration (VA) benefits as countable income. The department exempts benefits that meet a special need not included in the department's standard of need.

§3.3210 Unemployment Compensation Benefits. The department considers unemployment benefits as countable income

§3.3211 Workers' Compensation Benefits. The department considers most workers' compensation benefits as countable income. The department may exempt the portion of a compensation benefit that is designated for payment of medical expenses if the medical expenses were incurred before Medicaid eligibility began. The client must use the benefit for medical expenses before the benefit is exempted. If the benefit includes payment for

medical expenses incurred after Medicaid coverage began, the benefit may be subject to recovery through the department's third-party resources policy.

§3.3212 Retirement Benefits. The department considers retirement benefits as countable income.

§3.3213 Disability Insurance Benefits. The department considers disability benefits received from a private insurance company as countable income.

§3.3215 Supplemental Assistance from Other Agencies. Supplemental payments from other agencies are not counted as income if the payments are for special items not included in the department's standard of need, or if the payments are for training-related expenses. Supplemental payments from other agencies are counted as income if the payments are intended for monthly maintenance items included in the department's standard of need.

§3.3216 Income of an Alien's Sponsor. The department determines the countable amount of a sponsor's income considered available to the alien as unearned income by adding the amount of earned and unearned income of the sponsor (and sponsor's spouse if living with the sponsor) and subtracting

- (1) the lesser of
 - (A) 20% of the total monthly earnings from employment or self-employment plus the total monthly costs to produce self-employment income; or
 - (B) \$175
- (2) the recognizable need standard for the sponsor's family size (sponsor and all members in the household claimed as tax dependents)
- (3) amounts paid by the sponsor or his spouse to nonhousehold members claimed as tax dependents.
- (4) amounts paid in alimony or child support for persons not living with the sponsor

§3.3217 Contributions. The department considers cash contributions from friends, relatives, or other benefactors as income if the client receives them on a regular monthly basis or if a single contribution exceeds the recognizable needs figure for the family's size. These contributions are not counted as income if they are not regularly received on a monthly basis and the amount received is less than the recognizable needs figure for the family's size

§3.3218 Support Payments from Absent Parents. The department considers child support payments as countable income in determining eligibility. The child support payments are not counted as income in determining the amount of benefits for a client certified for AFDC

§3.3219 Noneducational Loans and Grants. The department considers noneducational loans and grants as countable income if there are no restrictions on what the money may be used for and the client is free to use the money for monthly living expenses. The department does not consider these loans and grants as countable income if the principal is not available to meet monthly living expenses.

§3.3220. Educational Assistance.

(a) The department does not consider educational assistance as countable income if the assistance is for undergraduate vocational or educational courses.

(b) The department does not count the portion of a VA educational payment that is actually used for school attendance and supplies. The part of the VA payment left after subtracting school-related expenses is considered as countable income.

§3.3221. Exempted Unearned Income. The department does not count the following types of unearned income in determining AFDC eligibility:

(1) foster care payments received by AFDC clients.

(2) in-kind contributions and cash gifts from benefactors for special occasions.

(3) two-party checks from other agencies or benefactors for a specific service or item.

(4) Supplemental Security Income (SSI).

(5) value of food stamps.

(6) payments received under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Title II.

(7) funds distributed or held in trust by the Indian Claims Commission for members of Indian tribes under Public Law 92-254 or Public Law 93-135.

(8) benefits received under the Older Americans Act of 1965, Title VII, Nutrition Program for the Elderly.

(9) payments for support services or reimbursement of out of pocket expenses made to clients serving as foster grandparents, senior health aides, senior companions, and to clients serving in the Service Corps of Retired Executives and Active Corps of Executives or any other programs under Titles II and III, pursuant to Public Law 93-113, §418.

(10) payments made to clients serving as VISIA volunteers under Title I.

(11) value of supplemental food assistance received under the Child Nutrition Act of 1966 and the special food service program for children under the National School Lunch Act.

(12) incentive allowance of \$30 per week for clients who are training under the Comprehensive Employment and Training Act of 1978 (CETA), the CETA training-related allowances; payments made under Title IV, Part A of CETA (the Youth Development Demonstration Program). These include payments under the Youth Employment Program, the Youth Community Conservation and Improvement projects, and the Youth Employment and Training programs.

(13) tax-exempt portions of payments made under the Alaska Native Claims Settlement Act.

(14) monthly incentive payments paid by Texas Employment Commission (TEC) to participants in institutional and work-experience training and training-related expense payments received from TEC.

(15) payments from the Experimental Housing Allowance Program from annual contributions contracts signed before January 1, 1975, under the amended U.S. Housing Act of 1937, §23.

(16) payments from the Home Energy Assistance Program (HEAP).

(17) utility supplement payments from the Department of Housing and Urban Development (HUD) or local housing authorities.

(18) AFDC special payments from the department.

§3.3222. Income from Property.

(a) The department considers income from real or personal property held by the client as countable income. Dividends and interest income from personal property are considered as unearned income. Income produced from real property is considered as either earned or unearned income, depending on the amount of personal effort and expense involved. Contractual unearned income received at one time is prorated over the length of the contract. If the income from property is earned, the department considers the income according to the rules for earned income. If the income is unearned, the department computes the net unearned income by deducting allowable expenses from the gross income.

(b) The cost of repairs for a capital improvement are not an allowable deduction. Income may not be diverted to increase total assets.

(c) Depreciation that is reflected only as a paper loss or as a shrinking of capital assets is not an allowable deduction.

(d) The department considers money or items that clients receive from having a resource as countable income. Money or items that clients receive from the sale or other disposition of a resource is considered as a resource.

§3.3223. Income from Household Members.

(a) The department considers monthly cash payments a client receives from a noncertified member of the household as countable income if the amount is more than the noncertified member's share of the household expenses. The payment is earned income if the client provides room or board services to the noncertified household member. Otherwise, the payment is unearned income.

(b) If the remaining cash payment is earned income, the department deducts the allowable work-related expense deductions from the remaining cash payment. The result is the earned income the department counts.

(c) If the remaining cash payment is unearned, the department does not allow additional deductions from the cash payment. The remaining amount is the unearned income the department counts.

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 May 18, 1983.

TRD-833593

Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Earliest possible date of adoption:
June 24, 1983

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

Budgeting Process

40 TAC §§3.3304, 3.3307-3.3309

(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, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The following repeals are proposed under the Human Resources Code, Title 2, Chapters 22 and 31, which authorizes the department to administer public assistance programs

- §3.3304. *Ineligibility for Earned Income Deductions.*
- §3.3307. *Seasonal Earnings of Less Than Six Months.*
- §3.3308. *Seasonal Earnings Extending Six Months or Longer*
- §3.3309. *Combination of Regular and Seasonal Earnings Extending Six Months or Longer*

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 May 18, 1983

TRD 833601 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Earliest possible date of adoption
June 24, 1983

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

40 TAC §3.3304

The following new rule is proposed under the authority of the Human Resources Code, Title 2, Chapters 22 and 31, which authorizes the department to administer public assistance programs

§3.3304. *Ineligibility for Earned Income Deductions.*
(a) An employed client does not qualify for the full-time or part-time work-related expense deduction, the allowed child care costs, or the \$30 and 1/3 earned income disregard if in the budget month the client:

- (1) terminated employment or reduced earned income without good cause,
- (2) refused to accept appropriate employment and could not establish good cause,
- (3) did not report on a timely basis to the department the initial receipt of earnings or increased earnings and did not have good cause for not reporting. The client has good cause for not reporting on a timely basis if he:
 - (A) was prevented from reporting the change in a timely manner because of circumstances beyond his control, or
 - (B) submits a status report form within the required time periods and reports the income change on this form.

(b) Good cause for terminating or refusing employment or having earnings reduced exists if the termination, refusal, or reduction was caused by circumstances beyond

the client's control including loss of transportation or child-care or illness of the client or a member of the client's household

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 May 18, 1983.

TRD 833594 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Earliest possible date of adoption
June 24, 1983

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

Handling of Assistance Warrants

40 TAC §3 8518, §3 8520

(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, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The following repeals are proposed under the Human Resources Code, Title 2, Chapters 22 and 31, which authorizes the department to administer public assistance programs

- §3.8518. *Authorization of Retroactive or Supplemental Payments for Cases Deprived of Warrant Due to Administrative Errors or Omissions*
- §3.8520. *Overpayments*

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 May 18, 1983.

TRD-833602 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Earliest possible date of adoption
June 24

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

The following new rules are proposed under the Human Resources Code, Title 2, Chapters 22 and 31, which authorizes the department to administer public assistance programs.

§3.8518. *Retroactive or Supplemental Payments.*

- (a) The department must promptly correct an underpayment to current AFDC clients if the underpayment:
 - (1) is the result of an administrative error or omission;

(2) occurred by the recipient's responding during the timely notification period.

(b) The department does not consider retroactive or supplemental payments as income or a resource. If there is a dispute about the facts or application of policies concerning the underpayment, or if the client and worker do not agree on the amount of retroactive or supplemental payment, the client must be given the opportunity to appeal. The department must correct the underpayments regardless of when they occurred.

§3.8520. *Overpayments*

(a) Clients receiving AFDC must repay the amount of an overpayment, or have their AFDC payment reduced. The department withholds a monthly amount not to exceed 10% of the recognizable needs figure for the family's size.

(b) Individuals who are no longer certified for AFDC are responsible for repaying any overpayments received.

(c) If an alien receives overpayments because the sponsor did not supply correct information, the sponsor and alien are both responsible for repaying the overpayments. If an alien receives overpayments because the alien provided incorrect information without the sponsor's knowledge, the alien alone is responsible.

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 May 18, 1983.

TRD-833595

Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Earliest possible date of adoption:

June 24, 1983

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

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 19. EDUCATION Part II. Texas Education Agency Chapter 77. Comprehensive Instruction Subchapter S. Good Neighbor Scholarship Program

19 TAC §§77.391-77.396

The Texas Education Agency adopts the repeal of §§77.391-77.396 (226 32 59 010, .020, .030, .040, .050, and .060), without changes to the proposed text published in the March 25, 1983, issue of the *Texas Register* (8 TexReg 974).

These sections concern the Good Neighbor Scholarship Program and procedures for the allocation of Good Neighbor Scholarships. New §§77.391-77.396 clarify the procedures used to administer the scholarship program which is authorized by the Texas Education Code, §54.207. The existing rules have been repealed.

No comments were received regarding adoption of the repeals.

These repeals are adopted under the authority of the Texas Education Code, §11.24(b), which authorizes the State Board of Education to make rules to carry out responsibilities placed on it or on the Central Education Agency by the legislature and the Texas Education Code, §54.207, which authorizes tuition exemptions at institutions of higher education for a specified number of students from other nations of the American Hemisphere and directs the State Board of Education to prescribe a plan for the admission and

distribution of all applications desiring to qualify under the provisions of that section.

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 May 16, 1983

TRD 833546 Raymon L. Bynum
Commissioner of Education

Effective date: June 6, 1983

Proposal publication date: March 25, 1983

For further information, please call (512) 475-7077.

The Texas Education Agency adopts new §§77.391-77.396, without changes to the proposed text published in the March 25, 1983, issue of the *Texas Register* (8 TexReg 975). These sections concern the Good Neighbor Scholarship Program. The existing rules concerning the program have been repealed. The new rules clarify the procedures used to administer the scholarship program which is authorized by the Texas Education Code, §54.207.

The new rules direct the commissioner of education to establish a list of countries from which students may be nominated; clarify information to be forwarded to the agency with the student's nomination; establish deadlines for nominations, and clarify criteria on which awards will be based. At present, the State Board of Education acts on Good Neighbor Scholarships at almost every meeting. Under the new procedures, the board should only be asked to act on the scholarships twice a year, once for the regular term and once for the summer session.

