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TEXAS REGISTER

In This Issue...

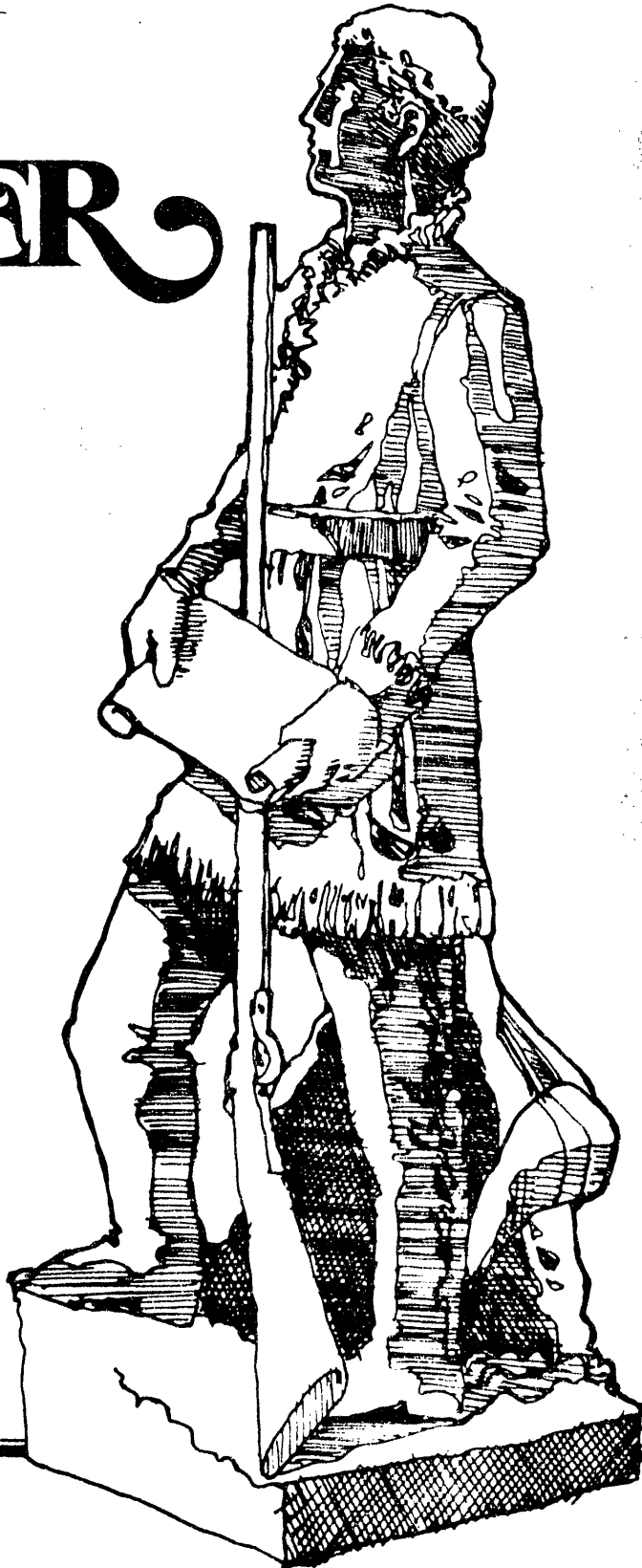
Governor's Budget and Planning Office adopts on an emergency basis amendments concerning the intra-state allocation of financial assistance allotted to Texas under the federal Coastal Energy Impact Program; effective June 10 2393

Board of Chiropractic Examiners proposes adoptions to rules governing the application for and taking of examinations for licensure; proposed date of adoption—July 18 2399

Texas Board of Mental Health and Mental Retardation proposes amendments to rule governing appointments and terms of service of the heads of the facilities and institutions that are administered by the department; proposed date of adoption—July 18 2399

Parks and Wildlife Department adopts the procedural guide for Land and Water Conservation Fund Program; effective date—June 30 2401

Texas Department of Health adopts amendments to rules concerning immunization requirements in child-care facilities; effective date—June 27 2404



Office of the Secretary of State

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

Titles 1, 4, 7, 10, 13, 31, 37, and 43 only of the TAC have now been published. Documents classified in the *Texas Register* to titles not yet published and certain documents affecting titles of the code have been accepted in the non-TAC format and may be renumbered or revised, or both, when initially codified in the TAC.

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

1 is the title (agencies grouped together by subject title which are arranged alphabetically)
TAC is the *Texas Administrative Code*
§27.15 is the section number (27 represents the chapter number and 15 represents the individual rule within the chapter)

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

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 2404 of Volume 4 is cited as follows: 4 TexReg 2404.

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

TEXAS REGISTER



George W. Strake, Jr.
Secretary of State

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The Governor

Appointments

2390 *66th Judicial District*

Emergency Rules

Office of the Governor

2391 *Budget and Planning Office*

Proposed Rules

Office of the Governor

2395 *Budget and Planning Office*

Texas Commission on Alcoholism

2395 *State Planning*

Texas Board of Chiropractic Examiners

2396 *Applications and Applicants*

2398 *Advertising and Public Communications*

Texas Department of Human Resources

2399 *Medical Transportation*

Texas Department of Mental Health and Mental Retardation

2399 *Texas Board of MHMR*

Adopted Rules

Texas Parks and Wildlife Department

2401 *Design and Construction*

Comptroller of Public Accounts

2401 *Tax Administration*

Texas Youth Council

2403 *Reception and Receiving Centers*

Texas Department of Health

2404 *Communicable Diseases*

Texas Department of Human Resources

2407 *AFDC*

2411 *Food Stamps*

2412 *Early and Periodic Screening, Diagnosis, and Treatment*

State Board of Insurance

2412 *Rating and Policy Forms*

Open Meetings

2413 *Texas County and District Retirement System*

2413 *Texas Commission for the Deaf*

2413 *Texas State Board of Dental Examiners*

2413 *State Board of Education*

2414 *Texas Education Agency*

2414 *Office of the Governor*

2414 *Texas Health Facilities Commission*

2414 *Texas Housing Agency*

2414 *Texas Department of Human Resources*

2415 *State Board of Insurance*

2416 *Texas Judicial Council*

2416 *Texas Legislative Council*

2416 *Texas State Board of Medical Examiners*

2416 *Midwestern State University*

2416 *Texas Mohair Producers Board*

2417 *State Board of Nurse Examiners*

2417 *Texas Optometry Board*

2417 *Board of Pardons and Paroles*

2417 *Texas State Board of Pharmacy*

2417 *Public Utility Commission of Texas*

2418 *Texas Real Estate Research Center*

2418 *School Land Board*

2418 *State Securities Board*

2418 *Texas State Soil and Water Conservation Board*

2418 *Statewide Health Coordinating Council*

2419 *Sunset Advisory Commission*

2419 *Commission on Standards for the Teaching Profession*

2419 *Texas Water Commission*

2420 *Texas Water Development Board*

2421 *Texas Water Well Drillers Board*

2421 *Regional Agencies*

In Addition

Texas Air Control Board

2423 *Applications for Construction Permits*

Texas Energy and Natural Resources Advisory Council

2423 *Notice of Contract*

General Land Office

2424 *Consultant Proposal Request*

Texas Health Facilities Commission

2424 *Applications for Declaratory Ruling, Exemption Certificate, and Transfer and Amendment of Certificate*

State Pension Review Board

2425 *Correction of Error*

Texas Savings and Loan Department

2426 *Notice of Interest Rate*

Texas Register

2426 *Notice of Schedule Variation*

Texas Water Commission

2426 *Applications for Waste Discharge Permits*

Index

2428 *TAC Titles Affected in This Issue (Conversion Table)*

2428 *Table of TAC Titles*

Appointments

66th Judicial District

To be district attorney, Hill County, until the next general election and until his successor shall be duly elected and qualified:

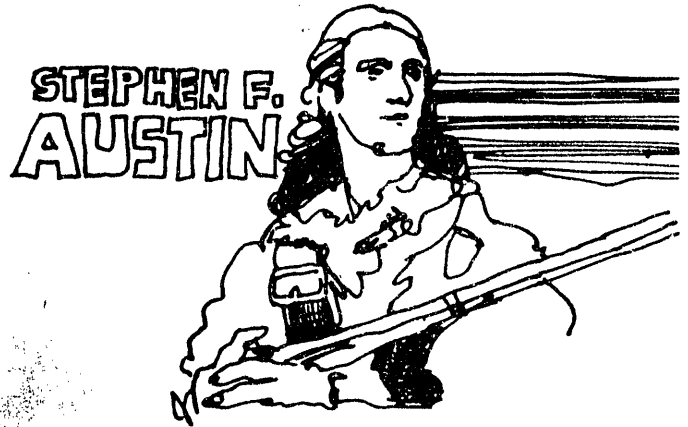
Dan V. Dent
P.O. Box 253
Hillsboro, Texas 76645

Mr. Dent will be replacing Neal T. Jones of Hillsboro, Hill County, who resigned.

Issued in Austin, Texas, on May 30, 1980.

Doc. No. 804452 William P. Clements, Jr.
Governor of Texas

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



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

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

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

CODIFIED

TITLE 1. ADMINISTRATION

Part I. Office of the Governor

Chapter 5. Budget and Planning Office

Intrastate Allocation Procedures for Federal Coastal Energy Impact Program Assistance

The Governor's Budget and Planning Office adopts, on an emergency basis, effective June 10, 1980, amendments to §§5.124, 5.126, 5.129, and 5.130 (001.60.11.004, .006, .009, and .010) concerning the intrastate allocation of financial assistance allotted to the State of Texas under the federal Coastal Energy Impact Program (CEIP). These amendments are necessary to incorporate changes included in new final Coastal Energy Impact Program administrative regulations (15 Code of Federal Regulations Part 931) published by the National Oceanic and Atmospheric Administration in the *Federal Register* on May 21, 1979. In addition, these amendments delete references to the now defunct Natural Resources Council and substitute the Texas Energy and Natural Resources Council as its successor.

These amendments are being adopted on an emergency basis due to the funding schedule imposed by the federal agency.

These amendments are adopted under authority of Article 4413(32a), Vernon's Texas Civil Statutes.

§5.124 (001.60.11.004). *Relationship to the Texas Coastal Management Program*. Coastal Energy Impact Program activities are intended to complement and support work accomplished through the Texas Coastal Management Program, which was organized pursuant to Section 305, or will be organized pursuant to Section 306, of the Coastal Zone Management Act of 1972 as amended (Public Law 92-583).

The Texas Energy and Natural Resources Advisory Council (TENRAC) is the responsible agency for administering the Texas Coastal Management Program. The Budget and Planning Office will work closely with the *Texas Energy and Natural Resources Advisory Council* [Texas Coastal Management Program staff] to ensure that these two functions are coordinated.

§5.125 (001.60.11.005). *Intrastate allocation process requirement.*

(a) (No change.)

(b) Section 931.112 of the final regulations (*Federal Register*, May 21, 1979) [February 23, 1978] requires that an intrastate allocation process be developed by an eligible state and approved by the associate administrator of the Office of Coastal Zone Management. The purpose for these rules is to comply with the intrastate allocation process development requirement and to describe in detail the criteria and methodologies which will be used for allocating the annual share of Coastal Energy Impact Program assistance available to the State of Texas.

(c) (No change.)

§5.126 (001.60.11.006). *Allocation Criteria and Procedures.* Each year the Office of Coastal Zone Management will notify the State of Texas of the amount of assistance available in each funding category. This section describes procedures, criteria, and methods which will be used by the Budget and Planning Office to allocate this assistance each year among eligible applicants within each funding category.

(1) Planning Grants. (Section 308(c)(1) of Public Law 94-370).

(A) (No change.)

(B) Allocation process and formula. A priority point system will be utilized each year in determining a target funding level for planning funds on a county-by-county basis. Each project appearing on the planning inventory utilized by the Office of Coastal Zone Management in establishing the State of Texas allocation for that fiscal year will be rated as indicated on Chart A. After all projects on the Office of Coastal Zone Management Planning Inventory have been rated in this format, target funding levels for each county will be established. County target funding amounts will be the sum of a base amount for each eligible county, plus a proportional amount of the remaining allocation based on the ratio of points for all projects in that county to the total points for all projects in the State of Texas.

(i) Eligible applicants for planning grants. Due to limited planning funds, the size of the area to be covered, and the specific needs of high impact areas, eligible applicants shall be county governments or a county designee, which is a political subdivision of the state and has jurisdiction within that county. In those cases where the county government does not apply for the targeted funds or does not designate an appropriate applicant, the Budget and Planning Office *may* [will] increase the allocations among those eligible counties which desire to participate. Funds necessary for program administration at the state level may be deducted from the total allotment prior to establishing target amounts.