No comments were received regarding adoption of the new sections

These new sections are adopted under the authority of the Texas Education Code, §11-24(b), which authorizes the State Board of Education to make rules to carry out responsibilities placed on it or on the Central Education Agency by the legislature, and the Texas Education Code, §54-207, which authorizes tuition exemptions at institutions of higher education for a specified number of students from other nations of the American Hemisphere and directs the State Board of Education to prescribe a plan for the admission and distribution of all applicants desiring to qualify under the provisions of that section

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 May 16, 1983

TRD-833547 Raymon L. Bynum
Commissioner of Education

Effective date June 6, 1983

Proposal publication date March 25, 1983

For further information, please call (512) 475-7077.

TITLE 25. HEALTH SERVICES
Part I. Texas Department of Health
Chapter 289. Occupational Health
and Radiation Control
Sanitation at Temporary
Places of Employment

25 TAC §§289.91-289.99

The Texas Department of Health adopts amendments to §§289.91-289.99, with changes to the proposed text published in the February 22, 1983, issue of the *Texas Register* (8 TexReg 596)

The amendments are necessary to extend sanitation services, as set forth in the Texas Sanitation and Health Protection Law, Texas Civil Statutes, Article 4477-1, to employees in temporary places of employment. The 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.

There were a number of public comments and, as a result, the agency has made a number of changes to the proposed rules. However, the changes all involve clarification of language and not major or substantive changes to the content of the rules.

A commentor stated that the wording in §289.91(a), concerning scope, is too brief and not clearly defined. The agency agrees and has clarified the wording in §289.91(a). The words "indoors" and "outdoors" have been removed from the definition.

A commentor stated that a separate division should be made for agriculture in §289.91(a). The agency disagrees. Section 289.91(a) specifically includes agricultural field operations and no need has been demonstrated to separate agriculture for the application of sanitary standards.

A commentor stated that §289.91(d), concerning employer responsibility, may be met without providing or arranging for toilet and handwashing facilities if the employees may have had access to them at a store or filling station during the work day. The agency disagrees. This suggestion serves neither responsibility nor sanitation and contravenes the purpose of §289.91(c).

A commentor suggested that the employer may not be required to furnish sanitation facilities under §289.91(d)(2) if he did not furnish transportation to the job site. The agency disagrees. Transportation to the job site has nothing to do with the requirement to maintain sanitary facilities for employees at the job site, according to §289.91(d)(1).

A commentor stated that exceptions should be taken to time and distance limitation because of access road layout, ground terrain, or physical condition under §289.91(f). The agency disagrees. Exceptions are already provided for by other means in the proposed rules.

A commentor stated that the proposed rules would permit employers to impose fees or pay deductions for sanitation service or transportation. The agency agrees, and §289.91(d)(4) now prohibits pay deductions or fees as a consequence of providing sanitary facilities at temporary places of employment.

A commentor stated that the use of the words "mobile crews" to describe a small number of six or less employees in §289.96(a) and §289.97(a) as exempt from certain requirements is confusing. The agency agrees. These references have been eliminated, and a more complete definition of the exemption permitted an employer of six persons or less is made in §289.91(d)(5), concerning general provisions.

Several concerns were expressed concerning the fact that the provisions on time and distance limitations might be unenforceable (§289.92, concerning definitions) in §§289.95(a)(5), 289.96(a)(5), 289.97(a)(5), and the lack of provision in §289.98. The agency agrees that revision is necessary. The distance limitation, and the exception permitted if there is transportation access to sanitary facilities, is more completely explained and placed in §289.91(f), concerning general provisions. References in other sections have been removed.

Three requests were made to authorize a legal private cause of action for failure to comply with these rules. The agency disagrees. Texas Civil Statutes, Article 4477-1, does not authorize a private cause of action, and the agency has no authority through rule making to authorize a private cause of action. Article 4477-1, §24 and §25, cover the penalty and enforcement pro-

visions of the Act. The agency has made a reference to these statutory provisions in §289.91(g).

Certain words have been mentioned as poorly or incompletely defined. The agency agrees. In §289.92, the definitions of "potable water" and "temporary places of employment" have been revised. The terms "limited periods of time," "nuisance," "putrescible," and "standards" have been added.

A commentator stated that the use of the term "housekeeping" in §289.93(a) is not wholly applicable. The agency agrees. Section 289.93 has been re-named "Standards for General Sanitation," and subsection (a) has been changed to "hygiene."

There was confusion about the term "waste disposal," in §289.93(b). The agency agrees. The heading of §289.93(b) has been changed to "waste collection and disposal."

The requirement to dispose of wastes according to Article 4477-1, Chapter 325, is objected to as being too complex. The agency agrees. Changing the requirement to compliance with applicable statutes concerning disposal of wastes in §289.93(b)(3).

A commentator stated that the inclusion of rodent, insect, and vermin control in §289.93(c) is unnecessary because this provision duplicates existing state requirements. The agency agrees and has deleted the provision.

A commentator stated that the inspection requirement in §289.93(d), as proposed, is more applicable to permanent installations than temporary job sites. The agency agrees, and §289.93(d) has been simplified and changed to §289.93(c) since the proposed subsection (d) has been deleted.

A commentator stated that the requirement in §289.95(a) that drinking (potable) water furnished to employees must come from a water system complying with §§337.201-337.211 of this title (relating to Public Water Systems) is too restrictive. The agency agrees. Drinking water can be furnished from any system acceptable to the Texas Department of Health, and is so stated in §289.95(a)(1).

A commentator stated that drinking fountains in §289.95(a)(2) are part of permanent installations and are not used at temporary job sites. The agency agrees. Clarification of the use of drinking fountains and single service disposable cups is found in §289.95(a)(6).

Confusion was expressed as to the responsibilities of the employer with respect to nonpotable water in §289.95(b)(1) and (3). The agency agrees. The responsibility of the employer is to identify and inform the employees of nonpotable water under §289.95(b)(1) and to require that it not be used under §289.95(b)(2). Section 289.95(b)(3) has been eliminated as redundant.

A commentator stated that the sanitation rules of §289.96 and §289.97 should not apply to agriculture if there is no more than one employee per acre and employees are in any field less than two hours. The

agency disagrees. Such proposals ignore personal dangers from delayed elimination, insecticide contamination, effects of heat, etc., and would render the rules unenforceable. As stated in §289.91(d)(5), the requirements for a small employer are less stringent.

A commentator stated that the word "fixture" should not be employed with reference to toilet facilities under §289.96 or hand-washing facilities under §289.97, as this refers to permanent attachment (reality). The agency agrees and has substituted the word "facility" in all sections.

A commentator stated that the words "work shift," as found in §289.96 and §289.97, are not appropriate for temporary employment as they most often refer to permanent employment. The agency agrees and has used the terms "work day" or "work hours" in all sections.

A commentator stated that the requirement that hand-washing facilities must have running water, in §289.97(a)(2), may be met by providing gravity flow. The agency agrees, and gravity flow is specified in §289.97(a)(2).

A commentator stated that use of the word "premises" in §289.98(a) is not an adequate description of the location for lunch or rest periods. The agency agrees. The words "job site" have replaced "premises."

A commentator stated that all that should be required of the employer under §289.98 is that he require that no consumption of food create a sanitation problem. The agency does not agree that this is sufficient in that the comment does not adequately address waste under §289.98(b) and storage problems under §289.98(c) and (d).

Those speaking in favor of the rules were Catholic Diocese of Brownsville, Catholic Diocese of San Antonio (Los Padres), Corpus Christi Nueces County Department of Public Health and Welfare, League of United Latin American Citizens, Mexican American Caucus, Texas Legislature Motivation, Education, and Training, Inc., Starr Produce Company, Texas Citrus and Vegetable Growers and Shippers, Texas Consumers Association, Texas Department of Agriculture, Texas Employment Commission, Texas Farm Workers Union, Texas Global Enterprises, Texas Rural Legal Aid, Texas Women's Political Conference, and United Farm Workers.

Those speaking against the rules were the Texas Farm Bureau and Texas Seed Trade Association.

The rules are adopted under Texas Civil Statutes, Article 4477-1, §23(b), which provides the Texas Board of Health with the authority to adopt rules covering sanitation and health control measures at temporary places of employment.

§289.91. General Provisions

(a) Scope. These rules apply to temporary places of employment. This includes locations or situations where two or more persons are directly or indirectly employed by others in work of a mobile nature or at a series of locations involving movement from one loca-

tion to another; work of a transitory or seasonal nature performed for a limited period of time or at a temporary job site, or both; or work in any agricultural operation or activity performed in the field or outside of any permanent structure or facility

(b) Exclusion Places of employment to which specific federal sanitation standard apply, as adopted under the Occupational Safety and Health Act of 1970, Public Law 91-596, are excluded (29 United States Code Annotated §651)

(c) Purpose The purpose of these rules is to prescribe minimum environmental health standards for the protection of the health of employees

(d) Employer responsibility

(1) Each person, association, or organization acting as employer shall have the responsibility to provide and maintain, or cause to be provided and maintained, sanitary facilities at temporary places of employment according to the minimum standards set forth in these sections, for the total number of persons employed during each workday or part thereof, except as otherwise provided, whether the mode of employment is direct or by means of an intermediary

(2) Where labor is performed under a contractual arrangement, that person, association or organization for whose benefit such labor is performed shall have primary responsibility and each labor contractor thereto shall have joint responsibility for compliance with the provisions of these sections

(3) Where employees of more than one employer are at work at a temporary place of employment, it shall be the responsibility of each employer to provide or arrange for sanitary facilities meeting minimum standards for the total number of his own employees

(4) Employers shall permit the use of the required sanitary facilities by his employees without fee or other charge, nor shall any charge be made to employees if transportation is provided to or from such facilities. The pay of employees shall not be subject to deduction as a consequence of providing or using such facilities

(5) Exemption An employer who employs no more than six persons at a temporary place of employment on any work day may, on such days, be exempt from the requirement to provide toilet and handwashing facilities so long as he has provided or arranged for transportation for the immediate travel of these employees to and from nearby toilet and handwashing facilities accessible to their use

(e) Employee responsibility Each employee shall make proper use of the sanitary facilities provided, as is reasonable and necessary, so as not to adversely affect his own health or that of others

(f) Distance limitation

(1) An unimpeded walking distance of no more than 440 yards, which may also be measured as 400 meters or ¼ mile, is the maximum distance that shall be required of an employee to go to the sanitary facilities provided for his use. This limitation, however, shall not apply to the employment of mounted riders nor to those operating moving power equipment or vehicles on the job

(2) An exception to this distance limitation may be permitted only where the employer has provided or arranged for access to transportation for employees,

during both work and rest periods, for immediate travel to and from toilet and handwashing facilities that meet the minimum sanitary standards set forth in these sections. Such facilities shall not require more than five minutes' travel for the employees

(g) Penalty and enforcement The statutory penalty and enforcement provisions covering violations of Article 4477-1 and these sections are contained in Texas Civil Statutes, Article 4477-1, §24 and §25

§289.92 Definitions The following words and terms, when used under this undesignated head, shall have the following meanings, unless the context clearly indicates otherwise.

Approved Approved by the Texas Department of Health or the local health authority having jurisdiction.

Chemical toilets A toilet facility in which human waste is collected in a container charged with a chemical, either dry or in solution

Drinking water (potable water) All water which may be distributed by any agency or individual, public or private, for human consumption, washing of the person, the preparation of foods or beverages, or for the cleansing of any utensil or article used in the course of preparation or consumption of food or beverages for human beings

Hand washing facility A facility provided for washing the hands, arms, face and head, including lavatories, basins and sinks, both for cleanliness and for safety purposes

Limited period of time Not to exceed 12 months

May Used to denote authorized alternatives to mandatory provisions of this regulation

Nuisance Any object, place, or condition which constitutes a possible or probable medium of transmission of disease to or between human beings or any other object, place, or condition which may be specifically declared to be a nuisance

Number of employees The maximum number of employees present at any one time during a regular work day at a temporary place of employment

Putrescible Organic waste subject to rotting, undergoing anaerobic decomposition, becoming foul and malodorous

Sanitary condition That condition of good order and cleanliness which precludes the probability of disease transmission

Sanitary facility Equipment built or installed to serve as a means of

- (A) dispensing drinking water,
- (B) washing the hands, or
- (C) bodily elimination

Shall (or must) Used to denote mandatory provisions of this section

Should Indicates provisions which are not mandatory, but which are recommended as good practice.