(ii) (No change.)

(2) Public facilities and public services. (Sections 308(d)(1) and (2) of Public Law 94-370).

(A) Purposes and scope. Credit assistance is available in the form of direct loans or guarantees of loans or bonds for the purpose of providing new or improved public

facilities and services required as a result of coastal energy activity, especially when there will be a time lag between the time a facility is needed and the time the new facility and residents are generating local revenues. Eligible applicants for credit assistance will include only units of state or local governments empowered by the Texas Constitution, state law, or local ordinance to accept loans, bond guarantees, and other credit assistance provided through this program. *The term "public service" has a specific meaning for the Coastal Energy Impact Program and is described in Section 931.42(c) of the federal regulations (Federal Register, May 21, 1979). The term "public facility" also has a restricted meaning and is defined in Section 931.42(a) of the federal regulations (Federal Register, May 21, 1979). Types of public facilities, however, which generally qualify for assistance are listed below* [Public facilities and public services which qualify for assistance under this heading are described in federal regulations and include the following]:

(i) (No change.)

(ii) Environmental protection. *Facilities and equipment used to: improve, monitor, or prevent degradation of air, water, noise or solid waste standards; prevent or mitigate damage to environmental or recreational resources; assure the continued viability of fish, shellfish, and wildlife habitat; prevent or control erosion. Land acquisition for environmental protection:* [Facilities and equipment used to monitor or control air and water quality or noise standards, to insure the continued viability of fish, wildlife, and land resources, to prevent or control erosion; land acquisition for environmental protection.]

(iii) Government administration. Facilities and equipment essential for *general* [normal] government administration;

(iv) Health care. Emergency medical facilities and equipment, including ambulances; clinic and hospital buildings and equipment; alcohol and drug abuse centers; emergency shelter and sanitary facilities; *and epidemiological screening or other assistance to assure community health.*

(v)-(vi) (No change.)

(vii) *Public utilities.* [Publicly owned utilities.] Electric generating plants and distribution systems; natural gas distribution systems; solid waste collection systems; waste collection and treatment systems, including drainage; land water supply systems; *and telephone systems.*

(ix) *Housing. Single and multifamily housing owned and operated by a public entity and all necessary public infrastructure to support public housing developments.*

(B) (No change.)

(3) (No change.)

(4) Formula grants. (Section 308(b) of Public Law 94-370).

(A) Purposes and scope. *Formula grants are awarded to the State of Texas annually on the basis of three factors in a formula calculated from the previous fiscal year data. These factors are: newly leased outer continental shelf (OCS) acreage adjacent to Texas, volume of oil and natural gas produced from the federal OCS adjacent to Texas, and volume of oil and natural gas first landed in Texas. Formula grants are the primary source of funding for environmental or recreational losses grants. Formula grants may be used as a second-*

ary source of funding for planning grants or for public facilities and public services assistance. [Formula grants are available for planning, mitigating impacts, and developing public facilities and services as a direct result of outer continental shelf-related energy facility development. These funds are primarily a source of assistance for retiring state or local bonds, if any, guaranteed under §5.126(2) (.006(2)) above. Formula grant funds are also a supplemental source of assistance for carrying out projects and programs which are necessary to provide new or improved public facilities and public services which are required as a direct result of new or expanded outer continental shelf energy activity and for which adequate financing is not available under other provisions of the Coastal Energy Impact Program.]

(B) Allocation process. *Allocation of formula funds will be made in accordance with procedures prescribed for the three types of assistance described above in §5.126(1), (2), (3) (.006(1), (2), and (3)).* [Formula grant funds will be utilized, as necessary, for repayment assistance in accordance with Subpart F (*Federal Register*, February 23, 1978). In addition, formula grant funds may be used as a supplemental source of funding for planning grants, public facilities and public services assistance, or environmental and recreational grants as described in §5.126 (1), (2), (3) (.006(1), (2), and (3)). Allocations for these purposes will be made in accordance with procedures prescribed for each of those purposes.]

§5.129 (001.60.11.009). *Notice of Allocation Recommendations.* After the Budget and Planning Office has screened all applications for accuracy and completeness and has ranked applications in accordance with procedures described herein, a recommended list of applications by funding type will be established. The *Texas Energy and Natural Resources Advisory Council* [Texas Coastal Management Program agency] will verify compatibility and consistency with its coastal management plans and activities. As soon as this verification action is completed, notice of allocation recommendations will be published by funding type in the *Texas Register*.

§5.130 (001.60.11.010) *Appeals Process.*

(a) Method of appeal. Units of local government may appeal the recommendations of the Budget and Planning Office on the basis of:

(1) the results of the allocation decisions, or

(2) whether the Budget and Planning Office complied with the intrastate allocation process described herein.

Appeals must be submitted in writing to the following address and received not later than 30 days after publication of the notice of allocation recommendations in the *Texas Register*: Office of the Governor, Budget and Planning Office, 411 West 13th Street, Austin, Texas 78701. The Budget and Planning Office will screen all appeals, discuss with each appellant the basis for its actions, and, whenever possible, reconcile differences. Appeals which cannot be resolved through direct discussions with the appellant will be referred to a *special appeals officer* [an appeals board].

(b) Appeals officer. *The appeals officer will be appointed by the governor from among the members of the Texas Energy and Natural Resources Advisory Council. Not later than 30 days after the deadline for receipt of written appeals, the appeals officer will hold a hearing. At that time, all applications being appealed, together with supporting documentation and rating scores will be made available to the appeals officer. The appeals of-*

— **ficer, at his or her own discretion, may request additional evidence or exhibits relevant to the appeal. A formal record of the hearing will be produced. The appeals officer will render a written decision on each appeal and the decision will be referred to the budget and planning office. In accordance with provisions of federal regulations (Federal Register, May 21, 1979, Section 931.114), a unit of local government may appeal directly to the associate administrator for coastal zone management to determine whether the Budget and Planning Office complied with this intrastate allocation process. However, an appeal to the associate administrator must be made within 30 days after the unit of local government has exhausted the appeals procedure before the appeals officer.**

[Composition of appeals board. An appeals board will be constituted by the governor or his designee to hear all unresolved appeals and will be composed of one member from the staff of the Budget and Planning Office and two members from the Citizens Advisory Committee to the Natural Resources Council. At least one of the citizen members must be from a coastal county.]

(c) Appeals consideration process. The board will convene at a mutually convenient time, but not later than 15 days after the deadline for receipt of written appeals. All applications being appealed, together with supporting docu-

mentation and rating scores, will be made available to the appeals board. The board may also, at its own discretion, request additional evidence or exhibits relevant to the appeal. A formal record of the appeals board hearing will be produced. The appeals board will render a written decision on each appeal and that decision will be referred to the Budget and Planning Office. In accordance with provisions of federal regulations (Federal Register, February 23, 1978, Section 931.114), a unit of local government may appeal directly to the associate administrator for Coastal Zone Management to determine whether the Budget and Planning Office complied with this intrastate allocation process. However, an appeal to the associate administrator must be made within 30 days after the unit of local government has exhausted the appeals procedure before the appeals board.]

(Editor's note: See chart, page 2394.)

Issued in Austin, Texas, on May 13, 1980.

Doc. No. 804454

Paul T. Wrotenbery, Director
Budget and Planning Office
Office of the Governor

Effective Date: June 10, 1980

Expiration Date: October 8, 1980

For further information, please call (512) 475-6156.

CHART A
Planning Grants

County _____

Facility _____

Points
Assigned _____

IMMEDIACY
OF IMPACTS

TIMING OF FACILITY APPROVAL AND CONSTRUCTION
Approval _____ Construction _____ Completion _____

Construction underway	25
Completion within next fiscal year	20
Approval within current fiscal year	15
Approval within next fiscal year	10
Project in preliminary planning	5

NEEDS
FACTORS

PLANNING NEEDS FACTORS*

$$(PCE + POE) \times \left(N + \left[\frac{S + PD}{2} \right] \right)$$

$$\left(\underline{\quad} + \underline{\quad} \right) \times \left(\underline{\quad} + \left[\frac{\underline{\quad} + \underline{\quad}}{2} \right] \right) = \underline{\quad}$$

Where PCE = Peak Construction Employment
 POE = Peak Operating Employment
 N = Environment Factor
 S = Safety Factor
 PD = Population Density Code

*From Office of Coastal Zone Management Planning Inventory

Under 1,000	score =	1	point for each 100 score
1,000 - 2,999	score =	10	points for each 1,000 score plus 1 point for each 200 score over 1,000
3,000 - 5,999	score =	20	points for each 3,000 score plus 1 point for each 300 score over 3,000
6,000 - 9,999	score =	30	points for each 6,000 score plus 1 point for each 400 score over 6,000
10,000 - 14,999	score =	40	points for each 10,000 score plus 1 point for each 500 score over 10,000
15,000+	score =	50	points

PROTECTION
OF THE
ENVIRONMENT

ENVIRONMENTAL CHARACTERISTICS OF FACILITY
N = _____

If N = 3	score =	25
If N = 2	score =	15
If N = 1	score =	5

Values for N are taken from the Office of Coastal Zone Management Planning Inventory.

TOTAL POINTS _____

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

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

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

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CODIFIED

TITLE 1. ADMINISTRATION

Part I. Office of the Governor

Chapter 5. Budget and Planning Office

Intrastate Allocation Procedures for Federal Coastal Energy Impact Program Assistance

(Editor's note: The Office of the Governor is proposing for permanent adoption the emergency amendments it adopts in this issue. The text of the amendments appear in the Emergency Rules section.)

The Governor's Budget and Planning Office is proposing to amend §§5.124-5.126, 5.129 and 5.130 (001.60.11.004-.006, .009, and .010) concerning the intrastate allocation of financial assistance allotted to the State of Texas under the federal Coastal Energy Impact Program (CEIP). These amendments are necessary to incorporate changes included in new final Coastal Energy Impact Program administrative regulations (15 Code of Federal Regulations Part 931) published by the National Oceanic and Atmospheric Administration in the *Federal Register* on May 21, 1979. In addition, amendments are proposed which delete references to the now defunct Natural Resources Council and substitute the Texas Energy and Natural Resources Council as its successor.

The Budget and Planning Office staff has determined that issuing these amended sections will not have a new or additional fiscal impact.

Public comments on the proposed amendments to §5.124 (001.60.11.004) are invited. Comments should be submitted in writing to Paul T. Wrotenbery, Budget and Planning Office, 411 West 13th Street, Austin, Texas 78701.

These amendments are proposed under authority of Article 4413(32a), Vernon's Texas Civil Statutes.

Issued in Austin, Texas, on May 13, 1980.

Doc. No. 804455 Paul T. Wrotenbery, Director
Budget and Planning Office
Office of the Governor

Proposed Date of Adoption: July 18, 1980

For further information, please call (512) 475-6156.

NONCODIFIED

Texas Commission on Alcoholism State Planning 303.04.00

The Texas Commission on Alcoholism proposes to amend Rule 303.04.00.001, which adopts by reference the 1980-81 Texas State Plan for the Prevention, Treatment, and Control of Alcohol Addiction and Abuse. The amendment as proposed updates the 1979 state plan and addresses progress made toward meeting the goals and objectives during 1979. The action plan addresses goals and objectives to be met during the 1980-81 project period. The other section containing rules in the plan is the introduction.

It has been determined by commission staff that there are no fiscal implications in the plan for the state during fiscal year 1981.

Public comment on the proposed amendments to Rule .001 is invited. Comments may be submitted by telephoning the office of the commission at (512) 475-2577, or by writing to the commission at the Sam Houston State Office Building, 8th floor, Austin, Texas 78701.

These amendments are proposed under the authority of Article 5561c, Texas Civil Statutes, and are proposed for adoption on July 18, 1980.

.001. *State Plan*. In compliance with Public Law 94-371, this rule adopts by reference all rules contained in the **1980-81 Texas State Plan for the Prevention, Treatment, and Control of Alcohol Addiction and Abuse** [1979 Texas State Plan for the Prevention, Treatment, and Control of Alcohol Abuse and Alcoholism] which is attached to this rule as Exhibit A, and is available upon request at the offices of the Texas Commission on Alcoholism, **eighth floor**, [809] Sam Houston State Office Building, Austin, Texas 78701, and for public inspection at the Texas Register Division of the Office of the Secretary of State, located on the fifth floor, Sam Houston State Office Building, Austin, Texas 78701.

Issued in Austin, Texas, on June 10, 1980.