Standards Methods, practices, processes, or operations necessary or appropriate to establish healthful employment conditions

Temporary places of employment Locations or situations where the engagement of labor is not continuous or permanent, or where no single instance of employment exceeds 12 months' duration.

Toilet facility—A facility provided for the purpose of defecation or urination, or both, including water closets and biological or chemical toilets and urinals.

Toilet room—An enclosed area containing one or more toilet facilities and offering personal privacy. Toilet rooms may be either permanently located (fixed) or portable.

§289.93. Standards for General Sanitation

(a) Hygiene

(1) Employers shall require that work areas be kept clean to the extent that the nature of the work allows.

(2) Job sites shall be kept free from obstructions that may cause or contribute to the injury of an employee, cause an unsafe act to be committed, or impede sanitation.

(b) Waste collection and disposal

(1) Any receptacle used for the collection and storage of putrescible wastes shall be sturdily constructed so that it does not leak and may be conveniently and thoroughly cleaned. Such a receptacle shall be equipped with a tight-fitting cover and shall be maintained in a sanitary condition. Disposable plastic bags of suitable size and strength are recommended for use as liners for such containers.

(2) All solid or liquid wastes, debris, refuse, and garbage shall be removed from work and rest areas in such a manner as to avoid creating a nuisance or menace to health. Removal shall be repeated as often as necessary to maintain sanitary conditions.

(3) All wastes, including human waste, that are collected as a consequence of temporary employment shall be disposed of according to the applicable statutes covering the disposal of wastes.

(c) Inspection. Every temporary place of employment shall be maintained in a sanitary condition. To this purpose, inspections of sanitary facilities shall be made by the employer or his designated representative(s) as often as necessary to insure compliance with all sanitary requirements of these rules.

§289.94. Standards for Lighting and Ventilation.

(a) Lighting. Where artificial lighting is necessary, employers shall provide lighting levels in such work areas that shall be not less than the levels of illumination summarized in Bulletin RP-15, *Recommended Levels of Illumination*, and further described in the *Illumination Handbook*, fifth edition, both published by the Illumination Engineering Society of North America (IES).

(b) Ventilation

(1) Employers shall provide proper ventilation for enclosed spaces which people may occupy in the course of temporary employment. This requires outside fresh air of acceptable quality. Wherever local building codes do not specify either ventilation rates or amounts, the provisions of paragraphs (2) and (3) of this subsection shall constitute the minimum ventilation standard.

(2) Ventilating systems shall provide outside fresh air by natural or mechanical means. When mechanical ventilation is used, provision for airflow measurement should be included. When natural ventilation and infiltration are used the ventilation rate shall be measurable. When infiltration rates are not sufficient

to meet ventilation air requirements, mechanical ventilation shall be provided.

(3) The minimum rate of ventilation supplying outside fresh air of acceptable quality for any indoor or enclosed space shall not be less than five cubic feet per minute (five cfm) per occupant, nor less than 20 cubic feet per minute (20 cfm) per occupant where smoking or cooking is permitted. Such ventilation shall be continuous during all working hours.

§289.95. Standards for Water Supply

(a) Drinking water (potable water)

(1) Every temporary place of employment shall be provided with an adequate supply of potable water for drinking. Employers shall make drinking water readily accessible to all employees. All drinking water shall be obtained from a water system complying with §§337.201-337.211 of this title (relating to Public Water Systems), or from a water supply which has been tested and found to be acceptable according to the requirements of the Texas Department of Health within 30 days prior to any such employment.

(2) Sanitary drinking fountains, where installed, shall be in accordance with *American National Standard Specifications for Drinking Fountains and Self-Contained Mechanically Refrigerated Drinking Water Coolers*, ANSI ARI 1010-73, published by the American National Standards Institute.

(3) Where no supply system of drinking water meeting minimum standards is available, the requirement for providing drinking water may be met by the use of approved portable containers filled with water from a water system in compliance with minimum standards for water hygiene, as set forth in paragraph (1) of this subsection.

(4) Portable containers used to dispense water for drinking shall be clearly marked as to the nature of their contents, maintained in a sanitary condition, and not used for any other purpose. Container(s) shall supply a total minimum capacity of not less than one quart for each of the maximum number of employees present for each work day. Drinking water contained therein, during the period of dispensing to employees, shall not exceed a temperature of 80 F.

(5) Portable containers used to supply drinking water must be capable of being tightly closed and be equipped with a suitable tap. Containers such as barrels, pails, or tanks from which water must be poured or dipped shall be prohibited. The common drinking cup is prohibited.

(6) Where drinking water is dispensed from portable containers, it shall be dispensed either through the use of a drinking fountain or a gravity water tap. Except where drinking water is supplied exclusively by fountain, disposable single service cups shall be supplied to all persons at the job site for drinking purposes. A container for storage of a sufficient number of cups and a receptacle for the disposal of used cups shall be provided adjacent to each water dispenser.

(7) The location where water is dispensed shall not exceed the distance limitation, as set forth in §289.91(f)(1) of this title (relating to General Provisions).

(8) Where drinking water is cooled by ice, the construction of the container shall be such that the ice

does not come in contact with the water unless the ice is manufactured from potable water and is protected from contamination between the point of manufacture and the point of use.

(b) Nonpotable water

(1) Outlets for nonpotable water, such as water for industrial, irrigation, or fire-fighting purposes only, shall be clearly identified by employers, who must inform all employees and all others at the job site that the water is unsafe for drinking, washing, or cooking purposes.

(2) Under no circumstances shall nonpotable water be supplied or used for any drinking water purpose.

§289.96 Standards for Toilet Facilities and Toilet Rooms.

(a) General

(1) Employers shall provide toilet facilities, in separate toilet rooms for both sexes, for all temporary places of employment which shall be readily accessible to all employees. These facilities may be either fixed (permanently located) or portable.

(2) Toilet facilities shall be either water actuated, chemical, or biological toilets. Other systems, such as privies, combustion toilets, sealed bag toilets, and vault toilets may be used only upon specific permission of the health authority having local jurisdiction.

(3) At all temporary places of employment a minimum of one toilet, fixed or portable, shall be provided for each 30 employees, or fraction thereof, of each sex as determined on a daily basis. However, where chemical toilets are furnished, a minimum of one toilet per 20 employees, or fraction thereof, shall be specified unless cleanout service is provided more often than once per week. Whenever other persons in addition to employees will use the same facilities, a reasonable additional allowance shall be included for them when determining the total number of toilet. Where toilet facilities are not used by women, urinals may be substituted for as many as $\frac{1}{2}$ of the minimum number of toilets specified for men.

(4) Where the total number of persons to be provided for at a job site is 15 or less, as determined on a daily basis, a single toilet in a toilet room that offers complete privacy and can be locked from the inside may be provided for both men and women.

(5) Toilet rooms and facilities shall be maintained in a sanitary condition during all work hours and rest periods. An adequate supply of toilet paper in a suitable holder shall be maintained for each toilet. Covered waste receptacles shall be provided in all toilet rooms used by women.

(6) The floors, walls, ceilings, partitions, and doors of all toilet rooms shall be of a finish that can be easily cleaned.

(b) Specifications, toilet facilities and rooms at fixed locations

(1) Each toilet facility (water closet, chemical or biological toilet) at a fixed (permanent) location shall occupy a separate compartment equipped with a door and latch. Walls or partitions between fixtures shall be sufficiently high to assure privacy.

(2) Each toilet facility shall be so installed that the space around it can be easily cleaned. This provision does not prohibit the use of wall hung toilet stools or urinals.

(3) Each toilet shall have a seat made of substantial material having a nonabsorbent finish.

(4) Toilet rooms at fixed locations that are not ventilated by mechanical means shall be provided with a screened ventilation opening sufficiently large to permit adequate ventilation.

(c) Specifications, portable toilet facilities and rooms

(1) Portable toilet facilities shall be so constructed as to be readily accessible. Privacy must be assured. Steps, handrails, and other installations shall be provided, as necessary, to allow convenient and safe usage by every person. All employees who will have access to the facilities provided shall be informed as to their initial location, and any subsequent change of location, at each job site.

(2) Portable combination arrangements combining toilet facilities with drinking water and hand washing facilities, waste disposal, first aid, and emergency equipment and which are capable of being towed from one job site to another while maintaining a sanitary condition are specifically authorized so long as their sanitary components meet minimum standards.

(3) Buildings housing portable toilet rooms may be mobile trailers or prefabricated, skid mounted, or otherwise portable structures. If they contain more than one facility, each shall occupy a separate compartment with a door and latch. Walls or partitions between toilets shall be sufficiently high to assure privacy. Urinals need not occupy separate compartments.

(4) If the structure contains a tank in which waste is stored, the tank shall be vented to the outside of the structure.

(5) Portable toilet rooms that are not ventilated by mechanical means shall be provided with an adequate screened ventilation opening.

§289.97 Standards for Hand Washing Facilities

(a) General

(1) Employers shall provide hand washing facilities for maintaining personal cleanliness at every temporary place of employment. These shall be convenient for employee use and shall be maintained in a sanitary condition.

(2) Hand washing facilities shall be supplied with running water, which may be gravity flow. It is required that this be potable water. (See §289.95(a)(1) of this title (relating to Standards for Water Supply).)

(3) At least one hand washing facility shall be located in, or adjacent to, all toilet rooms provided for employees' use, whether these are portable or at a fixed (permanent) location. A minimum of one hand washing facility shall be provided for each two toilets installed at temporary places of employment, as determined from the requirements of §289.96(a) of this title (relating to Standards for Toilet Facilities and Toilet Rooms).

(4) A dispenser containing a suitable cleansing agent shall be provided for each hand washing facility. Individual hand towels and proper receptacles for their disposal shall be located adjacently.

(5) Whenever a sufficient supply of potable water for hand washing cannot be provided at a particular temporary job site, compliance with the hand washing standards may be accomplished by providing an ample supply

of disposable, pre-moistened cleaning towels and emulsifiable skin cleaners. This alternative shall not be employed as a permanent substitute for hand-washing facilities, however.

(b) Specifications: portable hand-washing facilities.

(1) Portable hand-washing facilities shall be supplied with potable water for washing purposes to the extent of at least 1/2 gallon for each of the maximum number of employees present for a regular work day. Storage tanks for such water must be kept in a sanitary condition.

(2) "Grey water" (wash water after being used) shall be disposed of in a holding tank, seepage pit, or by other means so as not to create a nuisance or menace to health.



§289.98. Standards for Lunch or Rest Areas.

(a) At all temporary places of employment where employees or others are permitted to lunch at the job site, employers shall provide or designate one or more areas suitable for that purpose for the maximum number of persons who may use them at one time. In outdoor areas where insufficient shade is available, a tarpaulin or similar means should be provided for shade during lunch and rest periods.

(b) An adequate number of covered receptacles shall be provided for disposal of all waste food. Such receptacles shall be emptied at least once daily and shall be maintained free of residues. (See §289.93(b) of this title (relating to Standards for General Sanitation).)

(c) No food shall be stored, prepared, or eaten in any area where there are any materials or substances present in quantities or concentrations which may contaminate food or be injurious to health.

(d) No food shall be stored or eaten in any toilet room.

§289.99. Standards for Food Service.

(a) The preparation, storage, and dispensing of food at any temporary place of employment shall be accomplished according to the provisions of the Texas Food and Drug Laws, Texas Civil Statutes, Article 4465a, *et seq.*, as administered by the health authority having local jurisdiction.

(b) Where any food service is provided by vendors or by vending machines, the food dispensed shall be prepared in accordance with the Texas Food and Drug Laws cited in subsection (a) of this section, as administered by the health authorities having jurisdiction.