Doc. No. 804489 Ross Newby
Executive Director
Texas Commission on Alcoholism

Proposed Date of Adoption: July 18, 1980

For further information, please call (512) 475-2577.

Texas Board of Chiropractic Examiners

Applications and Applicants

380.01.00.001-.005

(Editor's note: The texts of the following rules proposed for repeal will not be published. The rules may be examined in the offices of the Texas Board of Chiropractic Examiners, Building H-103, 5555 North Lamar, Austin, or in the Texas Register Division offices, 503E Sam Houston Building, Austin.)

The Texas Board of Chiropractic Examiners proposes the repeal of its existing rules governing the application for and the taking of examinations for licensure given by the board. The board has proposed new and more comprehensive rules to replace these existing ones.

There are no fiscal implications as a result of this proposed repeal. No sources other than the members of the board have been consulted in determining that the proposed repeal has no fiscal implications.

Public comment on the proposed repeal is invited. Comments may be submitted to Kevin Holcomb, executive secretary, State Board of Chiropractic Examiners, 5555 North Lamar, Building H-103, Austin, Texas 78751.

This repeal is proposed under the authority of Article 4512b, Texas Revised Civil Statutes.

- .001. *Place of Examination.*
- .002. *Date of Examinations.*
- .003. *Application for Examination.*
- .004. *Form of Application.*
- .005. *Rule of Order.*

Doc. No. 804486

380.01.00.006-.017

The State Board of Chiropractic Examiners proposes to adopt Rules 380.01.00.006-.017 governing the application for and taking of examinations for licensure given by the Board of Chiropractic Examiners.

There are no fiscal implications as a result of these proposed rules. No sources other than the members of the board have been consulted in determining that these proposed rules have no fiscal implications.

Public comment on these proposed rules is invited. Comments may be submitted to Kevin Holcomb, executive secretary, State Board of Chiropractic Examiners, 5555 North Lamar, Building H-103, Austin, Texas 78751.

These rules are proposed under the authority of Articles 4512b and 4590c-1, Section 3, Texas Revised Civil Statutes.

.006. *Definitions.*

- (a) "Applicant" means an individual who applies to take the examination for licensure given by the board.
- (b) "Board" means the Texas Board of Chiropractic Examiners.
- (c) "Board member" means one of the appointed members of the decision-making body defined herein as the board.
- (d) "Examinee" means an individual who has been approved and admitted to take the examination given by the board.

(e) "Executive secretary" means the executive secretary of the board.

.007. *Application for License.*

(a) All individuals who wish to practice chiropractic in this state, and who are not otherwise licensed under law, must successfully pass an examination given by the board.

(b) Individuals who seek to take such examination shall submit to the executive secretary a written application, on a form provided by the board, accompanied by a nonrefundable college credits verification fee of \$50 and an examination fee. The information contained in the application shall be verified by affidavit of the applicant. The college credits verification fee and the examination fee shall be in the form of a bank-certified check, cashier's check, or money order and shall be payable to the order of the board.

(c) Applications for examination must be printed in ink or typewritten on the board form, which will be furnished by the executive secretary upon request.

(d) The completed application, required supporting materials, and fees must be received by the executive secretary in verified form not later than 60 days before the first day of the examination. Under extenuating circumstances, the executive secretary, at his or her discretion, may accept material supporting the application later than 60 days before the examination.

(e) The filing of an application and tendering of the fees to the executive secretary shall not in any way obligate the board to admit the applicant to examination until such application has been approved by the board as meeting the statutory requirements for admission to the examination for licensure.

(f) The examination fee for those applicants who are not utilizing their National Board of Chiropractic Examiners certificate shall be \$50. The examination fee for those applicants who are utilizing their National Board of Chiropractic Examiners certificate shall be \$100.

.008. *Qualifications of Applicants.*

(a) All applicants shall have attained the age of 21 years, shall be of good moral character, and shall be graduates of bona fide reputable chiropractic schools.

(b) All applicants shall have completed the number of college courses and credits required by Article 4512b, Section 10, and Article 4590c-1, Texas Revised Civil Statutes.

(c) All applicants shall submit evidence sufficient for the executive secretary to determine that an applicant has met all the requirements specified in these rules, and any other information reasonably required by the board.

.009. *Qualifications of Examiners.*

(a) An applicant, to be eligible to take the examination given by the board, must not only meet the requirements specified in Rule .008 above, but must also be prepared to demonstrate to the executive secretary and the board that such applicant is not disqualified from taking the examination for any of the reasons set forth in Article 4512b, Section 14a, Texas Revised Civil Statutes.

(b) If the executive secretary or any board member has sufficient reason to believe that an applicant does not meet the requirements of Articles 4512b and 4590c-1, Texas Revised Civil Statutes, then the executive secretary or such board member may request the president to call a hearing to determine whether the applicant is qualified to take the examination.

(c) The board or one or more board members appointed by the president may conduct such hearing in accordance with the procedural rules of the board.

.010. Approved Chiropractic Schools and Colleges. The board shall annually review and approve those chiropractic schools whose graduates are eligible for examination and licensure under the provisions of Article 4512b, Section 10, Texas Revised Civil Statutes.

.011. Time, Place, and Scope of Examination.

(a) Regular examinations for licensure shall be given twice a year, once in January and once in July. Other examinations may be given by the board at other times in its discretion. All examinations shall be conducted in the English language. All examinations shall be held in the City of Austin, Texas, unless otherwise directed by the board. The board shall set the date, time, and place of each examination. A schedule of each examination session will be furnished to each examinee at the beginning of the examination.

(b) The examination shall consist of two parts, a written part, and a practical and theoretical part.

(c) Examinees shall not be permitted to bring any books, notes, journals, or other help into the examination room, nor to communicate by word or sign with another examinee while an examination is in progress without permission of the presiding examiner and within hearing of a designated representative of the board; nor shall an examinee leave the examination room except when so permitted by the presiding examiner.

(d) All examinees shall be known to the examiners only by number given to each examinee prior to the taking of the examination. There shall be no names or other method of identification on examination papers by which board members may be able to identify examinees until such time after the examinations have been graded.

(e) A license shall not be issued by the board to any examinee who has been detected in a deceptive or fraudulent act while an examination is in progress. One designated representative of the board shall be in the examination room at all times while an examination is in progress.

.012. Written Examination.

(a) The subjects on which an examinee shall be examined in the written portion of the examination are anatomy, chemistry, pathology, bacteriology, physiology, public health, hygiene, symptomatology, and analysis of the human spine.

(b) Examinees may also be examined on the laws and board rules governing the practice of chiropractic in this state.

(c) The type of questions will be true-false, multiple choice, or essay. Certain time periods shall be assigned to each subject for completion.

.013. Practical and Theoretical Examination.

(a) The subject on which an examinee shall be examined in the practical and theoretical portion of the examination are x-ray diagnosis, orthopedic/neurological, and clinical competence.

(b) The practical and theoretical portion of the examination may be conducted orally, with the examinee responding to questions posed by one or more board members and appointed assistants sitting as an examination panel.

.014. Grade Requirements.

(a) An examinee, in order to become licensed by the board, must make a grade of not less than 60 in any subject given and a general average of 75 in all subjects given.

(b) Each board member shall determine the credit to be given on the answers to the subjects prepared by said board member, with final review and approval by the board. The discretion of the board on examination matters shall be final.

.015. Re-Examinations.

(a) An examinee who fails to satisfactorily pass an examination shall be permitted to take a subsequent examination upon such subjects required in the original examination in which the examinee did not make a grade of 75 or better, provided the examinee applies for re-examination and pays a \$50 re-examination, and provided further that the examinee takes the subsequent examination not later than one year from the date of his or her original examination. An examinee shall be required to make a grade of 75 or better in each such subject in which he or she is re-examined. If an examinee fails to make a grade of 75 or better in each of the subjects in which he or she is re-examined in the subsequent examination, the examinee, regardless of the grades made by him or her in the original or subsequent examination, must retake and satisfactorily pass an examination in all subjects in both the written part and the practical and theoretical part in order to be eligible for licensure.

(b) An examinee who fails to satisfactorily pass an examination, who does not apply for re-examination and pay the required re-examination fee within one year, and who does not take a subsequent examination not later than one year from the date of his or her original examination, must retake and satisfactorily pass an examination in all subjects in both the written part and the practical and theoretical part in order to be eligible for licensure.

.016. Notification of Grades. Within 60 days from the date of the examination, the executive secretary shall notify each examinee of the general average made on the examination and whether the examinee has passed or failed. The grades made in each subject shall be available upon request.

.017. Disqualification To Take Examination.

(a) An applicant who wishes to take an examination given by the board but who has been disqualified for failure to comply with these rules or for failure to meet the requirements of Article 4512b and 4590c-1, Texas Revised Civil Statutes, shall be entitled to a hearing in accordance with the procedural rules of the board upon written request for a hearing made to the executive secretary by the applicant.

(b) If a hearing is requested by an applicant, the president of the board shall appoint one or more members of the board to conduct a hearing on whether the applicant is qualified to take the examination.

(c) The hearing shall be held within 60 days from the date of an applicant's written request for hearing is received by the executive secretary. The applicant shall be given at least five days notice of the date, time, and place of the hearing unless such notice is waived in writing by the applicant. If practicable, the hearing should be held before the time of the examination which applicant has applied to take. The applicant will be entitled to appear at the hearing and present evidence and be examined under oath.

(d) The decision of the member or members of the board appointed to conduct the hearing shall be final unless and until set aside by the board or by a court of competent jurisdiction.

Doc. No. 804487

Advertising and Public Communications 380.05.00

The State Board of Chiropractic Examiners proposes to adopt Rules 380.05.00.001-.005 governing advertising and public communications by chiropractors.

There are no fiscal implications as a result of these proposed rules. No sources other than the members of the board have been consulted in determining that these proposed rules have no fiscal implications.

Public comment on these proposed rules is invited. Comments may be submitted to Kevin Holcomb, executive secretary, State Board of Chiropractic Examiners, 5555 North Lamar, Building H-103, Austin, Texas 78751.

These rules are proposed under the authority of Articles 4512b, Texas Revised Civil Statutes.

.001. Definitions.

(a) "Board" means the Texas Board of Chiropractic Examiners.

(b) "Executive secretary" means the executive secretary of the Texas Board of Chiropractic Examiners.

(c) "Licensee" means a person who is licensed to practice chiropractic in the State of Texas by the Texas Board of Chiropractic Examiners.

(d) "Print media" means newspapers, magazines, classified telephone directories, city, county, and suburban directories, and all other similar publications.

(e) "Public communication" means any written, printed, visual, or oral statement or other communication made to or distributed, or intended for distribution, to a member of the general public or the general public at large.

.002. *Publicity.* A licensee shall not, on behalf of himself, his partner, associate, or any other licensee affiliated with him, use or participate in the use of any form of public communication which:

(1) contains a false, fraudulent, misleading, deceptive, self-laudatory or unfair statement or claim, or which has the tendency or capacity to mislead or deceive the general public;

(2) contains a statement of opinion as to the quality of chiropractic practice or services, or contains a representation or implication regarding the quality of chiropractic practice or services which is not susceptible of reasonable verification by the public;

(3) contains statistical data or other information based on past performance or prediction of future success;

(4) contains a testimonial about or endorsement of a licensee, or utilizes case histories of a licensee's patients, or of patients of other licensees;

(5) contains a statement or statements, or such other information or data, which is intended or is likely to attract patients by use of showmanship, puffery, self-laudation or hucksterism, including, but not limited to, the use of drawings, illustrations, animations, portrayals, dramatization,

slogans, jingles, music lyrics, pictures or photographs, or sensational language or format;

(6) contains a statement or otherwise names functional disorders of the human body without relating same to the licensed practice of chiropractic;

(7) contains a statement which clearly fails to differentiate a chiropractic office or clinic from any other business or enterprise;

(8) contains a statement or otherwise utilizes the word "clinic" unless more than one licensee is practicing in the office to which reference is made.

(9) contains a statement which denotes or implies procedures whereby needles are utilized for treatment purposes, or otherwise uses or employs the terms "acupuncture," "acupressure," "acupuncture," or any other term containing the prefix "acu" in connection therewith.