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 May 17, 1983.

TRD 833588 Robert A. MacLean, M.D.
Deputy Commissioner
Professional Services
Texas Department of Health

Effective date: June 15, 1983
Proposal publication date: February 22, 1983
For further information, please call (512) 458-7254.

**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
Examination Expenses and Assessments**

059.01.16.001

The State Board of Insurance adopts amendments to Rule 059.01.16.001, without changes to the proposed text published in the March 18, 1983, issue of the *Texas Register* (8 TexReg 914).

This rule specifies assessments to cover the expenses of examining domestic insurance companies. 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 a 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. Before this, the rule covered only the assessment of foreign insurers, and Rule 059.01.16.002 dealt with assessments of domestic insurers. The provisions of both rules are now combined. Subsection (a) specifies a rate of assessment for foreign insurers. Subsection (b) specifies the rate of assessment for domestic insurers. Simultaneously with this adoption, Rule 059.01.16.002 is repealed. An amendment to Rule 059.01.16.001, which is the same in substance as this proposal, was adopted on an emergency basis effective February 25, 1983. The emergency amendment appeared in the March 4, 1983, issue of the *Texas Register* (8 TexReg 755).

No comments were received regarding adoption of the amendments.

These amendments are adopted under authority of the Texas Insurance Code, Article 1.16 which authorizes and requires the State Board of Insurance to make assessments 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.

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 May 16, 1983

TRD 833564 James W. Norman
Chief Clerk
State Board of Insurance

Effective date: June 7, 1983

Proposal publication date: March 18, 1983

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

059.01.16.002

The State Board of Insurance adopts the repeal of Rule 059.01.16.002, without changes to the proposal published in the March 18, 1983, issue of the *Texas Register* (8 TexReg 915).

This rule specifies rates of assessment for the expenses of examining domestic insurance companies. This rule is out of date. Simultaneously with this proposal, an up-to-date version is being combined with Rule 059.01.16.001.

No comments were received regarding adoption of the repeal.

The repeal is adopted under authority of the Texas Insurance Code, Article 1.16 which provides the State Board of Insurance with authority to make assessments for the examination of domestic insurance companies in an amount sufficient to meet the expenses and disbursements necessary to comply with Texas laws relating to the examination of insurance companies and with the provisions of the Texas Insurance Code, Articles 1.16, 1.17, and 1.18, and under the board's authority to repeal any rule it has previously adopted.

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 May 16, 1983

TRD 833565 James W. Norman
Chief Clerk
State Board of Insurance

Effective date: June 7, 1983

Proposal publication date: March 18, 1983

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

To Make Inquiries of Company

059.01.24.002

The State Board of Insurance adopts the repeal of Rule 059.01.24.002, without changes to the proposal

published in the March 18, 1983, issue of the *Texas Register* (8 TexReg 915).

This rule requires that certain sales material and other information relating to individual retirement annuity plans be submitted to the board. The rule is replaced by new Rule 059.50.04.041, which deals with the same subject matter and is a clearer, more explicit rule. No departmental requirement or practice is changed as a result of the repeal.

No comments were received regarding adoption of the repeal.

This rule is repealed under authority of the Texas Insurance Code, Article 21.21, §13, which provides the State Board of Insurance with the authority to regulate advertising and other trade practices, the Texas Insurance Code, Article 1.24, which provides the board with authority to address any inquiry to any insurance company in relation to its business and condition, or any matter connected with its transactions which the board deems necessary for the protection of the public good or for the proper discharge of its duties, and pursuant to the board's authority to repeal any rule it has previously adopted.

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 May 16, 1983

TRD 833566 James W. Norman
Chief Clerk
State Board of Insurance

Effective date: June 7, 1983

Proposal publication date: March 18, 1983

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

Rating and Policy Forms Exclusions

059.05.02.001

The State Board of Insurance adopts the repeal of Rule 059.05.02.001, without changes to the proposal published in the March 18, 1983, issue of the *Texas Register* (8 TexReg 916).

The rule excludes certain vehicles regulated under the Interstate Commerce Commission from regulation under the Texas Insurance Code, Chapter 5, Subchapter A, and places them under Chapter 5, Subchapter B. This rule went out of effect prior to the enactment of the Administrative Procedure and Texas Register Act.

No comments were received regarding adoption of the repeal.

The repeal is adopted under authority of the Texas Insurance Code, Article 5.02 which authorizes the State Board of Insurance to exclude from regulation under the Texas Insurance Code, Chapter 5, Subchapter A, any insurance against liability for damages arising out of the ownership, operation, maintenance,

or use of or against loss of or damage to a motor vehicle which, in the judgment of the board, is a type or class of insurance which is also the subject of or may be more properly regulated under the terms or provisions of other insurance rating laws covering such insurance, the Texas Insurance Code, Article 5.10, pursuant to which the board may promulgate rules to carry into effect the provisions of Chapter 5, Subchapter A, and pursuant to the board's authority to repeal any rule it has previously adopted

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 May 16, 1983

TRD-833567 James W. Norman
Chief Clerk
State Board of Insurance

Effective date June 7, 1983
Proposal publication date March 18, 1983
For further information, please call (512) 475-2950.

General Provisions Miscellaneous

059.21.49.002.005

The State Board of Insurance adopts the repeal of Rules 059.21.49.002.005, without changes to the proposal published in the March 1, 1983, issue of the *Texas Register* (8 TexReg 726)

These rules relate to different aspects of the provision of insurance pursuant to the Texas Catastrophe Property Insurance Pool Act. Rule 059.21.49.002 designates certain windstorm and hail insurance catastrophe areas. Its provisions are duplicated in Rule 059.05.25.003 concerning the Texas general basis schedules. Rule 059.05.25.004 embodies the articles of association of the Texas Catastrophe Property Association. Rules 059.05.25.003 and 059.05.25.005 set out building specifications applicable to specified windstorm and hail insurance catastrophe areas for insurance made available under the Texas Catastrophe Property Insurance Pool Act. Rules 059.21.49.003.005 are duplications of provisions in Rule 059.21.49.006 which is the plan of operation of the Texas Catastrophe Property Insurance Association. No board practice or requirement is changed by these repeals.

No comments were received regarding adoption of the repeals.

The repeals are adopted pursuant to several statutes. The Texas Insurance Code, Article 21.49, in general specifies certain guidelines for property to be insured by the Texas Catastrophe Property Insurance Association. The Texas Insurance Code, Article 21.49, §5A, provides the State Board of Insurance with the authority to issue any orders which it considers necessary to carry out the purposes of the Texas Catastrophe Property Insurance Pool Act. The Texas Insurance Code, Article 21.49, §8, authorizes rates and rating plans to be established for the insurance coverage

specified in Article 21.49. The Texas Insurance Code, Article 21.49, §5, provides the State Board of Insurance with the authority to approve the plan of operation of the Texas Catastrophe Property Insurance Association. The repeals are also adopted pursuant to the board's authority to repeal any rule it has previously adopted.

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 May 16, 1983

TRD 833568 James W. Norman
Chief Clerk
State Board of Insurance

Effective date June 7, 1983
Proposal publication date March 1, 1983
For further information, please call (512) 475-2950.

Trade Practices

059.50.04.041

The State Board of Insurance adopts new Rule 059.50.04.041 with changes to the proposed text published in the March 4, 1983, issue of the *Texas Register* (8 TexReg 759)

The rule requires the 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 regulating IRAs. It is hoped the rule will promote an environment in which there will be fewer misleading IRA advertisements, solicitations, and consumer complaints.

Three insurers commented on the proposed rule, but none could clearly be listed as for or against the proposal. Aetna Life and Casualty Company suggested it be made explicit that the board does not intend to exercise prior approval over advertising. The board believes subsection (a) of the rule makes that point explicit. Kemper Investors Life Insurance Company (Kemper) made several comments. It suggested that endowment contracts be deleted from the rule on the grounds that an endowment contract is excluded as a funding vehicle for IRA plans. The Internal Revenue Service has confirmed that endowment contracts are not excluded as funding vehicles for IRA plans. Kemper also pointed out that a full disclosure statement is already required by federal regulatory authorities. The board believes the existence of federal regulation should not relieve it from performing its duties under the Insurance Code. The Employee Benefits Division of Aetna Life Insurance Company suggested the words "IRA plan" be defined in the rule as a plan which is subject to the requirements of the Internal Revenue Code, §408, so that a clear distinc-

tion is made between the plans addressed in the rule and employer sponsored qualified pension and profit sharing plans. The board believes this is a good suggestion, although many of the plans it is trying to reach through the rule may not actually qualify under the Internal Revenue Code §408. Accordingly the board has included the parenthetical language "whether or not the plan actually qualifies under the Internal Revenue Code §408" subsequent to the words "marketed as Individual Retirement Annuity (IRA) plans" in subsection (a) and subsequent to the words "marketed as IRA plans" in subsection (b) of the rule.

The new rule is adopted under authority of the Texas Insurance Code Article 21 21 §13 which provides the State Board of Insurance with authority to pass rules to regulate advertising and other trade practices, and under 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 deems necessary for the public good or for the proper discharge of its duties.

(04) 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 (whether or not the plan actually qualifies under the Internal Revenue Code, §408). 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 laws 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 (whether or not the plan actually qualifies under the Internal Revenue Code, §408) 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 endowment advertised or solicited.

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

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 May 16, 1983

TRD 833569

James W. Norman
Chief Clerk
State Board of Insurance

Effective date: June 7, 1983

Proposal publication date: March 4, 1983

For further information, please call (512) 475 2950

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

Texas Adult Probation Commission

Friday, May 27, 1983, 9 a.m. The Texas Adult Probation Commission will meet in the conference room, Suite 400, 812 San Antonio Street, Austin. Items on the agenda summary include a financial report, election of officers, reports of program services, the executive director, and the Audit Review Committee, fiscal year 1982 state funds distributed to judicial district adult probation departments, special program funding and supplemental funding awards in operation in fiscal year 1983, supplemental funding, special program funding intensive supervision probation, restitution centers' status report, Hardin County probation officer eligibility, requested waivers for commission standards, adoption of amendments to standards, legislation, and budget update, statistical information, and setting a date and location for the next meeting.

Contact: Virginia Grote, 812 San Antonio Street, Suite 400, Austin, Texas 78701, (512) 475-1374.

Filed: May 18, 1983, 3:25 p.m.
IRD 833623

Texas Aeronautics Commission

Wednesday, May 25, 1983, 2 p.m. The Air Carrier Division of the Texas Aeronautics Commission will meet in Room 221-410 East Fifth Street, Austin. According to the agenda, the division will conduct a hearing on the application of Regional Helicopter Airlines for a Texas air carrier certificate of operating authority to provide scheduled passenger helicopter service between and among the points of Dallas Fort Worth Regional Airport, Addison Airport, Dallas North Airport, Dallas Market Center Helipad, and Dallas Lincoln Center Helipad.

Contact: Thomas E. Butler, P.O. Box 12607, Austin, Texas 78711, (512) 476-9262.

Filed: May 17, 1983, 10:56 a.m.
IRD 833556

State Aircraft Pooling Board

Friday, May 27, 1983, 2 p.m. The State Aircraft Pooling Board will meet in Conference Room G.B., John H. Reagan Building, Austin. According to the agenda, the board will

elect a secretary, approve the minutes of the last board meeting, hear Texas State Technical Institute's request for lease purchase of Cessna RG aircraft and the Department of Public Safety's request for aircraft ratings, aircraft hourly rates, and discuss other board operational matters.

Contact: Fred R. Spies, John H. Reagan Building, Room 204, Austin, Texas 78711, (512) 475-8301.