.003. *Advertising Guidelines.* In order to facilitate the process of informed selection of a chiropractic practitioner by potential consumers of chiropractic treatments and services, a licensee may publish or broadcast the information enumerated herein, in print media or over radio or television. The following information may be published or broadcast in a dignified manner:

(1) name, including the name of the clinic where appropriate, and the names of other licensees associated with the clinic;

(2) office addresses and telephone number;

(3) age or date and place of birth;

(4) date of licensure by this state;

(5) membership in international, national, state or local chiropractic associations;

(6) foreign language ability;

(7) whether credit cards or other credit arrangements are accepted;

(8) office and telephone answering service hours;

(9) information concerning the opening of a new office or clinic, the change of address or location of an office or clinic, and the acquisition of new associates;

(10) fee for initial consultation, provided that if the time for the consultation is to be limited, any such limitation on the time shall be stated in the advertisement;

(11) a statement that a schedule of fees or an estimate of fees to be charged for specific treatments or services will be available on request;

(12) fixed fees for specific chiropractic treatments and services.

.004. *Advertisement of Fees.*

(a) If a licensee advertises a fee for a chiropractic treatment or service, the licensee must render that treatment or service for no more than the fee advertised.

(b) Unless otherwise specified in the advertisement, if a licensee publishes any fee information in a publication that is published more frequently than one time per month, the licensee shall be bound by any representation made therein for a period of not less than 30 days after such publication. If a licensee publishes any fee information in a publication that is published once a month or less frequently, the licensee shall be bound by any representation made therein until the publication of the succeeding issue. If a licensee publishes any fee information in a publication which has no fixed date for publication of a succeeding issue, the licensee shall be bound by any representation made therein for a reasonable period of time after publication, but in no event less than 90

days. If fee information is disseminated by radio or television broadcast, the licensee shall be bound by any representations made in such broadcasts for a period of 90 days thereafter.

.005. Miscellaneous.

(a) A licensee shall not compensate or give anything of value to representatives of the press, radio, television, or other communication medium in anticipation of or in return for professional publicity in a news item or items.

(b) If an advertisement or prepared announcement is communicated to the public over radio or television, it shall be prerecorded, approved for broadcast by the licensee, and the recording of the actual transmission shall be retained by the licensee for at least two years from date of its publication and broadcast, and the licensee shall contract with the radio or television station for the preservation of each recording of the transmission by the station for a period of not less than two years.

Issued in Austin, Texas, on June 10, 1980.

Doc. No. 804488 Kevin Holcomb
Executive Secretary and Counsel
Texas Board of Chiropractic Examiners

Proposed Date of Adoption: July 18, 1980
For further information, please call (512) 453-1703, 472-6248.

been revised to ring it up to date with current policy. Also, since each contract is different with respect to definite specifications, it is felt that a sample copy of the standard contract should not be in the agency rules.

The department no longer uses the procedures set forth in Rule .401, Plan of Operation Changes, or the procedures or terminology set forth in Rule .402, Capitation Contracts. Therefore, the repeal of these rules will remove unnecessary, outdated information from the agency rules.

The department is currently preparing to revise all its medical transportation rules to remove obsolete material and to update and clarify medical transportation policy.

The department has determined that the proposed repeals will have no fiscal implications for the state or units of local government.

Written comments are invited and may be sent to Susan L. Johnson, administrator, Handbook and Procedures Development Division—216, Department of Human Resources, P.O. Box 2960, Austin, Texas 78769, within 30 days of publication in this *Register*.

The repeal of the following rules is proposed under the authority of the Human Resources Code, Title II.

- .400. *Contractual Agreement for Medical Transportation.*
- .401. *Plans of Operation Changes.*
- .402. *Capitation Contracts.*

Issued in Austin, Texas, on June 10, 1980.

Doc. No. 804482 Jerome Chapman
Commissioner
Texas Department of Human Resources

Proposed Date of Adoption: July 18, 1980
For further information, please call (512) 441-3355.



Texas Department of Human Resources

Medical Transportation

Support Documents 326.43.99

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

The Texas Department of Human Resources proposes the repeal of Rules 326.43.99.400-.402 pertaining to the contractual agreements for medical transportation in the Medical Transportation Program. The contractual agreement in the rules is a sample agreement and is no longer used in that form. The standard contract for medical transportation has

Texas Department of Mental Health and Mental Retardation

Texas Board of MH/MR

Appointment and Service of Heads of Institutions and Facilities That Are Administered by the Texas Department of Mental Health and Mental Retardation 302.01.07

The Texas Board of Mental Health and Mental Retardation is proposing to amend Rule 302.01.07.004, which governs the appointments and terms of service of the heads of facilities and institutions that are administered by the Texas Department of Mental Health and Mental Retardation. The board approved the proposed amendment at its May 30, 1980, meeting.

The proposed amendment to Rule .004 would add a new subsection (c) to the rule. The new subsection (c) would provide that, subject to the commissioner's statutory authority to terminate the employment of the head of a facility or institution at any time, the employment of a person who has been appointed or reappointed as the head of a facility or institution that is administered by the department shall terminate at the end of a four-year period. The new subsection (c) would also contain language that specifies, based on the date when

a person was appointed or reappointed as the head of a facility or institution, when the employment of the head of a facility or institution will terminate unless there is a reappointment.

The effect of the proposed amendment would be that all appointments and reappointments of persons as the heads of facilities and institutions administered by the department are time limited and expire at the end of a four-year period unless there is a reappointment. The new subsection (c) would also contain language to make clear that nothing in the subsection should be construed or interpreted as granting to the head of a facility or institution administered by the department any expectation of continued employment, including but not limited to any expectation of continued employment unless cause for termination can be shown, and that the section is in no way intended to diminish or modify the statutory authority of the commissioner to terminate, without cause or notice and at any time, the employment of a person who serves as the head of a facility or institution administered by the department.

The proposed amendment to Rule .004 will have no known fiscal implications for the state or for units of local government (source: Legal and Claims Division).

Public comment on the proposed amendment to Rule .004 is invited. Persons may submit their comments by writing to John J. Kavanagh, M.D., commissioner, Texas Department of Mental Health and Mental Retardation, P.O. Box 12668, Austin, Texas 78711, or by telephone at (512) 454-3761.

The proposed amendment to Rule .004 is proposed under the authority of Section 2.11(a) of Article 5547-202, Texas Civil Statutes.

.004. Appointments; Term of Service.

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

(c) Subject to the commissioner's statutory authority to terminate the employment of the head of a facility or institution at any time, the employment of a person who has been appointed or reappointed as the head of a facility or institution administered by the department shall terminate

at the end of a four-year period unless the person is reappointed. The employment of a person appointed as the head of a facility or institution administered by the department before October 15, 1980, shall terminate on the next anniversary date of his or her appointment after October 15, 1980, unless the person is reappointed; provided, however, if a person who was appointed as the head of a facility or institution before October 15, 1980, has not served in that capacity for four years at the next anniversary date of his or her appointment after October 15, 1980, then the person's employment shall terminate on the fourth anniversary date of his or her appointment unless the person is reappointed. The employment of a person appointed as the head of a facility or institution administered by the department after October 15, 1980, shall terminate at the end of a four-year period unless the person is reappointed. Nothing in this subsection shall be construed or interpreted as granting to the head of a facility or institution administered by the department any expectation of continued employment, including but not limited to an expectation of continued employment unless cause for termination can be shown. The purpose of this subsection is simply to provide that all appointments and reappointments of persons as the heads of facilities and institutions administered by the department are time limited and expire at the end of a four-year period, or as otherwise provided in this subsection, unless there is a reappointment. This subsection is in no way intended to diminish or modify the statutory authority of the commissioner to terminate, without cause or notice and at any time, the employment of a person who serves as the head of a facility or institution administered by the department.

Issued in Austin, Texas, on June 9, 1980.

Doc. No. 804424

L. Gray Beck
Chairman

Texas Board of Mental Health and
Mental Retardation

Proposed Date of Adoption: July 18, 1980

For further information, please call (512) 454-3761, ext. 241.

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

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

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

CODIFIED

TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part II. Texas Parks and Wildlife Department

Chapter 61. Design and Construction

Procedural Guide for Land and Water Conservation Fund Program

The amendments to §61.81 (127.50.05.001) are adopted pursuant to the authority of Section 13.302 through 13.312, Texas Parks and Wildlife Code, and Public Law 88-578.

§61.81 (127.50.05.001). *Application Procedures.*

(a) The Texas Parks and Wildlife Department adopts the procedural guide for Land and Water Conservation Fund Program, as published in August 1978, and as amended in January 1980, by reference. The department is the state agency designated to cooperate with the federal government in the administration of the provisions of the Land and Water Conservation Fund Act of 1965. This procedural guide is designed to assist local governments in making application for federal funds, and describes the rules and regulations governing the disbursement of such funds.

(b) Copies of the procedural guide are available at the Parks and Wildlife Department, 4200 Smith School Road, Austin, Texas 78744.

Doc. No. 804414

Guidelines for Administration of Texas Local Parks, Recreation, and Open Space Fund Program

The Texas Parks and Wildlife Department adopts §61.131 (127.50.09.001) under the authority of Section 24.005, Texas Parks and Wildlife Code.

§61.131 (127.50.09.001). *Policy.* It is the Texas Parks and Wildlife Commission policy that the executive director shall administer local projects in accord with the following guidelines with interpretation of intent to be made to provide the greatest number of outdoor recreational opportunities for Texas in accord with priorities of the Texas Outdoor Recreation Plan. In keeping with this policy, local projects will not be approved from both the Texas Local Parks, Recreation, and Open Space Fund and the Federal Land and Water Conservation Fund Program unless extraordinary circumstances dictate that high priority public needs will not be met without the full or partial funding of both programs.

(1) Section 61.81 (127.50.05.001), the procedural guide for Land and Water Conservation Fund Program, is adopted for the Texas Local Parks, Recreation, and Open Space Fund Program.

(2) Section 61.121 (127.50.08.001), guidelines for administration of Local Land and Water Conservation Fund projects, is adopted for the Texas Local Parks, Recreation, and Open Space Fund Program, except all references to the state liaison officer shall mean the executive director.

Issued in Austin, Texas, on June 6, 1980.

Doc. No. 804415 Charles D. Travis
Executive Director
Texas Parks and Wildlife Department

Effective Date: June 30, 1980

Proposal Publication Date: March 11, 1980

For further information, please call (512) 475-4951.

TITLE 34. PUBLIC FINANCE

Part I. Comptroller of Public Accounts

Chapter 3. Tax Administration

Subchapter O. Sales Tax Division—State Taxes

Under the authority of Texas Taxation—General Annotated Article 20.11(A), the Comptroller of Public Accounts has adopted §3.291 (026.02.20.011) to read as follows:

§3.291 (026.02.20.011) *Contracts: (Texas Taxation—General Annotated, Article 20.01(T); 20.04(H) and (Y).*

(a) *Definitions.*

(1) "Agreed contract price of materials" means the price specified in the contract for the materials plus any additional charges directly attributable to the materials. For example, profit calculated as a percentage of the cost of materials, mark up or handling charges related directly to the materials charge are includable in the agreed contract price. A charge calculated as a percentage of the total contract cost will not be considered a part of the material's selling price. The agreed contract price of materials cannot be less than the price the contractor paid for materials.

(2) "Contractor" means any person who improves real estate and who, in making such improvement, incorporates tangible personal property into property being improved.

The term includes subcontractors but does not include material men and suppliers.

(3) "Improvements to realty." See §3.347 (.067) for the definition of "Improvements to realty."

(4) "Lump-sum contract" means a contract in which the agreed contract price is one lump-sum amount and in which the charges for materials are not separate from the charges for skill and labor. If the contract is a "lump-sum contract," the method of invoicing is irrelevant.

(5) "Separated contract" means a contract in which the agreed contract price is divided into a separately stated agreed contract price for materials and a separately stated agreed contract price for skill and labor. If prices of materials and labor are separately stated, the fact that the charges are added together and a sum total given is irrelevant. Cost-plus contracts are generally regarded as separated contracts.

(b) Tax responsibilities of contractors improving real property belonging to nonexempt customers.

(1) Consumable supplies and equipment. Tax must be paid by a contractor at the time of purchase on those supplies, tools, and equipment used to perform a contract but which are not physically incorporated into the property of a customer. The contractor may not collect tax from the customer on the charges for consumables.

(2) Lump-sum contracts.

(A) Contractors performing lump-sum contracts are consumers of all materials, supplies, and equipment used or incorporated into a customer's property. As a consumer, a contractor must pay tax to suppliers at the time the materials are purchased. A contractor will not collect tax from a customer on a lump-sum charge or on any portion of the charge.

(B) Contractors who, in addition to performing lump-sum contracts, sell taxable items over the counter or who also perform separated contracts, may maintain a tax-free inventory of items held for resale. Items purchased exclusively for resale may be purchased tax-free by issuing a resale certificate to suppliers in lieu of tax. A contractor must hold a Sales Tax Permit to issue a resale certificate, and must collect, report and remit tax to the comptroller as required by §3.286 (.006)—Seller's Responsibilities, when items purchased for resale are sold.