Filed: May 19, 1983, 9:59 a.m.
IRD 833632

State Banking Board

Thursday, May 26, 1983, 2 p.m. The State Banking Board will meet at 2601 North Lamar, Austin. Items on the agenda include voting on an application for charter for the Bank of Commerce Fossil Creek, Fort Worth; an interim charter application for New Washington County State Bank, Brenham; a domicile change for Panhandle Bank and Trust Company, Borger; rescission of the interim charter for Cedar Hill Bank, Cedar Hill; and a review of applica-

tions approved but not yet open for business.

Contact: O. A. Cassity III, 2601 North Lamar, Austin, Texas 78705, (512) 475-4451.

Filed: May 18, 1983, 1:32 p.m.
TRD-833613



State Bar of Texas

Wednesday, May 25, 1983, 9 a.m. The Board of Directors of the State Bar of Texas will meet in the board room, Texas Law Center, 1414 Colorado Street, Austin. Items on the agenda summary include a report of the Committee on Improvement of Disciplinary Procedures and consideration of a resolution of the Committee on Awareness of Lawyer Alcohol and Drug Abuse Problems and the new bank depository.

Contact: Evelyn Avent, 1414 Colorado Street, Austin, Texas, (512) 475-4746.

Filed: May 17, 1983, 2:46 p.m.
TRD-833580

Thursday, May 26, 1983, 9 a.m. The Budget Committee of the Executive Committee of the State Bar of Texas will meet in the President's Room, Texas Law Center, 1414 Colorado Street, Austin. According to the agenda summary, the committee will hear the president's report concerning general and committee matters, the Interest on Lawyers' Trust Accounts Bill, a Federal Trade Commission matter, budgetary reports, approval of capital expenditures, and consideration of the bank depository; the executive director's report concerning general and personnel matters; Blake Tartt's report; the supreme court liaison member's report; the immediate past president's report; the general counsel's report concerning general matters and a grievance; a report on the 1983 convention; reports on the legislative package and progress on in-house computerization; and establishment of board policy on recommendations concerning elections to the Executive Committee.

Contact: Evelyn Avent, 1414 Colorado Street, Austin, Texas, (512) 475-4746.

Filed: May 18, 1983, 2:22 p.m.
TRD-833614

Texas State Board of Dental Examiners

Friday, May 27, 1983, 5 p.m. The Texas State Board of Dental Examiners will meet in the dean's conference room, University of Texas Health Science Center, San Antonio. Items on the agenda include requests for special licensure and license reinstatement and to take the board's examination before completing the national board; approval of honorary retired; and a review of policies on vacation, sick leave, etc.

Contact: William S. Nail, P.O. Box 13165, Austin, Texas 78711, (512) 475-2443.

Filed: May 19, 1983, 9:42 a.m.
TRD-833629

Texas Health Facilities Commission

Friday, May 27, 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.

Amendments of Certificate of Need Orders
Houston International Hospital,
Houston
AH81-0422-004A(031883)
Sun Towers Hospital, El Paso
AH82-0604-025A(041383)

Notice of Intent to Acquire Major Medical Equipment
Channelview Imaging, Channelview
AO83-0413-330

Notices of Intent to Acquire Existing Health Care Facilities
HCA Health Services of Texas, Inc., a wholly-owned subsidiary of Hospital Corporation of America,
Nashville, Tennessee
AH83-0414-332
Harold Shilling, M.D., P.A., and Adams Management Services, Inc.,
Fort Worth
AN83-0415-338

B. P. Lockhart, trustee, Fort Worth
AN83-0415-340
Medwest Healthcare, Omaha, Nebraska
AN83-0418-360

T.L.C. Associates, a California limited partnership, Walnut Creek, California
AN83-0418-362

Beverly Enterprises-Texas, Inc.,
Fort Smith, Arkansas
AN83-0419-370
AN83-0419-372
AN83-0419-374

AN83-0419-376
AN83-0419-378

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

Filed: May 18, 1983, 9:30 a.m.
TRD-833604

Texas Housing Agency

Wednesday, May 25, 1983, 10 a.m. The Board of Directors of the Texas Housing Agency will meet in the San Antonio/Rio Grande Room, Sheraton Crest Inn, 111 East First Street at Congress Avenue, Austin. According to the agenda summary, the board will approve the minutes; consider and possibly act on pending state legislation, agency programs and activities, disposition of uncommitted funds on 1982 Loans-to-Lenders Programs, recommendations of the management group with regard to 1982 and 1983 Single Family Programs, the 1983 Multi-Family Insurance Guarantee Program, the recommendation of the Programs and Legislation Committee regarding a request for proposals for a senior manager, the 1983 Single Family Bond ceiling; and hear the presentation of the quarterly financial reports.

Contact: Earline Jewett, P.O. Box 13941, Austin, Texas 78711, (512) 475-0812.

Filed: May 17, 1983, 3:53 p.m.
TRD-833579

State Board of Insurance

Thursday, May 26, 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. According to the agenda, the section will conduct a public hearing in Docket 7148—whether the Managing General Agency License held by Monogram General Agency of Texas, Inc., The Woodlands, should be canceled or revoked.

Contact: J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-4355.

Filed: May 17, 1983, 1:01 p.m.
TRD-833557

The State Board of Insurance will meet in Room 414, 1110 San Jacinto Street, Austin. Dates, times, and agendas follow.

Thursday, May 26, 1983, 2 p.m. Final action on new Rules 059.21.21.121-.122, 059.01.15.224, 059.05.03.011-.013; amend-

ments to Rules 059.01.15.203, 059.05.27.003, 059.04.01.001; repeal of Rules 059.05.27.001 and .002; proposed action on new Rules 059.05.20.011-.013; repeal of Rules 059.06.12.001, 059.05.20.001; discussion of Rules 059.21.32.001, 059.21.49.006, 059.05.81.001, 059.05.36.001-.003, 059.05.35.001-.003; consideration of additional certifying officials for open meetings notices; and fees and charges under Texas Civil Statutes, Article 6252-17a.

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

Filed: May 18, 1983, 2:16 p.m.
TRD-833615

Wednesday, June 1, 1983, 9 a.m. A public hearing to consider the appeal of Delta Lloyds Insurance Company from Commissioner's Order 83-0533.

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

Filed: May 17, 1983, 1:59 p.m.
TRD-833570

Thursday, June 2, 1983, 9 a.m. A public hearing to consider the appeal of Cable Installation Contractors, Inc. from action of the Workers' Compensation Unit.

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

Filed: May 17, 1983, 1:59 p.m.
TRD-833571

Friday, June 3, 1983, 9 a.m. Consideration of an information services report respecting legislative action and inquiries.

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

Filed: May 17, 1983, 1:59 p.m.
TRD-833578

Tuesday, June 7, 1983, 2 p.m. According to the agenda, the board will hear reports from the commissioner and the fire marshal. The board will also meet in executive session to discuss personnel matters.

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

Filed: May 17, 1983, 2 p.m.
TRD-833572

Wednesday, June 8, 1983, 9 a.m. The State Board of Insurance will meet in the Hearing Room, DeWitt Greer Building, 11th and Brazos Streets, Austin. According to the agenda summary, the board will hold a public hearing to consider revision of the Fire and Allied Lines, Commercial Multi-Peril, Homeowners and Farm and Ranch Owners rates and rules, forms, clauses, permits,

warranties, classes, and rating plans; amendments to the General Basis Schedules; and all other matters pertaining to the writing of Fire and Allied Lines, Commercial Multi-Peril, Homeowners and Farm and Ranch Owners insurance. The board will also review the fire premiums and losses, by classification.

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

Filed: May 17, 1983, 2 p.m.
TRD-833573

The State Board of Insurance will meet in Room 414, 1110 San Jacinto Street, Austin, at 2 p.m. Dates and agendas follow.

Tuesday, June 14, 1983. The board will hear reports of the commissioner and the fire marshal. The board will also meet in executive session to discuss personnel matters.

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

Filed: May 17, 1983, 2 p.m.
TRD-833574

Tuesday, June 21, 1983. The board will hear reports of the commissioner and the fire marshal. The board will also meet in executive session to discuss personnel matters.

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

Filed: May 17, 1983, 2:01 p.m.
TRD-833575

Tuesday, June 28, 1983. The board will hear reports of the commissioner and the fire marshal. The board will also meet in executive session to discuss personnel matters.

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

Filed: May 17, 1983, 2:01 p.m.
TRD-833576

Texas State Library and Archives Commission

Friday, June 3, 1983, 10 a.m. The Texas State Library and Archives Commission will meet in Room 202, Lorenzo de Zavala Archives and Library Building, 12th and Brazos Streets, Austin. Items on the agenda include approval of the May 20, 1983, minutes; designation of the major resource center for the Northeast Texas Library System; approval of the Library Systems Act rules and regulations revisions, the Library Services and Construction Act (LSCA), Title III grant applications, the LSCA, Title

II grant guidelines, and the 1984 LSCA annual program and long range plan; the presentation of resolutions of appreciation; and committee reports.

Contact: Dorman H. Winfrey, P.O. Box 12927, Austin, Texas 78711, (512) 475-2166.

Filed: May 18, 1983, 10:23 a.m.
TRD-833610

Texas Department of Mental Health and Mental Retardation

Committees of the Texas Board of Mental Health and Mental Retardation of the Texas Department of Mental Health and Mental Retardation will meet in Room 240, 909 West 45th Street, Austin. Days, times, committees, and agendas follow.

Thursday, May 26, 1983, 2 p.m. The Executive Committee will consider clinical treatment approaches in department facilities.

Thursday, May 26, 1983, 3 p.m. The Business Committee will consider a cemetery shelter at the Abilene State School; purchase of a portable building for the Rio Grande State Center; a volunteer activity center at the Corpus Christi State School; naming the swimming pool facility at the Denton State School the William Zale Water Therapy Center and a hydrotherapy facility at the Fort Worth State School the Richardson-Carter Hydrotherapy Facility; the transfer of funds and transfer of utility funds; quarterly budget additions and revisions and quarterly budget additions and revisions for utilities; and allocation of grant-in-aid funds.

Friday, May 27, 1983, 8 a.m. The Personnel Committee will review and consider personnel actions and related items requiring approval by the board.

Contact: Gary E. Miller, M.D., P.O. Box 12668, Austin, Texas 78711, (512) 454-3761.

Filed: May 18, 1983, 9:33 a.m.
TRD-833606-833608

Friday, May 27, 1983, 9 a.m. The Texas Board of Mental Health and Mental Retardation of the Texas Department of Mental Health and Mental Retardation will meet in the auditorium, central office board room, 909 West 45th Street, Austin. Items on the agenda include approval of the April 15, 1983, and May 10, 1983, minutes; the commissioner's calendar concerning announcements, monthly status reports, and reports on energy conservation, the departmental legislative program and appropri-

tions requests, a video tape presentation by the Texas Council of Community Mental Health and Mental Retardation Centers, Inc., *The Experience of Four Chronically Mentally Ill Patients Served in Community Residential Programs* and other items; consideration of reports of the Business Committee concerning a cemetery shelter at the Abilene State School, the purchase of a portable building for the Rio Grande State Center, a volunteer activity center at the Corpus Christi State School, naming the swimming pool facility at the Denton State School the William Zale Water Therapy Center and naming the hydrotherapy facility at the Fort Worth State School the Richardson-Carter Hydrotherapy Facility, the transfer of funds and transfer of utility funds, quarterly budget additions and revisions for utilities, reports of the Executive Committee concerning clinical treatment approaches in department facilities, reports of the Personnel Committee concerning review and consideration of personnel actions and related items requiring approval by the board; citizen's comments; status of pending or contemplated litigation; and the allocation of grant-in-aid funds.

Contact: Gary E. Miller, M.D., P.O. Box 12668, Austin, Texas 78711, (512) 454-3761.

Filed: May 18, 1983, 9:35 a.m.
TRD-833609

Public Utility Commission of Texas

Wednesday, June 1, 1983, 1:30 p.m. The Hearings Division of the Public Utility Commission of Texas will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin. According to the agenda, the commission will conduct a hearing in Docket 5114—petition of Houston Lighting and Power Company for approval of payments to affiliates for the estimated cost of fuel and fuel related services.

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

Filed: May 17, 1983, 10:22 a.m.
TRD-833552

Monday, June 6, 1983, 10 a.m. The Hearings Division of the Public Utility Commission of Texas has rescheduled a meeting to be held in Suite 450N, 7800 Shoal Creek Boulevard, Austin. According to the agenda, the commission will conduct a hearing in Docket 4972—petition of Deerwood

Water Supply for modification of a prior commission order, Docket 4976—application of H & J Water Company for approval of rates within Harris and Montgomery County, and Docket 5009—application of H & J Water Company for a rate increase. The hearing was originally scheduled for May 23, 1983.

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

Filed: May 18, 1983, 2:16 p.m.
TRD-833616

Boards for Lease of State-Owned Lands

Thursday, May 26, 1983, 10:30 a.m. The Board for Lease of Texas Parks and Wildlife Lands 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 previous board meeting minutes and consideration and approval of bids received at the April 5, 1983, oil, gas, and other minerals lease sale.

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

Filed: May 18, 1983, 12:59 p.m.
TRD-833612

Structural Pest Control Board

Friday, June 3, 1983, 9 a.m. The Structural Pest Control Board will meet in Suite 250, Building C, 1300 East Anderson Lane, Austin. Items on the agenda include approval of the April 7 and April 8, 1983, minutes; an appearance by Richard Fields at 9:15 a.m. at his request; hiring a replacement for the executive director, to be effective August 31, 1983; revising the application for business license, regulations for the Extermox System for treating drywood termites, carrying a credit balance or a balance for some of the pest control companies, and taking exam money if an individual does not show up to take the exam; and miscellaneous items.

Contact: Charlie Chapman, 1300 East Anderson Lane, Building C, Suite 250, Austin, Texas 78752, (512) 835-4066.

Filed: May 18, 1983, 10:22 a.m.
TRD-833611

Texas A&M University System

Sunday, May 22, 1983. Committees of the Board of Regents of the Texas A&M University System will meet in the MSC Annex, Texas A&M University, College Station. Times, committees, and agendas follow.

1:30 p.m. The Planning and Building Committee will consider the cancellation of unexpended balances of appropriations and a report of contract actions, TAMUS; appropriation for preliminary designs; construction of an airport hangar; authorization to obtain land and establish a TAMU research and extension center at Houston, and the purchase of a three-acre tract of land, TAMU; and action on bids, TAMU and TSU.

2:30 p.m. The Committee for Service Units will receive a report on the relocation of animal research and teaching facilities for west campus expansion and an industrial park and consider any other business that may properly be brought before the committee.

2:45 p.m. The Committee for Academic Campuses will consider the establishment of fees and personnel matters for TAMUS; establishment of a center for agricultural and food policy and the appointment of a vice-president for business affairs emeritus, TAMU; and authorization to transfer a degree program, PVAMU.

Contact: Valerie P. Nelson, Texas A&M University System, College Station, Texas, 77843-1123, (409) 845-4334.

Filed: May 17, 1983, 3:52 p.m.
TRD-833583-833585

Monday, May 23, 1983, 8:30 a.m. The Committee of the Whole of the Board of Regents of the Texas A&M University System met at the MSC Annex, Texas A&M University, College Station. According to the agenda summary, the committee received reports from various ad hoc committees; granted tenure and appointed a dean of the college of business administration, (TAMU); considered Target 2000 Committee recommendations, granted authority for the sale of permanent university fund bonds, discussed amendment of *Objective, Rules, Regulations of TAMUS*, confirmed budget and fiscal changes, personnel actions, appointments, promotions, terminations, gifts, grants, and loans, approved guidelines for the 1983-1984 operating budgets, and considered real estate and personnel matters, TAMUS.

Tuesday, May 24, 1983, 8:30 a.m. The Board of Regents of the Texas A&M University System will meet at the MSC Annex,

Texas A&M University, College Station. According to the agenda summary, the board will consider construction for TAMUS; purchase of a three-acre tract of land, TAMU; construction of an airport hangar, TAMU; proposed fees, Target 2000 Committee recommendations, the granting of tenure and the authority for the sale of permanent university fund bonds, approval of guidelines for the 1983-1984 operating budgets, real estate and personnel matters, and amendment of *Objectives, Rules, Regulations of TAMUS*, TAMUS.

Contact: Valerie P. Nelson, Texas A&M University System, College Station, Texas 77843-1123, (409) 845-4334.

Filed: May 18, 1983, 2:20 p.m.
TRD-833617, 833618

Veterans' Affairs Commission

Friday, June 24, 1983, 2 p.m. The Veterans' Affairs Commission will meet in the Cata-maran Room, Holiday Inn, Emerald Beach, 1102 South Shoreline Drive, Corpus Christi. According to the agenda, the commission will consider reports on activities of the commission and make decisions relative to general administrative matters pertaining to the Texas veterans' programs.

Contact: Aubrey L. Bullard, P.O. Box 12277, Austin, Texas 78711, (512) 475-4185.

Filed: May 17, 1983, 10:23 a.m.
TRD-833553

Texas Water Commission

The Texas Water Commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. Days, times, and agendas follow.

Tuesday, May 31, 1983, 10 a.m. The commission will consider water district bond issues, changes orders, use of surplus funds, water quality permits, amendments, renewals, water use permits, proposed amendments to commission rules, and the filing and setting of hearing dates.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: May 18, 1983, 3:23 p.m.
TRD-833624

Wednesday, June 1, 1983, 2 p.m. Application of Oiltanking of Texas, Inc., P.O. Box 96290, Houston, Texas 77005, to the Texas Department of Water Resources for a temporary order which would authorize a

discharge of once through cooling water at a volume not to exceed an average flow of 6 million gallons per day (maximum 8.2 million gallons per day).

Contact: James Haley, P.O. Box 13087, Austin, Texas 78711, (512) 475-7845.

Filed: May 18, 1983, 3:23 p.m.
TRD-833625

Thursday, July 28, 1983, 10 a.m. The Texas Water Commission made a revision to the agenda of a meeting to be held in Room 618, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. The revision concerns Application 4346 of Lake LBJ Investment Company, changing the language in the first paragraph from "a wholly owned subsidiary of Lake LBJ Investment Corporation" to "acting on behalf of Lake LBJ Investment Corporation."

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: May 17, 1983, 3:20 p.m.
TRD-833581

Texas Department of Water Resources

Thursday, May 19, 1983, 1:30 p.m. The Texas Water Development Board of the Texas Department of Water Resources made an emergency addition to the agenda of a meeting held in Room 118, Stephen F. Austin Building, Austin. The addition concerned the consideration of adoption of emergency rules in Chapter 329 regarding monitoring of wastewater treatment facilities, which will have the effect of delaying for 60 days the effective date of amendments to Chapter 329 adopted at the April board meeting. The emergency status was necessary because an effective date needed to be delayed for industries to comply and to provide a smooth transition period for the new requirements of the rules.

Contact: Charles E. Nemir, P.O. Box 13087, Austin, Texas 78711, (512) 475-3187.

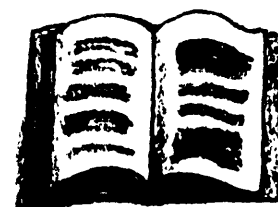
Filed: May 17, 1983, 3:20 p.m.
TRD-833582

Thursday, June 30, 1983, 1:30 p.m. The Texas Department of Water Resources will meet in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the department will conduct a public meeting to discuss the draft federal fiscal year 1984 water quality management strategy

and annual work program. The strategy and work program are key management documents which set forth the department's resources allocation and project commitments for programs funded by federal grants under the Clean Water Act, §106.

Contact: John Janak, P.O. Box 13087, Austin, Texas 78711, (512) 475-3926.

Filed: May 19, 1983, 8:52 a.m.
TRD-833627



Regional Agencies Meetings Filed May 17

The Brown County Appraisal District, Appraisal Review Board, will meet at 403 Fisk, Brownwood, on May 25, 1983, at 1 p.m. Information may be obtained from Alvis Sewalt, 403 Fisk, Brownwood, Texas 76801, (915) 643-5676.

The Central Texas Council of Governments, Executive Committee, will meet at 302 East Central, Belton, on May 26, 1983, at 12:45 p.m. Information may be obtained from Walton B. Reedy, P.O. Box 729, Belton, Texas 76513, (817) 939-1801.

The Deep East Texas Regional Mental Health and Mental Retardation Services, Board of Trustees, will meet in the Ward R. Burke Community Room, Day Treatment Administration Facility, 4101 South Medford Drive, Lufkin, on May 24, 1983, at 5:30 p.m. Information may be obtained from Wayne Lawrence, Ph.D., 4101 South Medford Drive, Lufkin, Texas 75901, (409) 639-1141.

The Heart of Texas Region Mental Health and Mental Retardation Center, Board of Trustees, will meet in the second floor conference room, Cameron Building, 110 South 12th Street, Waco, on May 24, 1983, at 11:30 a.m. Information may be obtained from Sue W. Richardson, P.O. Box 1277, Waco, Texas 76703, (817) 752-3451.

The Texas Municipal League, Workers' Compensation/Liability/Property Funds Board of Trustees, met in the Hill Country Room, Hyatt Regency, Town Lake, Austin, on May 22, 1983, at 2 p.m. and May 23,

Texas Register

at 9 a.m. Information may be obtained from William I. Martin, Jr., 1020 Southwest Tower Building, Austin, Texas 78701, (512) 478-6601.

TRD-833554

Meetings Filed May 18

The Bexar Appraisal District, Appraisal Review Board, met in emergency session at 535 South Main, San Antonio, on May 20, 1983, at 9 a.m. Information may be obtained from Bill Burnette, 535 South Main, San Antonio, Texas 78204, (512) 224-8511.

The Mental Health and Mental Retardation Authority of Brazos Valley, Board of Trustees, will meet at the Brazos Center, 3232 Briarcrest Drive, Bryan, on May 26, 1983, at 1:30 p.m. Information may be obtained from Ann Pye Shively, Ph.D., 707

South Texas Avenue, Suite 225-C, College Station, Texas 77840.

The Parmer County Tax Appraisal District, Board of Directors, will meet at 305 Third Street, Bovina, on June 6, 1983, at 8:30 p.m. Information may be obtained from Ronald E. Procter, P.O. Box 56, Bovina, Texas 79009, (806) 238-1405.

The Sabine Valley Regional Mental Health and Mental Retardation Center, Board of Trustees, will meet at the central administrative offices, Sun Camp Road, Highway 80 West at Longview, on May 26, 1983, at 7:30 p.m. Information may be obtained from Frances H. Willis, P.O. Box 6800, Longview, Texas 75608, (214) 297-2191.

The Tarrant County Appraisal District, Board of Directors, met in emergency session at the Tarrant County Convention Center, 1111 Houston Street, Fort Worth, on May 19, 1983, at 11 a.m. Information

may be obtained from Cecil Mae Perrin, 1701 River Run, Suite 200, Fort Worth, Texas 76107, (817) 332-3151.

The Wise County Appraisal District, Board of Directors, met in emergency session at 206 South State, Decatur, on May 19, 1983, at 9:30 a.m. Information may be obtained from Angela Caraway, P.O. Box 509, Decatur, Texas 76234, (817) 627-3081.

TRD-833619

Meeting Filed May 19

The Colorado River Municipal Water District, Board of Directors, will meet at the city council chambers, city hall, 411 West Eighth Street, Odessa, on May 26, 1983, at 10 a.m. Information may be obtained from O. H. Ivie, Box 869, Big Spring, Texas 79720, (915) 267-6341.

TRD-833628

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.

The Legislature

Bills Submitted to the Governor

May 17

HB 15 Relating to the Civil Service status and pension benefits of persons temporarily employed in certain fire departments and police departments.

Sponsor: Smith, Carlyle

HB 102 Relating to inspections of convalescent homes, nursing homes, and other related institutions.