(C) If the contractor incorporates materials from the resale inventory into a lump-sum contract, the contractor owes tax on the materials based upon the purchase price of the materials. The tax should be remitted to the comptroller for the reporting period in which the materials were used. A contractor purchasing items specifically for use in a lump-sum contract may not issue resale certificates in lieu of tax for such items.

(D) Contractors performing lump-sum contracts for persons having direct payment permits may not accept a direct payment exemption certificate from those persons in lieu of tax. Direct payment permit holders cannot authorize the contractor or any other person to purchase any taxable item using their permit. See §3.288 (.008)—Direct Payment Procedures.

(3) Separated contracts.

(A) Contractors performing separated contracts are considered retailers of all materials physically incorporated into the realty being improved. As a retailer, a contractor must collect tax from the customer based upon the agreed contract price of the materials.

(B) Contractors performing separated contracts must hold sales tax permits and collect, report, and remit the tax as required by §3.286 (.006)—Seller's Responsibilities. Contractors purchasing materials specifically for incorporation into realty under separated contracts may issue suppliers a resale certificate in lieu of tax. See §3.285 (.005)—Sales for Resale.

(C) A contractor may maintain an inventory of materials upon which tax was paid to suppliers at the time of purchase. If these materials are used to perform a separated contract or are sold over the counter, the contractor shall collect tax from the customer based upon the agreed contract price of the materials. Tax is due and must be remitted to the comptroller on any difference between the price paid by the customer and the price paid by the contractor. See §3.338 (.058)—Allowance of Credit for Tax Paid to Suppliers.

(D) Contractors performing separated contracts for persons having direct payment permits may accept a direct payment exemption certificate from those persons in lieu of tax for all tangible personal property incorporated into customer's realty. A direct payment exemption certificate may not be accepted for tax liability incurred by the contractor on machinery or equipment rented or leased by the contractor and used in the performance of the contract. See §3.288 (.008)—Direct Payment Procedures.

(4) Materials furnished by customers. A contract may specify that a customer will furnish materials and the person performing improvements will furnish the skill and labor necessary to perform the contract. Under this type of contract, the person furnishing the skill and labor will not incur tax liability on the materials. The customer is liable for the tax on the materials. The tax should be paid to the supplier when the materials are purchased.

(5) A person who manufactures an item for sale but does not install the item as an improvement to realty is a manufacturer subject to provisions of §3.300 (.020)—Manufacturing, Custom Manufacturing, Fabricating, Processing. Example: cabinet makers or drapery makers who do not affix the cabinets or draperies to realty as a part of a construction contract.

(6) A contractor's responsibility for local sales, and use taxes depends upon the type of contract used. See local §3.379 (.009)—Contractors.

(c) Tax responsibilities of contractors improving real property for exempt customers.

(1) Exempt customers are those listed in Texas Taxation—General Annotated, Article 20.04(H). Contractors improving realty for an organization claiming an exemption from tax under Article 20.04(H) should obtain a properly completed exemption certificate to substantiate the exemption. (An exemption certificate is not required for contracts with federal or state agencies.) If the validity of the exemption is not clear, a contractor cannot accept the exemption certificate in good faith and should request additional evidence of the exempt status of the organization. A sales tax letter of exemption from the comptroller addressed to an organization is evidence of its exempt status and will relieve a contractor from further inquiry, except under the circumstances set out in subsection (c)(2), below.

If a contractor claims an exemption in lieu of paying tax on a purchase by reason of performing a contract with an exempt organization and the comptroller subsequently determines the organization is not exempt, the contractor shall be liable for all taxes, penalties, and interest accruing upon such:

purchase unless the contractor accepted in good faith a properly completed exemption certificate.

(2) A prime contract with a private party or an exempt entity to improve real property belonging to an exempt entity for the primary use and benefit of the private party is not a contract exempt from sales or use tax. Materials may be purchased tax free only when a prime contractor has a contract with an exempt entity to improve realty for the direct use of the exempt entity and any required exemption certificate has been obtained.

(3) Materials furnished by exempt customers. A contract may specify that a customer which is an organization exempt from tax under Article 20.04(H) will furnish the materials and the contractor will furnish the skill and labor necessary to perform the contract. Under this type of contract, the contractor will not incur tax liability on materials. The customer may issue an exemption certificate to suppliers in lieu of tax when purchasing the materials, unless the contract for improvements is of the type outlined in subsection (c)(2) of this section or for improvements that are unrelated to the activity which qualifies the customer for exemption. In either of the last two cases, the exempt customers must pay tax to suppliers at the time the materials are purchased. See also §3.322 (.042)—Exempt Organizations.

(4) Transactions exempt from sales and use taxes include:

(A) The purchase by a contractor of all materials, supplies, equipment, and other tangible personal property incorporated into the property being improved.

(B) The purchase, rental, or lease by a contractor of all materials, supplies, equipment, and other tangible personal property directly used to incorporate such materials into the property being improved.

(5) Transactions on which sales and use taxes are due: the purchase, rental or lease by a contractor of overhead supplies and supplies used indirectly or incidentally to perform a contract with an exempt organization.

(6) An exemption certificate may be issued to suppliers for the purchase, rental, or lease by a contractor of those items identified in subsection (c)(3). See §3.287 (.007)—Exemption Certificates. Under "reasons said purchaser is claiming this exemption," a contractor must identify the exempt entity and the project for which the equipment, materials and supplies are being purchased or rented.

(7) Nonexempt uses of equipment; tax due; method of computation:

(A) The purchase, rental, or lease of equipment for use in performing a nonexempt contract is subject to tax. No credits, refunds, or offsets of tax are applicable if the equipment is subsequently used in performing an exempt contract.

(B) If a contractor purchases, rents, or leases materials or supplies tax free for use in performing a contract with an exempt organization and uses the items in some manner or for some purpose other than the improvement to realty for an exempt organization, the contractor is, at the time of such nonexempt use, liable for tax based upon the purchase price of the items. The tax should be reported and remitted to the comptroller for the reporting period in which the taxable use occurred. For local tax responsibilities, see local §3.377 (.026.02.22.007)—Purchaser's Liability—Exemption Certificates.

(C) Equipment purchased for use on an exempt job and subsequently used on a nonexempt job is subject to tax for the period of nonexempt use. The amount of tax due shall be based on the equipment's value, as determined by straight-line depreciation, for the period of nonexempt use.

When a piece of equipment or machinery has been depreciated to 10% of its cost, this 10% of cost figure times the period of nonexempt use will be used as its taxable value for any and all future periods of nonexempt use.

The total amount of tax due from the nonexempt use of machinery or equipment initially purchased tax free by the issuance of an exemption certificate shall never exceed the total amount of tax that would otherwise have been due at the time of purchase.

(D) To qualify for exemption from tax on materials, supplies, and/or equipment claimed to have been used in the performance of exempt contracts, a contractor must keep records which clearly substantiate such exempt use. The records must identify the item claimed to be exempt, and designate each job upon which it has been used. To qualify for a partial exemption from tax on equipment claimed to have been used on both exempt and nonexempt jobs, the records must identify the equipment, designate each job upon which it has been used, and indicate the date of use and the length of time the equipment was used on each exempt or nonexempt job. Tax is due on the full purchase price of the materials, supplies, and/or equipment unless such records are maintained.

Issued in Austin, Texas, on June 11, 1980.

Doc. No. 804499

Bob Bullock

Comptroller of Public Accounts

Effective Date: July 1, 1980

Proposal Publication Date: May 2, 1980

For further information, please call (512) 475-6872.

TITLE 37. PUBLIC SAFETY AND CORRECTIONS

Part III. Texas Youth Council

Chapter 87. Reception and Receiving Centers

Admission Procedures

The Texas Youth Council adopts the repeal of §§87.14-87.18 (203.10.02.004-.008), under authority of Chapter 61, Human Resources Code.

Issued in Austin, Texas, on June 9, 1980.

Doc. No. 804500

Ron Jackson

Executive Director

Texas Youth Council

Effective Date: July 2, 1980

Proposal Publication Date: May 9, 1980

For further information, please call (512) 452-8111.

NONCODIFIED

Texas Department of Health

Communicable Diseases

Immunization Requirements in Child-Care Facilities 301.41.03

The Texas Department of Health has adopted the subject rule amendments which were proposed in the January 15, 1980, issue of the *Texas Register* (5 TexReg 127). No public comments were received and no changes have been made to the proposed amendments.

These rules are adopted under authority of Articles 695a-3, 4418a, and 6252-13a, Texas Revised Civil Statutes.

.003. Required Immunizations. (See Rule .011 for the policies on provisional enrollment, and Rule .017 for remarks and special considerations.) Oral polio vaccine is the usual vaccine of choice for preventing polio; however, inactivated polio vaccine may be medically indicated for some children. The required number of doses and booster requirements for inactivated polio vaccine (IPV) differ from the requirements for oral polio vaccine. See Rule .006. If a child fails to complete the oral polio vaccine series, and upon medical advice starts receiving IPV, then the IPV requirements specified in Rule .006. will apply. The following immunizations are required in the respective age groupings.

(1) Children less than five years of age.

(A) Children less than two months old—no immunizations required.

(B) Children two months of age, but not yet four months of age—one dose each of oral polio and diphtheria-tetanus-pertussis (DTP) vaccines.

(C) Children four months of age, but not yet six months of age—two doses each of oral polio and DTP vaccines.

(D) Children six months of age, but not yet 18 months of age—two doses of oral polio and three doses of DTP vaccines.

(E) Children 18 months of age, but not yet five years of age—three doses each of oral polio and DTP vaccines, and one dose each of measles and rubella vaccines. The dose of measles vaccine must have been received on or after the first birthday. Effective September 1, 1979, all children in this group must have also received mumps vaccine. See Rules .007-.010 for policies on the acceptance of histories of measles and/or mumps illnesses in lieu of the vaccines.

(2) Children ages 5 through 11 years.

(A) Polio. At least three doses of oral polio vaccine are required, provided at least one dose has been received on or after the fourth birthday. See Rule .017(c)-(d).

(B) Tetanus/diphtheria. At least three doses of DTP and/or Td vaccines are required, provided at least one dose has been received on or after the fourth birthday. See Rule .017(c)-(d).

(C) Measles. All children in this group must have received measles vaccine on or after the first birthday, or provide a history of measles illness. On or after September 1, 1979, all new histories of measles illness presented by children's parents or guardians must be verified by a physician's statement. See Rules .007-.009 and Rule .017(e).

(D) Rubella. One dose of rubella vaccine is required. Rubella vaccine is not required past the 12th birthday. See Rule .017(g).

(E) Mumps. Beginning September 1, 1979, mumps vaccine will be required for all children in this group less than eight years old. On the first of September each year thereafter, children one year older will also be required to have received mumps vaccine. Children through 11 years of age will be required to have received mumps vaccine effective September 1, 1983. See the table below:

Mumps Vaccine Requirements by Effective Dates for Children 18 Months through 11 Years of Age in Child-Care Facilities

Effective Dates	Ages in Years*
September 1, 1979	through 7
September 1, 1980	through 8
September 1, 1981	through 9
September 1, 1982	through 10
September 1, 1983	through 11

*Ages of children in child-care facilities on the effective date.

Note: Mumps vaccine is not required for children less than 18 months old. A history of mumps illness may be accepted in lieu of mumps vaccine if it has been validated in writing by a licensed physician. See Rules .010 and .017(f).

(3) Children ages 12 and older. Section .005.

(A) Polio. At least three doses of oral polio vaccine are required, provided one or more doses have been received on or after the fourth birthday. See Rule .017(c)-(d). Polio vaccine is not required for persons 18 years of age or older.

(B) Tetanus/diphtheria. A minimum of three doses of DTP and/or Td is required, with at least one dose having been received on or after the fourth birthday and with the last dose within the past 10 years. See Rule .017(c)-(d).

(C) Measles. Effective September 1, 1979, children 12 years of age will be required to have received measles vaccine on or after the first birthday, or provide a history of measles illness. On the first of September each year thereafter, children one year older must also meet these requirements. Effective September 1, 1985, children through 18 years of age will be required to have received measles vaccine on or after the first birthday, or provide a history of measles illness. See the table below:

Measles Vaccine Requirements by Effective Dates for Children in Child-Care Facilities

Effective Dates	Ages in Years*
September 1, 1978	through 11
September 1, 1979	through 12
September 1, 1980	through 13
September 1, 1981	through 14
September 1, 1982	through 15
September 1, 1983	through 16
September 1, 1984	through 17
September 1, 1985	through 18

*Ages of children in child-care facilities on the effective date.