Sponsors: Hill, Anita, *et al*

HB 103 Relating to a repeal of the requirement that state agencies adopt a code of conduct for agency employees who inspect and survey health care facilities.

Sponsors: Hill, Anita, *et al*

HB 267 Relating to compliance with a will admitted to probate as a muniment of title.

Sponsor: Green

HB 410 Relating to the purchase of firearms from the state by retiring state peace officers or survivors of state peace officers.

Sponsors: Denton, *et al*

HB 480 Relating to research and management of alligators, fur-bearing animals, and other wildlife resources and to the removal of alligators and fur-bearing animals from wildlife management areas.

Sponsor: Collazo

HB 532 Relating to the time at which the board of directors of an appraisal district receives the proposed budget for the district.

Sponsor: Peveto

HB 618 Relating to the duties of the county attorney of Andrews County and the district attorney of the 109th Judicial District.

Sponsor: Rudd

HB 672 Relating to the establishment and powers of a juvenile board in Upshur County; definition of "advice and consent"; composition of the board, selection of chairman, meetings; compensation of members.

Sponsor: Hollowell

HB 680 Relating to the board of regents of East Texas State University.

Sponsor: Gilley

HB 719 Relating to the display and sale of unpackaged food.

Sponsor: Lee, El Franco

HB 722 Relating to the limitation on the amount of funding for community education services.

Sponsor: Blanton

HB 853 Relating to the rate of interest or time price differential charged in a manufactured home credit transaction.

Sponsor: Schlueter

HB 962 Relating to taxation of sample packages of cigarettes.

Sponsor: Schlueter

HB 1111 Relating to the date a voter registration application by mail is deemed to be received by the voter registrar.

Sponsor: Buchanan

HB 1229 Relating to the service plan and fare and service changes of a regional transportation authority in a metropolitan area.

Sponsors: Cain, *et al*

HB 1427 Relating to the manner in which a domestic insurance company may evidence its ownership of securities.

Sponsor: Green

HB 1440 Relating to jurisdiction and other provisions pertaining to the County Court at Law of Hunt County and to the judge and special judges of that court.

Sponsor: Gilley

HB 1441 Relating to the establishment and powers of a juvenile board in Wood County.

Sponsor: Gilley

HB 1487 Relating to procedures for the consideration and adoption of certain rules and rates specified in the Texas Insurance Code, Chapter 5.

Sponsor: Simpson

HB 1775 Relating to payment of certain oil and gas proceeds.

Sponsor: Hanna

HB 1828 Relating to the maximum interest rate on certain school district obligations.

Sponsor: Hammond

HB 1861 Relating to the creation, organization, powers, duties, and financing of certain municipal power agencies.

Sponsor: Clark

HB 1958 Relating to certain powers and duties of the board of regents of Texas Woman's University.

Sponsor: Horn

HB 2018 Relating to the administration and provision of drugs by a licensed veterinarian or by a person designated by a licensed veterinarian.

Sponsor: Stiles

May 18

SB 38 Relating to the meaning of "qualified voter" for the purpose of responding to a challenge of a voter at a polling place

Sponsor: Mauzy

SB 59 Relating to registration by manufacturers of food and distributors of drugs; to powers and duties of the Texas Department of Health and its commissioner; creating offenses and providing penalties.

Sponsor: Leedom

SB 91 Relating to appointment of regents of North Texas State University.

Sponsor: Glasgow

SB 109 Relating to the powers and duties of cities and counties and the Texas Board of Health in public health matters; providing for the establishment of public health districts, local health departments, and public health regions.

Sponsor: Vale

SB 162 Relating to the transfer of a prisoner between this state and another state if the prisoner is required to testify in a criminal action.

Sponsor: Glasgow

SB 274 Relating to the authority of the Texas Department of Health to provide funds by grant or contract for the purchase of services, supplies, and equipment for public health purposes.

Sponsor: Glasgow

SB 280 Relating to an election by a retiree under the Judicial Retirement System of Texas to be a judicial officer.

Sponsor: Jones

SB 284 Relating to the issuance of identification cards to disabled persons for use in parked vehicles.

Sponsors: Santiesteban, *et al*

SB 295 Relating to the continuation, composition, qualifications, powers and duties, and compensation of the Finance Commission of Texas

Sponsor: Caperton

SB 335 Relating to criminal complaints for parking offenses.

Sponsor: Parmer

SB 353 Relating to the regulation of certain activities concerning fire extinguishers, fixed fire extinguisher systems, and fire detection and fire alarm devices and systems.

Sponsor: Glasgow

SB 379 Relating to the construction and financing of certain facilities as part of parking stations in certain counties.

Sponsor: Henderson

SB 387 Relating to the chief executive officer of and the presidents of North Texas State University and of the Texas College of Osteopathic Medicine.

Sponsor: McFarland

SB 405 Relating to the continuation, operation, personnel, powers, and duties of the Office of Consumer Credit Commissioner and to its regulatory responsibility concerning pawnshops, to credit card transactions and merchant discounts.

Sponsor: McFarland

SB 436 Relating to regulation of landscape architects and to enforcement powers of the Texas Board of Architectural Examiners.

Sponsor: Jones

SB 541 Relating to the qualification for a direct payment permit under the Limited Sales, Excise, and Use Tax Act.

Sponsor: Edwards

SB 544 Relating to the deposit of certain money to the credit of the General Revenue Fund and to refunds of money received or collected by a state agency or department by reason of a mistake of fact or law.

Sponsor: Uribe

SB 579 Relating to the regulation and licensing of migrant labor housing facilities; authorizing certain fees;

providing hearing and enforcement procedures and penalties.

Sponsor: Leedom

SB 613 Relating to extensions of time in which to file a petition for discretionary review.

Sponsor: Mauzy

SB 732 Relating to election of directors of municipal utility districts.

Sponsor: Henderson

SB 781 Relating to the magistrates appointed by the judges of the district courts of Dallas County that give preference to criminal cases and by the judges of the criminal district courts of Dallas County.

Sponsor: Mauzy

SB 786 Relating to the creation of a sheriff's department civil service system in certain counties.

Sponsor: Vale

SB 809 Relating to admission of certain students to the Texas School for the Deaf and to certain powers and duties of the governing board of the Texas School for the Deaf and the State Board of Education.

Sponsor: Washington

SB 967 Relating to certain requirements imposed on foreign insurance corporations seeking to conduct insurance business in this state.

Sponsor: Henderson

SB 971 Relating to an increase in the student union fee at The University of Texas at Arlington.

Sponsor: McFarland

SB 973 Relating to eligibility and payment for service credit and administration and application procedures in the Employees Retirement System of Texas.

Sponsor: Traeger

SB 996 Relating to the maximum liability of a title insurance company.

Sponsor: Farabee

SB 1018 Relating to requiring permits for certain drilled or mined shafts; giving the Railroad Commission of Texas, the Texas Department of Water Resources, the Texas Water Commission, and the Texas Water Development Board certain powers and duties.

Sponsor: Sarpalius

SB 1020 Relating to the participation of members in the Texas Catastrophe Property Insurance Association.

Sponsor: Truan

SB 1029 Relating to the creation and establishment of a conservation and reclamation district, known as San Jacinto Place Municipal Utility District 1.

Sponsor: Williams

SB 1031 Relating to the creation and establishment of a conservation and reclamation district, known as San Jacinto Place Municipal Utility District 3.

Sponsor: Williams

SB 1032 Relating to the creation and establishment of a conservation and reclamation district, known as San Jacinto Place Municipal Utility District 4.

Sponsor: Williams

SB 1064 Relating to the prevention, reporting, and control of communicable diseases and to certain powers and duties of the Texas Board of Health, the commissioner of health, and the Texas Department of Health.

Sponsor: Uribe

SB 1096 Relating to refunding bonds of school districts and to an authorizing election if constitutionally required.

Sponsors: Uribe, *et al*

SB 1198 Relating to waiver of benefits from the Employees Retirement System of Texas.

Sponsor: Doggett

SB 1207 Relating to vacancies on the board of trustees of an independent school district.

Sponsor: Brooks

SB 1222 Relating to the regulation of the sale of eggs and to expenses for out-of-state inspections.

Sponsor: Blake

SB 1269 Relating to creation of the Buffalo Lake Water District and to its directors, personnel, administration, powers and duties, operations, and financing.

Sponsor: Sarpalius

SB 1275 Relating to the election of members of the Board of Directors of Palo Pinto County Hospital District; authorizing the board to make loans and prescribing use of money from the loans.

Sponsor: Glasgow

SB 1285 Relating to the creation, judges, jurisdiction, powers and duties, personnel, facilities, and practice and procedure of the County Court at Law of Liberty County.

Sponsor: Parker

Bills Signed by the Governor

May 17

HB 68 Relating to the assignment of workers' compensation benefits to an insurance company.

Effective Date: May 17, 1983

HB 99 Relating to the reduction of workers' compensation benefits because of benefits paid for prior period of incapacity.

Effective Date: May 17, 1983

HB 164 Relating to the civil jurisdiction of county courts and justice courts.

Effective Date: September 1, 1983

HB 176 Relating to jury service by persons who are physically or mentally impaired or who cannot communicate in the English language

Effective Date: September 1, 1983

HB 218 Relating to the compensation of the district judges in Cameron County

Effective Date: May 17, 1983

HB 304 Relating to jurisdiction to enforce criminal laws in a public park or recreational facility at a water resource development project under the control of the Department of the Army.

Effective Date: May 17, 1983

HB 333 Relating to establishment of a juvenile board for the 110th Judicial District.

Effective Date: May 17, 1983

HB 373 Relating to the terms of court of certain district courts in Hidalgo County.

Effective Date: January 1, 1984

HB 375 Relating to the authority of the personal representative of a decedent to institute proceedings to determine heirship.

Effective Date: September 1, 1983

HB 376 Relating to the liability of certain personal representatives for attorney's fees.

Effective Date: August 29, 1983

HB 502 Relating to the description of opiates and opium derivatives, including fentanyl, for the purposes of schedules and penalty groups in the Texas Controlled Substances Act.

Effective Date: September 1, 1983

HB 665 Relating to a transcript form for distinguishing the academic achievement of a student who has completed an advanced high school program.

Effective Date: August 29, 1983

HB 1020 Relating to nomination for and election to the office of county school trustee in certain counties.

Effective Date: September 1, 1983

HB 1341 Relating to compensation of members of governing boards of water control and improvement districts, fresh water supply districts, municipal utility districts,

water improvement districts, drainage districts, and levee improvement districts.

Effective Date: May 17, 1983

HB 1406 Relating to regulation of the *in situ* recovery of tar sands.

Effective Date: September 1, 1983

HB 2194 Relating to the power of the Railroad Commission of Texas to review and approve, for purposes of the Outer Continental Shelf Land Act amendments of 1978 and any other federal authorities, application for the purchase of natural gas.

Effective Date: August 29, 1983

HB 2304 Relating to approval of bonds and taxes by the qualified voters of the Hidalgo County Drainage District 1

Effective Date: August 29, 1983

SB 36 Relating to interest rates on judgments and the period for which judgments earn interest; placing certain responsibilities on the consumer credit commissioner.

Effective Date: September 1, 1983

SB 67 Relating to the filing of an application for a place on the ballot by a candidate for the office of precinct chairman and prohibiting reimbursement of certain expenses incurred by early filing.

Effective Date: August 29, 1983

SB 98 Relating to the composition, powers, and duties of the Texas Board of Health, the commissioner of health, and the Texas Department of Health and the authority of the county commissioners court to expend money for its county's public health.

Effective Date: May 17, 1983

SB 99 Relating to juvenile court orders for family counseling.

Effective Date: August 29, 1983

SB 108 Relating to the offer for sale, delivery, or display of certain abusable glues or aerosol paints.

Effective Date: September 1, 1983

SB 122 Relating to the declination of a political party's nomination.

Effective Date: August 29, 1983

SB 234 Relating to the regulation of persons engaged in the business of designing, selling, installing, maintaining, or servicing fire protection sprinkler systems.