Note: Measles vaccine is not required for children less than 18 months old. On or after September 1, 1979, all new histo-

ries of measles illness presented by children's parents or guardians must be verified by a physician's statement. See Rules .007-.009 and Rule .017(e). Eventually, all children will be included in the measles requirements. In the meantime, measles vaccine is recommended for children for whom measles vaccine is not yet required, especially if:

- (i) history of vaccine or illness is uncertain, or
- (ii) measles vaccine was received prior to the first birthday, or
- (iii) the "inactivated" (killed) type of measles vaccine was received.

(D) Rubella. Rubella vaccine is not required past the 12th birthday. See Rule .017(g).

(E) Mumps. Beginning September 1, 1984, mumps vaccine will be required for all children 12 years of age in child-care facilities. On the first of September each year thereafter, children one year older will also be required to have received mumps vaccine. Effective September 1, 1990, children through 18 years of age will be required to have received mumps vaccine. See the following table:

Mumps Vaccine Requirements by
Effective Dates for Children
12 Years of Age through 18 Years of Age
in Child-Care Facilities

Effective Dates	Ages in Years*
September 1, 1984	through 12
September 1, 1985	through 13
September 1, 1986	through 14
September 1, 1987	through 15
September 1, 1988	through 16
September 1, 1989	through 17
September 1, 1990	through 18

*Ages of children in child-care facilities on the effective date.

Note: Mumps vaccine is not required for children less than eighteen months old. A history of mumps illness may be accepted in lieu of mumps vaccine if it has been validated by a physician. See Rules .010 and .017(f).

.006. *Inactivated Polio Vaccine.* This vaccine is the injectable type which is usually recorded as "IPV" or "Salk" on immunization records. A few children may need this type of polio vaccine instead of oral polio vaccine because of medical considerations. A child may be provisionally enrolled with a history of one dose of IPV, provided two more doses are taken at one- to two-month intervals, and a fourth dose is received six to 12 months later. A child will be in full compliance with the IPV requirements whenever he or she has received the four initial IPV doses and has received a dose within five years. Booster IPVs are required every five years after the fourth dose until the 16th birthday. If a child fails to receive the five-year IPV booster, but, upon medical advice starts receiving oral polio vaccine, then the oral polio vaccine requirements specified in Rule .003 will apply.

Doc. No. 804388

Immunization Requirements in Texas Elementary and Secondary Schools and Institutions of Higher Education 301.41.04

The Texas Department of Health has adopted in final form the subject rule amendments which were published in proposed form in the *Texas Register* dated January 15, 1980. No public comments were received and no changes were made to the proposed amendments.

These rules are being adopted under authority of Articles 2.09, Texas Education Code, and Article 4418a and 6252-13a, Texas Revised Civil Statutes.

.002. *Exclusions from Compliance.* Exclusions from compliance are allowable on an individualized basis for medical contraindications and religious conflicts. Students in these categories must submit evidence as specified in the law.

(1) Medical contraindications. The student must present an affidavit or a certificate signed by a physician who is duly registered and licensed to practice medicine within the United States in which it is stated that, in the physician's opinion, the immunization required would be injurious to the health and well-being of the applicant or any member of his or her family or household.

(2) Religious conflicts. The student must present an affidavit signed by the applicant, or if a minor, by his or her parent or guardian stating that the immunization conflicts with the tenets and practice of a recognized church or religious denomination of which the applicant is an adherent or member; provided, however, that this exemption does not apply in times of emergency or epidemic declared by the commissioner of health.

.003. *Required Immunizations.*

(a) See Rule .011 for the policies on provisional enrollment, and Rule .017 for remarks and special considerations. Oral polio vaccine is the usual vaccine of choice for preventing polio; however, inactivated polio vaccine may be medically indicated for some students. The required number of doses and booster requirements for inactivated polio vaccine (IPV) differ from the requirements for oral polio vaccine. See Rule .006. If a student fails to complete the oral polio vaccine series, and, upon medical advice, starts receiving IPV, then the IPV requirements specified in Rule .006 will apply. The following immunizations are required in the respective age groupings.

(1) Children less than five years of age enrolled in preschool (prekindergarten) programs.

(A) Children less than two months old: no immunizations required.

(B) Children two months of age, but not yet four months of age: one dose each of oral polio and diphtheria-tetanus-pertussis (DTP) vaccines.

(C) Children four months of age, but not yet six months of age: two doses each of oral polio and DTP vaccines.

(D) Children six months of age, but not yet 18 months of age: two doses of oral polio and three doses of DTP vaccines.

(E) Children 18 months of age, but not yet five years of age: three doses each of oral polio and DTP vaccines, and one dose each of measles and rubella vaccines. The dose of measles vaccine must have been received on or after the first birthday. Effective September 1, 1979, all children in this group must have also received mumps vaccine. See Rules .007-.010 for policies on the acceptance of histories of measles and/or mumps illnesses in lieu of the vaccines.

(2) Children in kindergarten and grades one through five, or children ages 5-11 in ungraded schools.

(A) Polio. At least three doses of oral polio vaccine are required, provided at least one dose has been received on or after the fourth birthday. See .017(c), (d).

(B) Tetanus/diphtheria. At least three doses of DTP and/or Td vaccines are required, provided at least one

dose has been received on or after the fourth birthday. See .017(c), (d).

(C) Measles. All students in this group must have received measles vaccine on or after the first birthday, or provide a history of measles illness. On or after September 1, 1979, all new histories of measles illness presented by students, parents, or guardians must be verified by a physician's statement. See .007-.009 and .017(e).

(D) Rubella. One dose of rubella vaccine is required. Rubella vaccine is not required past the 12th birthday. See .017(g).

(E) Mumps. Beginning September 1, 1979, mumps vaccine will be required for all students through seven years of age, or enrolled in preschool, kindergarten, or the first grade. On the first of September each year thereafter, children one year older, or in the next higher grade, will also be required to have received mumps vaccine. Children through eleven years of age or the fifth grade will be required to have received mumps vaccine effective September 1, 1983. See the table below:

Mumps Vaccine Requirements by Effective Dates for Children in Preschool, Kindergarten, and Grades One through Five, or Children 18 Months through 11 Years of Age in Ungraded Schools

Effective Dates	Grades	Ages in Ungraded Schools*
September 1, 1979	preschool, kindergarten, and 1st grade	through 7
September 1, 1980	through 2nd	through 8
September 1, 1981	through 3rd	through 9
September 1, 1982	through 4th	through 10
September 1, 1983	through 5th	through 11

*Ages in ungraded schools on the effective date.

Note: Mumps vaccine is not required for children less than 18 months old. A history of mumps illness may be accepted in lieu of mumps vaccine if it has been validated in writing by a licensed physician. See .010 and .017(f).

(3) Children and others in grades 6-12, or children and others ages 12 and older in ungraded schools other than institutions of higher education.

(A) Polio. At least three doses of oral polio vaccine are required, provided one or more doses have been received on or after the fourth birthday. See .017(c), (d). Polio vaccine is not required for persons 18 years of age or older.

(B) Tetanus/diphtheria. A minimum of three doses of DTP and/or Td is required, with at least one dose having been received on or after the fourth birthday with the last dose within the past 10 years. See .017(c), (d).

(C) Measles. Effective September 1, 1979, students 12 years of age, or those enrolled in the sixth grade, will be required to have received measles vaccine on or after the first birthday, or provide a history of measles illness. On the first of September each year thereafter, students one year older, or in one higher grade, must also meet these requirements. Effective September 1, 1985, students through 18 years of age, or in the 12th grade, will be required to have received measles vaccine on or after the first birthday, or provide a history of measles illness. See the table below:

Measles Vaccine Requirements by Effective Dates for Students in Schools

Effective Dates	Grades	Ages* in Ungraded Schools
September 1, 1978	preschool, kindergarten, grades 1-5	through 11
September 1, 1979	through 6th	through 12
September 1, 1980	through 7th	through 13
September 1, 1981	through 8th	through 14
September 1, 1982	through 9th	through 15
September 1, 1983	through 10th	through 16
September 1, 1984	through 11th	through 17
September 1, 1985	through 12th	through 18

*Ages of students on the effective date.

Note: Measles vaccine is not required for children less than 18 months old. On or after September 1, 1979, all new histories of measles illness presented by students, parents, or guardians must be verified by a physician's statement. See .007-.009 and .017(e). Eventually, all students will be included in the measles requirements. In the meantime, measles vaccine is recommended for all students for whom measles vaccine is not yet required, especially if:

- (i) history of vaccine or illness is uncertain, or
- (ii) measles vaccine was received prior to the first birthday, or
- (iii) the "inactivated" (killed) type of measles vaccine was received.

(D) Rubella. Rubella vaccine is not required past the 12th birthday. See .017(g).

(E) Mumps. Beginning September 1, 1984, mumps vaccine will be required for students through 12 years of age, or in the sixth grade. On the first of September each year thereafter, students one year older, or in one higher grade, will also be required to have received mumps vaccine. Effective September 1, 1990, students through 18 years of age, or in the 12th grade, will be required to have received mumps vaccine. See the following table:

Mumps Vaccine Requirements by Effective Dates for Students in Grades 6-12, or Students 12-18 Years in Ungraded Schools

Effective Dates	Grades	Ages* in Ungraded Schools
September 1, 1984	through 6th	through 12
September 1, 1985	through 7th	through 13
September 1, 1986	through 8th	through 14
September 1, 1987	through 9th	through 15
September 1, 1988	through 10th	through 16
September 1, 1989	through 11th	through 17
September 1, 1990	through 12th	through 18

*Ages in ungraded schools on the effective date.

Note: Mumps vaccine is not required for children less than 18 months old. A history of mumps illness may be accepted in lieu of mumps vaccine if it has been validated by a physician. See .010 and .017(f).

(4) Students in institutions of higher education. See .005 and .017(g).

(A) Polio. Polio vaccine is not required for persons 18 years of age and older. For persons less than 18 years of age, at least three doses of oral polio vaccine are required, of which at least one dose must have been received on or after the fourth birthday. See .017(c), (d).

(B) Tetanus/diphtheria. A minimum of three doses of Td is required, of which the last dose was administered within 10 years. DTP doses may be credited to the three required doses. See .017(c), (d).

.006. Inactivated Polio Vaccine. This vaccine is the injectable type which is usually recorded as "IPV" or "Salk" on immunization records. A few students may need this type of polio vaccine instead of oral polio vaccine because of medical considerations. A student may be provisionally enrolled with a history of one dose of IPV, provided two more doses are taken at one- to two-month intervals, and a fourth dose is received six to 12 months later. A student will be in full compliance with the IPV requirements whenever he or she has received the four initial IPV doses and has received a dose within five years. Booster IPVs are required every five years after the fourth dose until the 18th birthday. If a student fails to receive the five-year IPV booster, but upon medical advice starts receiving oral polio vaccine, then the oral polio vaccine requirements specified in Rule .003 will apply to the student.

.012. School Records. All schools are required to maintain records of the immunization status of individual students during the period of attendance for each student admitted. The records must be made available for inspection by representatives of the Texas Education Agency, the Texas Department of Health, or local health departments, at all reasonable times.

.014. Transfer of Records. When a student transfers from one school or district to another, a copy of the immunization record and any measles or mumps illness statements from physicians should be sent within 30 days to the receiving school. A record received by mail from school officials of another district or state may be considered a validated record. Each school or institution of higher education shall cooperate in transferring students' immunization records between other schools and institutions of higher education. Specific approval from students, parents, or guardians is not required prior to making such record transfers.

Issued in Austin, Texas, on June 6, 1980.

Doc. No. 804389 A. M. Donnell, Jr., M.D.
Deputy Commissioner of Health
Texas Department of Health

Effective Date: June 27, 1980

Proposal Publication Date: January 15, 1980

For further information, please call (512) 458-7284.

Texas Department of Human Resources

AFDC

The Department of Human Resources adopts the amendments, repeals, and additions to its rules concerning the procedures for handling applications, client notifications, and appeals in the Aid to Families with Dependent Children (AFDC) Program. The proposed rule changes were published in the March 18, 1980, issue of the *Texas Register* (5 TexReg 1016). The application procedures have been amended so that the 45-day period for processing an application is redefined to include mailing a warrant or notice of ineligibility within that time limit. Another change in procedures is included to reflect that an application will not be denied until 31 days from the date of receipt of an identifiable application, unless the applicant does not meet an eligibility requirement, the applicant withdraws the application, or refuses to cooperate in completing the application process.

The appeals procedures are amended to extend the period of time a client may appeal a department action from 60 to 90 days.

No comments were received on the repeals which are adopted with no changes to the proposed texts.

Several comments regarding the proposed rule changes were received. A comment on Rule 326.10.71.015 was received which requested clarification as to whether the time limitations and other requirements refer to applications and periodic reviews. This rule refers only to applications. One comment presented opposition to the denial of an opportunity to a fair hearing prior to case denial for recipients when mail is returned to DHR indicating no known forwarding address as stated in Rule 326.10.74.008. The commentor suggested that the caseworker should make an attempt to locate the recipient by calling telephone numbers provided and double-checking address errors as required by 45 Code of Federal Regulations 205.10(a)(4)(ii)(E) and 206.10(a)(8)(ii). The referenced federal regulations do not include the suggested actions; they do require adequate notice of the intended action to be sent to the recipient. The department sends a notice of denial in all cases of adverse action, and this notice is forwardable.

In addition to general support of the proposed rules on the time period for application processing, comments were received with recommendations for specific enforceable modifications on AFDC delay. These recommendations and the department's responses are as follows:

(1) The department should obtain data on aging applications in seven day intervals to know how and why applications are being delayed. Currently the department has adequate management reports which provide information regarding application delinquencies.

(2) The department should institutionalize the food stamp hotline complaint procedure with appropriate data collections on delay complaints. The department intends to maintain the current hotline complaint procedures which include receipt of delay complaints.

(3) The department should contract with outside businesses or agencies to audit compliance with the promptness standard. The department's current management reports provide information regarding application delinquencies; an outside business or agency is not needed to audit compliance.

(4) The department should instruct its quality control staff to likewise monitor delay. The department does not consider benefit/warrant delay a quality control error because federally mandated quality control procedures require only that a case be reviewed for eligibility and amount of grant. The quality control system is designed according to federal requirements; the state has no prerogative to revise the quality control system.

(5) The department should develop a regulation giving applicants a right to an initial interview within a particular number of days such as five or seven calendar days. There is no federally mandated requirement to regulate the period for the initial interview.

(6) The department should continue to issue initial checks on a daily basis from the Austin SAVERR computer. The department has revised and more timely AFDC warrant issuance process for initial warrants which has been operating since November 12, 1979; the department does not plan to eliminate this procedure.

(7) The department should develop a manual check writing capacity or at least a \$100 advance for emergency need. The Comptroller of Public Accounts must approve all state warrants. This process can only take place in Austin. The procedure cannot be implemented as suggested.

(8) The department should mandate that all new certifications receive expedited food stamps second only to regular expedited food stamp applicants while awaiting their initial check. Only those households qualifying for expedited services according to federal food stamp regulations are eligible for them; this does not apply to all newly certified AFDC households.

(9) The department should develop a regulation giving applicants a right to an initial computer regional processing within a particular number of days such as four or five calendar days together with a statewide priority on initial AFDC application inputs. The department's internal management standards already require that forms be processed within five days of receipt in the data entry location.

(10) The department should regulate the period that caseworkers have to determine eligibility. The proposed regulation does not tell caseworkers that the additional time for processing means four or five days at the regional terminal, one day at the Austin computer and two or three days at the Austin check mailing post. An appropriate period would be 32 days. The department's AFDC eligibility determination staff are aware that processing time is required after an eligibility determination is completed. There is no federally mandated requirement to determine an applicant's eligibility within 32 days; the 45-day time period provides a standard of promptness. Statewide standards short of the 45-day standard are not practicable since they cannot take into consideration the many geographic and logistical needs throughout the state.

(11) The department should develop staffing level standards with ratios of caseworker to applicants in appropriate populations to avoid delay. Methodologies for staffing allocations already exist and are under constant revision. However, actual staff levels are dictated by allocated funds; the allocation of funds is beyond DHR's control.

(12) The department should study the appropriateness of increasing the quality of supervisory management by a merit system salary adjustment to attract more skilled supervisors and terminal managers. The department currently has a personnel classification system that reviews and determines the appropriate level of positions within the department.

These rules and amendments are adopted with no changes to the proposed text.

Public Welfare Eligibility 326.10.10

This amendment is adopted under the authority of the Human Resources Code, Title 2, with the approval of the Texas Board of Human Resources.

.001. *Providing Eligibility Services.*

(a) (No change.)

(b) The initial AFDC warrant or a notice of denial must be mailed within 45 days of application. This standard can be exceeded only when a decision cannot be reached because of a failure or delay on the part of the applicant or an examining physician, or because of some administrative or other emergency not controllable by DHR. The reason for such delays must be documented. The date of application is the date the identifiable (name, address, and signature) applica-

tion form is received. If the individual meets all eligibility requirements, financial assistance begins no later than the date of certification or 30 days from the receipt of an identifiable application form, whichever is earlier.

(c) A review, including the completion of the application form and a face-to-face interview, must be completed every six months to re-evaluate the recipient's circumstances. The recipient's circumstances are also reviewed at his or her request and any indicated grant adjustments made. Pertinent changes in recipient circumstances coming to the department's attention are reviewed.

(d) Necessary grant adjustments must be effective no later than the second month after the month in which the change occurred. This period includes the time allotted for reporting by the client, worker investigation, timely notification period, and computer processing. However, when the client requests a hearing within the timely notification period, the grant can be continued unadjusted beyond this period. If the hearing decision affects eligibility or the grant amount, it is considered a change in circumstances which begins a new time period.

(e) Complaints from clients or other sources will be carefully evaluated and promptly acted upon within department policy. Interpretations, explanations, or reports will protect the confidentiality of the recipient's current circumstances.

(f) All financial assistance will be given objectively without regard to worthiness, personal behavior, social status, sex, religion, national origin, cultural patterns, or personality.

Doc. No. 804469

Determining Financial Eligibility 326.10.70.001

The repeal of Rule 326.10.70.001 is adopted under the authority of the Human Resources Code, Title 2, with the approval of the Texas Board of Human Resources.

Doc. No. 804470

326.10.70.002

This amendment is adopted under the authority of the Human Resources Code, Title 2, with the approval of the Texas Board of Human Resources.

.002. *System for Determining Eligibility.*

(a) (No change.)

(b) The worker is responsible for evaluating all information relevant to determining eligibility. The primary tool used to acquire information for both initial and ongoing eligibility is the application form. This form also advises the client of his or her rights and responsibilities.

Doc. No. 804471

Application 326.10.71.008-.010

The repeal of Rules 326.10.71.008-.010 is adopted under the authority of the Human Resources Code, Title 2, with the approval of the Texas Board of Human Resources.

Doc. No. 804472

326.10.71.011-.018

These rules are adopted under the authority of the Human Resources Code, Title 2, with the approval of the Texas Board of Human Resources.

.011. Requests for Application. The applicant or his or her designated agent can request an application for AFDC by contacting the local office in person, by telephone, or by mail. The medical facility referral is also considered as a request for application.

.012. Application Filing. An application must be accepted, regardless of its state of completion, as long as it contains the applicant's name, address, and signature. However, missing information must be entered on the form prior to certification. The file date is the day an identifiable application is received in the local office.

.013. Interview Process.

(a) If information on the application obviously renders the applicant ineligible for AFDC, no further action is necessary other than notifying the applicant of the denial and submitting the computer document(s). However, food stamp requirements may require the AFDC worker to complete a face-to-face interview to determine eligibility for food stamps.

(b) For all other applications it is mandatory that the worker have a personal (face-to-face) interview with the applicant either in the office or in the applicant's home.

(c) During the interview, the worker must secure any additional information or forms necessary, consider all areas of eligibility, and verify those specific items required. When it is necessary to secure additional information or verification, a Delay in Eligibility Determination form is completed and given to the client. If the applicant appears to be eligible at this point, he or she must sign a Child Support Program Information and Authorization form. In WIN areas, the worker explains that program. If any member of the certified group is a mandatory WIN registrant, the worker provides the person(s) with the appropriate forms.

(d) Also during the interview, the worker explains services available to AFDC clients, such as Medicaid (including prior coverage, if appropriate), food stamp benefits, EPSDT, family planning, social services, voluntary WIN participation, etc. The worker also must explain the client's responsibility to report within 10 calendar days any change which may affect eligibility or the amount of grant. Utilization of any other resource to provide medical services is discussed as well as the client's responsibility to report any change in health insurance coverage, any unsettled tort claim which may include medical needs, and any injury requiring medical attention for which insurance or another third party may be legally liable. The worker explains the earned income disregard and four months post-Medicaid coverage that are available in employment situations.

.014. Missed Appointments. If the applicant fails to keep the first scheduled interview appointment, the worker must attempt to schedule a second appointment. The applicant need not show good cause for missing the first appointment. The worker or designated person should attempt to assist the applicant in establishing a second appointment which the applicant can keep. If the applicant will be unable to keep a scheduled appointment, the worker should make other reasonable arrangements with the applicant for the interview. The attempt to schedule a second appointment may be made by telephone, in person, or by mail. All such attempts

must be documented in the case record. If the attempt to schedule a second appointment is unsuccessful or if the applicant fails to keep the second appointment, the worker does not need to take further action to schedule another interview unless the applicant contacts the office and so requests.

.015. Time Limitations for Application Processing.

(a) There are time limitations that must be observed when making the eligibility decision. First, the information must be current; information older than 45 days from the application date is not considered current and must be updated. If the household situation has changed substantially, a new application must be completed. When there has been little or no change in circumstances, a form is used to update the information or indicate that there has been no change. Second, the timeliness of the decision is important. An application is not considered delinquent unless the initial warrant or a notice of benefit denial or reduction has not been mailed within 45 days from the date of receipt of the identifiable application.

(b) If an applicant is eligible for assistance, the date of certification for financial assistance must be no later than 30 days from the receipt of the signed application if the applicant met all eligibility requirements on that date. Consequently, if a decision is not reached within 30 days and this results in the loss of warrant(s) to which the applicant is entitled, retroactive payment(s) is provided to the client.

(c) The reason(s) for an application being delinquent must be explained. Retroactive payments must be considered in all situations in which an application becomes delinquent due to the time required to clear all factors of eligibility. However, in situations in which the department cannot reach a decision because of the applicant's failure to provide necessary information within a specified and reasonable time period, the application is denied and not held pending.

(d) The specific time period to provide information is to be jointly established by the worker and the applicant and may only be extended because of unusual circumstances which are beyond the control of the department or the applicant. If the agreed-upon time period exceeds 30 days, or if an extension is necessary, an entry is to be made in the case record to justify the delay. The applicant is to understand that failure to produce the necessary information on the established date will be considered as failure to furnish information, and can result in denial of the application 31 days after receipt of the identifiable application.

(e) The application will not be denied until 31 days after the date of receipt of the application unless the denial is based on the failure to meet an eligibility requirement, the applicant withdraws the application, or the applicant refuses to cooperate in completing the application process. If the applicant refuses to cooperate in completing the application process, the application should be denied immediately. Refusal to cooperate means that the applicant is able to cooperate, but clearly demonstrates he or she will not take required steps to complete the application process. This does not include instances of negligent omission or inability on the part of the applicant.

.016. Disposition of Application.

(a) Applicants found ineligible must be provided with or mailed a notice of benefit denial or reduction as soon as possible, but not later than the last day of the 45-day processing period. Applicants who fail to appear for two scheduled interviews, and make no further contact with the certifica-

tion office to pursue the application, must be sent a notice of denial at the end of 31 days from the application date.

(b) In situations in which an application is denied before the eligibility determination process is completed, such as when the applicant fails to provide requested information, it is not necessary to complete a new application if the applicant reapplies within 60 days from the date of the first application. However, the application date would be the date the person expressed the desire to reapply, not the original application date. This procedure does not apply if the applicant has failed to keep two interview appointments. In this situation, a new application must be completed; the previous application cannot be reopened.

.017. *Adding Individuals to Active Grants.* When a client requests that an individual be added to the certified group, this request is considered as an application for that individual. The date this request is received is considered the application date and action on this request must be taken within the same time frames as for an application. If action is not taken within 30 days and if the individual is eligible, a retroactive payment(s) for this person must be provided.

.018. *Procedure for Initiation of a Money Grant.* A money grant is certified when a determination is made that the applicant meets all eligibility requirements. An applicant is entitled to a warrant for the month in which the determination is made that all eligibility requirements have been met. If a decision is not reached within 30 days and this results in the loss of a warrant to which the applicant is entitled, retroactive payment must be authorized.