Effective Date: September 1, 1983

SB 346 Relating to peace officers commissioned by water control and improvement districts.

Effective Date: May 17, 1983

SB 408 Relating to the creation and administration of the Veterans' Housing Assistance Program, to the veterans' housing assistance fund, and to the powers and duties of the Veterans' Land Board.

Effective Date: Effective November 8, 1983, upon adoption by the voters of SJR 14.

SB 427 Relating to the continuation, operations, membership, grounds of removal of members, and powers and duties of the Texas State Library and Archives Commission.

Effective Date: September 1, 1983

SB 433 Relating to participation by a taxing unit that is located in more than one county in a single appraisal district and to provisions allowing withdrawal and participation in another single appraisal district.

Effective Date: May 17, 1983

SB 558 Relating to the acquisition, administration, and sale of materials and equipment by a soil and water conservation district and to certain powers and duties of the soil and water conservation district.

Effective Date: May 17, 1983

SB 644 Relating to establishment, operation, membership, powers and duties, and financing of a juvenile board for Dallam County.

Effective Date: August 29, 1983

SB 655 Relating to administration of, contributions to, and services and benefits under the fire fighters' relief and retirement fund.

Effective Date: January 1, 1984

SB 697 Relating to the Coordinating Board, Texas College and University System approval of certain construction, repair, or rehabilitation projects at institutions of higher education.

Effective Date: September 1, 1983

SB 769 Relating to authority of the Midlothian Trade Zone Corporation to establish, operate, and maintain a foreign trade zone and other subzones at Midlothian.

Effective Date: May 17, 1983

SB 778 Relating to establishment, membership, powers and duties, personnel, and financing of a juvenile board in Sherman County.

Effective Date: August 29, 1983

SB 1004 Relating to the creation, jurisdiction, powers and duties, terms, judge, personnel, and practice and procedures of the County Court at Law of Caldwell County.

Effective Date: October 1, 1983

SB 1100 Relating to exemption from regulation of certain audiologists making earmold impressions.

Effective Date: August 29, 1983

SB 1110 Relating to the membership, powers, duties, functions, and operations of the legislative council.

Effective Date: May 17, 1983, except for §3, which takes effect September 1, 1983

SB 1210 Relating to establishment, staff, membership, powers and duties, financing, and operations of a juvenile board for Hartley County.

Effective Date: August 29, 1983

SB 1227 Relating to the exclusion of serial and journal subscriptions for certain libraries from the requirements of the State Purchasing and General Services Act.

Effective Date: August 29, 1983

SB 1267 Relating to the establishment, membership, staff, powers and duties, financing, and compensation of a juvenile board in Bailey and Parmer Counties.

Effective Date: August 29, 1983

SB 1268 Relating to the establishment, membership, staff, powers and duties, financing, and compensation of a juvenile board for Castro, Hale, and Swisher Counties.

Effective Date: August 29, 1983

May 18

SB 1018 Relating to requiring permits for certain drilled or mined shafts; giving the Railroad Commission of Texas, the Texas Department of Water Resources, the Texas Water Commission, and the Texas Water Development Board certain powers and duties.

Effective Date: May 18, 1983

In Addition

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.

Texas Air Control Board Applications for Construction Permits

The Texas Air Control Board gives notice of applications for construction permits received during the period of May 9-13, 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.

D. P. Frost Construction Company, Inc., Mexia; rock crushing plant; (location not available); 8260A; modification

Apac-Texas, Inc., Fort Worth; asphalt paving construction; Cold Springs Road and Northside Drive; 2106B; modification

Pioneer Concrete of Texas, Inc., Mesquite; ready-mix concrete; 1719 Scyene; 4165B; modification

Pioneer Hi-Bred International, Inc., Weslaco; parent seed corn; (location not available); 9310; new source

Delhi Gas Pipeline Corporation, Imperial; gas compressor; (location not available); 9311; modification

Crockett County Gas Company, Inc., Big Lake; gas sweetening plant; (location not available); 9312; new source

Issued in Austin, Texas, on May 16, 1983.

TRD-833555

Ramon Dasch
Director of Hearings
Texas Air Control Board

Filed: May 17, 1983

For further information, please call (512) 451-5711, ext. 354.

Texas Health Facilities Commission Applications Accepted for Amendment, Declaratory Ruling, and Notices of Intent

Notice is hereby given by the Texas Health Facilities Commission of applications accepted as of the date of this publication. In the following list, the applicant is listed first, file number second, the relief sought third, and a description of the project fourth. DR indicates declaratory ruling; AMD indicates amendment of previously issued commission order; CN indicates certificate of need; PFR indicates petition for reissuance; NIE indicates notice of intent to acquire major medical equipment; NIEH indicates notice of intent to acquire existing health care facilities; NIR indicates notice of intent regarding a research project; NIE/HMO indicates notice of intent for exemption of HMO-related project; and EC indicates exemption certificate.

Should any person wish to become a party to any of the above-stated applications, that person must file a proper

A 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 any of these applications 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.

Southwest Health Villas, Inc., Dallas
AN83-0331-268

NIEH—Request for a declaratory ruling that a certificate of need is not required for Southwest Health Villas, Inc., to acquire by lease McGee Nursing Home, an existing 82-bed ICF nursing facility located in Teague, from East Tex Nursing Home, Inc.

Val Verde Hospital District for Val Verde
Memorial Hospital, Del Rio
AH81-0204-008A(042783)

CN/AMD—Acceptance of an amended amendment application. Request for an amendment of Certificate of Need AH81-0204-008, which authorized the certificate holder to construct a 36,590 square foot, second-story addition containing 36 medical/surgical beds, eight ICU/CCU beds, five operating rooms, and a seven-bed recovery room and to renovate 12,370 square feet on the existing first floor for the relocation and expansion of the following areas: emergency room, dietary, business/administration, pharmacy, and radiology. The project will result in a loss of 31 medical/surgical beds and the conversion of four ICU/CCU beds to medical/surgical beds on the first floor and will provide an additional nine medical/surgical beds, four pediatric beds, and four ICU/CCU beds, increasing the operational and licensed bed capacity of the existing facility from 104 to 121 for a net increase of 17 beds. The certificate holder requests an amendment to change the scope of the project and to extend the completion deadline from December 31, 1982, to June 30, 1984. The certificate holder proposes the following new project scope: construction of a 36,590 square foot, second-story addition containing eight ICU/CCU beds, five operating rooms, and a seven-bed recovery area. The 36 medical/surgical beds will become 26,390 square feet of shelled-in space to the second-story addition. Two of the five operating rooms will not be equipped. The existing first floor will have 9,870 square feet of renovation for the relocation and expansion of the emergency room, dietary business/administration offices, pharmacy, and radiology. The first floor renovation/expansion will result in 2,500 square feet of shelled-in space. Four ICU/CCU beds will be converted to medical/surgical

beds on the first floor. Eleven medical/surgical beds will be lost due to the renovation of the first floor. In total, the revised scope will result in a loss of bed capacity from 104 beds to 93 beds, for a net decrease of 11 beds.

Southwest Health Villas, Inc., Dallas
AN83-0504-466

NIEH—Request for a declaratory ruling that a certificate of need is not required for Southwest Health Villas, Inc., to acquire by lease Theron Grainger Nursing Home, an existing 69-bed ICF nursing facility located in Hughes Springs, from Theron Grainger Nursing Home, Inc.

Congregation of the Holy Family of Nazareth,
doing business as Mother Frances Hospital, Tyler
AH80-0311-030A(051283)

CN/AMD—Request for an extension of the completion deadline from December 31, 1983, to July 1, 1984, in Certificate of Need AH80-0311-030, which authorized the certificate holder to conduct a construction and renovation project at Mother Frances Hospital including the addition of 101 licensed beds, 37 nursery bassinets, six special care bassinets, and a Level III obstetric and neonatal intensive care service.

St. Luke's Episcopal and Texas Children's
Hospital, Houston
AH81-1221-033A(051383)

CN/AMD—Request for an extension of the completion deadline from July 1, 1983, to October 31, 1983, in Certificate of Need AH81-1221-033, which authorized the certificate holder to renovate 1,000 square feet to accommodate the replacement of equipment in two diagnostic procedures rooms of the cardiac catheterization laboratories.

AMISUB (Collin Memorial Hospital) Inc.,
a Texas corporation and wholly-owned
subsidiary of American Medical International
Beverly Hills, California
AH83-0516-492

NIEH—Request for a declaratory ruling that a certificate of need is not required for AMISUB (Collin Memorial Hospital) Inc., a Texas corporation and wholly-owned subsidiary of American Medical International, to acquire by purchase Collin Memorial Hospital, an existing 168-bed hospital located in McKinney, from Collin County.

Southwest Health Villas, Inc., Dallas
AN83-0504-464

NIEH—Request for a declaratory ruling that a certificate of need is not required for Southwest Health Villas, Inc., to acquire by lease Magnolia Manor Nursing Home, an existing 60-bed ICF nursing facility located in Jefferson, from Magnolia Manor Nursing Home, Inc.

Southwest Health Villas, Inc., Dallas
AN83-0331-270

NIEH—Request for a declaratory ruling that a certificate of need is not required for Southwest Health Villas, Inc., to acquire by lease Mexia Nursing

Home, an existing 40-bed ICF nursing facility located in Mexia, from D. J. and Associates, Inc.

Issued in Austin, Texas, on May 18, 1983.

TRD-833605 John R. Neel
 General Counsel
 Texas Health Facilities
 Commission

Filed: May 18, 1983
For further information, please call (512) 475-6940.

and casualty insurance company. The home office is in Minneapolis, Minnesota.

(5) Application for admission to do business of Great Southwest Fire Insurance Company, a foreign fire and casualty insurance company. The home office is in Scottsdale, Arizona.

Issued in Austin, Texas, on May 13, 1983

TRD-833577 James W. Norman
 Chief Clerk
 State Board of Insurance

Filed: May 17, 1983
For further information, please call (512) 475-2950.

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 Philadelphia Life Insurance Company, a foreign life insurance company. The home office is in Philadelphia, Pennsylvania. The proposed new name is Philadelphia American Life Insurance Company.

(2) Application for incorporation of National Grain Elevator Insurers, Inc., to be a domestic fire and casualty insurance company. The home office is proposed to be in Amarillo.

(3) Application for admission to do business in Texas of Foremost Mortgage Insurance Company, a foreign fire and casualty insurance company. The home office is in Grand Rapids, Michigan.

(4) Application for admission to do business in Texas of NWNL General Insurance Company, a foreign fire

Texas Parks and Wildlife Department Correction of Error

An emergency adoption submitted by the Texas Parks and Wildlife Department contained an error as published in the May 17, 1983, issue of the *Texas Register* (8 Tex-Reg 1622). The first sentence of the preamble of §57.351 should read as follows.

The executive director of the Texas Parks and Wildlife Department adopts on an emergency basis new §57.351, concerning an early closure of the shrimping season in Gulf (outside) waters of the Texas Territorial Sea (nine nautical miles).

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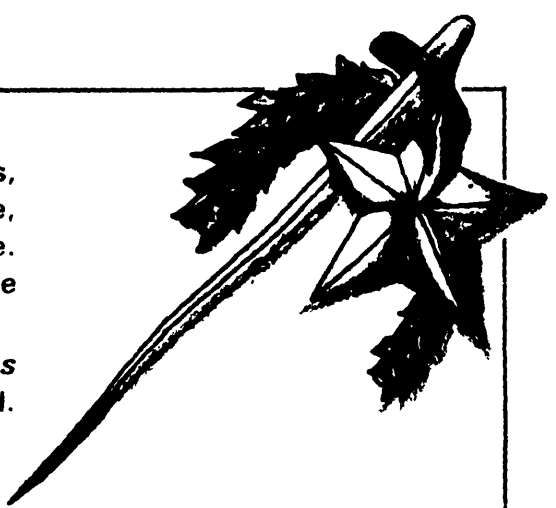
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