Doc. No. 804473

The Review Process 326.10.72

This amendment is adopted under the authority of the Human Resources Code, Title 2, with the approval of the Texas Board of Human Resources.

.009. *Special or Incomplete Reviews.* These types of reviews are made between periodic reviews. Incomplete reviews are made when a change in circumstances occurs which is not substantial enough to require a complete review. This change may be reported by the client, or the worker may learn of it through some other source. Special or incomplete reviews usually involve only one area which may affect eligibility or the amount of the grant. The completion of an application form is not required; however, the client must be notified of a negative grant change. If the case changes prove to be substantial, it may be necessary for the worker to initiate a complete review.

Doc. No. 804474

Case Maintenance 326.10.74.003

The repeal of Rule 326.10.74.003 is adopted under the authority of the Human Resources Code, Title 2, with the approval of the Texas Board of Human Resources.

Doc. No. 804475

326.10.74.005-.010

These rules are adopted under the authority of the Human Resources Code, Title 2, with the approval of the Texas Board of Human Resources.

.005. *Case Action Requirements.* Necessary grant adjustments must be effective no later than the second month after the month in which the change occurred. The date of change is the date the circumstance which affects the grant actually occurs. This does not preclude the initiation of action if the specifics of the change (date of receipt, amount of income, etc.) can be projected with certainty. However, the action cannot be effective any earlier than it would be if the client reported the change within the 10 days after the change actually occurred.

.006. *Notice for Raise, Sustain, and Approval Actions.* If the grant amount in an active case is sustained or raised, the worker does not send the client a form letter, since he or she receives a computer printed card notifying him or her of the decision. However, when an application is approved, the worker must send the client a notification of the approval.

.007. *Denied Applications.* When an application is denied, the applicant is notified by a notice of benefit denial or reduction sent by the worker. The applicant also receives a notice which is mailed from State Office and confirms the action taken by the worker. The worker's decision becomes effective immediately.

.008. *Adverse Actions That Are Effective Immediately.* In the following situations, the client does not have the right to continue receipt of benefits pending an appeal.

(1) termination of the grant when a recipient attains the maximum age, such as an AFDC child reaching 18 years of age and not attending school, or 21 years of age if attending school;

(2) reductions due to the receipt of a new AFDC or SSI grant by a member of the dependent group;

(3) the worker has factual information confirming the death of a client or of the AFDC payee when there is no relative available to serve as new payee;

(4) the worker receives a clear written statement signed by a client who no longer desires assistance or that gives information which requires termination or reduction of assistance, and the recipient has indicated in writing that he or she understands that this must be the consequence of supplying such information, unless it is felt that the signature is not the same as that in the case record;

(5) the client has been admitted or committed to an institution and no longer qualifies for AFDC benefits;

(6) the client has been placed in skilled nursing care or intermediate care;

(7) the client's whereabouts are unknown, and department mail directed to him or her has been returned by the post office indicating no known forwarding address; however, if the client's whereabouts become known during the payment period covered by the returned warrant, the warrant must be made available to the client;

(8) a client has been certified in another state for assistance or SSI, and that fact has been established by the agency providing the assistance; or

(9) an AFDC child is removed from the home as a result of a judicial determination or voluntarily placed in foster care by the legal guardian.

.009. Adverse Actions That Become Effective Only After the Client Has an Opportunity to Appeal. In all situations except those listed in Rule .008, the worker must notify the client of the intended action at least 10 days before the computer input document will be submitted. Clients have the right to continue receipt of benefits if they initiate an appeal within 10 days from the date the denial notice was mailed. In some cases, clients may wish to waive their right to the 10-day timely notification. In these situations, the client must provide a signed and dated statement to this effect. Prepared forms for this purpose are not permitted.

.010. The Right to Appeal.

(a) Workers must always completely explain the reason for a case action when the client requests an explanation. If a client is dissatisfied with a decision, the worker should objectively evaluate the complaint. In some instances, the worker may agree with the client and take corrective action, such as providing retroactive benefits. In other cases, the dissatisfied client and the worker may be unable to arrive at an agreement. When this occurs, the worker should explain the client's right to appeal, and provide the client with the opportunity to discuss the issue with the unit supervisor.

(b) However, if the appeals decision upholds the department's action, any overpayment received as a result of the recipient's willful withholding of information is subject to recoupment.

(c) Clients retain the right to appeal a decision for 90 days from the effective date of the action. The client's request for appeal may be oral or written. Also, if requested by the client, the worker must allow the client to review the handbook(s) used in arriving at the decision and all casefolder information, unless confidentiality requirements preclude giving this information. If the client requests information the worker considers confidential, the supervisor is consulted.

Issued in Austin, Texas, on June 10, 1980.

Doc. No. 804476 Jerome Chapman
Commissioner
Texas Department of Human Resources

Effective Date: July 1, 1980

Proposal Publication Date: March 18, 1980

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

Food Stamps

The Department of Human Resources adopts the amendments to its rules about the policies and procedures for calculating net income and benefits of recipients participating in the Food Stamp Program. These amendments change the current method used in computing net food stamp income by deleting the procedures of rounding down before and after each computation. With these amendments, each income and deduction computation must count the actual amount including cents. If the final net food stamp income ends in 49 or fewer cents, the worker will round down by dropping cents; if the net food stamp income ends in 50 or more cents, the worker will round up to the next higher dollar. These revisions are based on federal regulations received from the United States Department of Agriculture (USDA) to be effective July 1, 1980.

No comments were received, but these amendments are adopted with changes as a result of final regulations from USDA and language changes necessary for the existing policy to reflect the new computation procedures. In addition, an amendment to delete procedures for rounding down in Rule 326.15.22.006 is adopted as a result of final regulations from USDA.

Household Concept 326.15.22

These amendments are adopted under the authority of the Human Resources Code, Title 2, with the approval of the Texas Board of Human Resources.

.006. Boarder.

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

(c) A reasonable monthly cash payment is either of the following:

(1) (No change.)

(2) Two-thirds of the full allotment for that size household when the boarder(s) eat an average of two meals a day or less with the household.

Issued in Austin, Texas, on June 10, 1980.

Doc. No. 804477 Jerome Chapman
Commissioner
Texas Department of Human Resources

Effective Date: July 1, 1980

Proposal Publication Date: N/A

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

Computation of Income 326.15.43

These amendments are adopted under the authority of the Human Resources Code, Title 2, with the approval of the Texas Board of Human Resources.

.009. Calculating Net Income and Benefits.

(a) (No change.)

(b) In calculating net monthly food stamp income, all income and deductions computations must count the actual amounts including cents. However, the final net income must be rounded to an even dollar amount. Net incomes ending in one through 49 cents must be rounded down; net incomes ending in 50 through 99 cents must be rounded up to the next higher dollar. When income is received on an hourly wage or piece-work basis, weekly income may fluctuate if the household member works fewer hours than his or her normal schedule or works overtime. In this situation, the worker should consult with the household and determine the normal amount of income to be expected for one week's work. A determination should also be made to ensure that this amount is reasonably certain to be available during the certification period. Cents should not be dropped. The weekly conversion factor should then be applied to determine monthly income.

Issued in Austin, Texas, on June 10, 1980.

Doc. No. 804478 Jerome Chapman
Commissioner
Texas Department of Human Resources

Effective Date: July 1, 1980

Proposal Publication Date: January 22, 1980

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

Early and Periodic Screening, Diagnosis, and Treatment

Operating Policies 326.39.17

The Texas Department of Human Resources adopts the repeal of certain rules in its Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) Program as proposed in the April 8, 1980, issue of the *Texas Register* (5 TexReg 1370). Reference to the medical assistance record book is being deleted because that form is no longer in use. The agreement between participating dental providers and the Texas Department of Health is being deleted because, effective April 1, 1980, dental providers will contract directly with DHR to provide services.

No comments were received on the proposal to repeal Rule 326.39.17.009.

Rule .009 is repealed under the authority of the Human Resources Code, Title II, with the approval of the Texas Board of Human Resources.

Issued in Austin, Texas, on June 10, 1980.

Doc. No. 804479 Jerome Chapman
Commissioner
Texas Department of Human Resources

Effective Date: June 10, 1980
Proposal Publication Date: July 1, 1980
For further information, please call (512) 441-3355.

Dental Program Benefits 326.39.44

The Texas Department of Human Resources withdraws the proposed repeal of Rule 326.39.44.009. The proposed repeal was published in the February 26, 1980, issue of the *Texas Register* (5 TexReg 656).

Issued in Austin, Texas, on June 10, 1980.

Doc. No. 804480 Jerome Chapman
Commissioner
Texas Department of Human Resources

Filed: June 10, 1980, 3:35 p.m.
For further information, please call (512) 475-4601.

Support Documents 326.39.99

The Texas Department of Human Resources adopts the repeal of certain rules in its Early and Periodic Screening, Diagnosis and Treatment (EPSDT) Program as proposed in the April 8, 1980, issue of the *Texas Register* (5 TexReg 1371). Reference to the medical assistance record book is deleted because that form is no longer in use. The agreement be-

tween participating dental providers and the Texas Department of Health is deleted because, effective April 1, 1980, dental providers have contracted directly with DHR to provide services.

No comments were received on the proposal to repeal Rule 326.39.99.400.

Rule .400 is repealed under the authority of the Human Resources Code, Title II, with the approval of the Texas Board of Human Resources.

Issued in Austin, Texas, on June 10, 1980.

Doc. No. 804481 Jerome Chapman
Commissioner
Texas Department of Human Resources

Effective Date: July 1, 1980
Proposal Publication Date: April 8, 1980
For further information, please call (512) 475-4601.

State Board of Insurance

Rating and Policy Forms

Standard Forms 059.05.36

The State Board of Insurance has amended Rule 059.05.36.002, which adopted by reference the Homeowners Policy forms as follows: amending Form HO-361, Homeowners Secondary Residence Windstorm, Hurricane, and Hail Exclusion Agreement Endorsement, to clarify that loss resulting from rain or wind-driven rain which does not enter the insured building or structure through an opening created by the force of wind or hail is not excluded from coverage by this endorsement (see Attachment A).

This amendment is attached hereto (Attachment A) and incorporated herein by reference.

This amendment is adopted pursuant to the authority of Article 5.36 of the Texas Insurance Code.

.002. *Homeowners Policy Forms.* The State Board of Insurance adopts by reference the attached homeowners policy forms as amended in June 1980. This document is published by and available from the State Board of Insurance, 1110 San Jacinto, Austin, Texas 78786.

Issued in Austin, Texas, on June 6, 1980.

Doc. No. 804423 Pat Wagner
Chief Clerk
State Board of Insurance

Effective Date: June 30, 1980
Proposal Publication Date: April 22, 1980
For further information, please call (512) 475-6664.

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

Texas County and District Retirement System

Thursday, June 19, 1980. The Board of Trustees of the Texas County and District Retirement System will meet in the Lakeway Inn, 101 Lakeway Drive, Austin. According to the agenda summary, the chairman will open the meeting and the minutes of the March meeting will be read. The board will also consider applications for service retirement and disability retirement; review financial statements; hear reports from the actuary, director, legal counsel, and investment counsel; consider actuarial reports; adopt mortality and other experience tables; consider and fix contribution rates of participating subdivisions, discuss other business, and set date for September meeting.

Additional information may be obtained from the Texas County and District Retirement System, 802 Perry-Brooks Building, Austin, Texas, telephone (512) 476-6651.

Filed: June 11, 3:49 p.m.
Doc. No. 804510

Texas Commission for the Deaf

Thursday, June 19, 1980, 9 a.m.-11:45 a.m. The Board of Evaluation of Interpreters of the Texas Commission for the Deaf will meet in Suite 106, 510 South Congress, Austin. According to the agenda summary, the board will select a permanent chairperson; review California state interpreting certification procedures; consider recommendation for organizations/persons to serve on task force; recommend proposed number and type of qualified interpreter levels; and develop time tables for establishment and operation of procedure.

Additional information may be obtained from Fran Herrington, 2402 Laramie Trail, Austin, Texas, telephone, home: (512) 444-2247, and office: (512) 441-3355, ext. 4087.

Filed: June 10, 1980, 4:47 p.m.
Doc. No. 804491

Texas State Board of Dental Examiners

Saturday, June 14, 1980, 10 a.m. The State Board of Dental Examiners made an emergency addition to a meeting at the Baylor College of Dentistry, Dallas. The emergency addition was added to the agenda because the executive director was ordered to ascertain acceptable dates, time, and place for the fall dental and dental hygiene examinations. The executive director presented this information to the board for their discussion and decision.

Additional information may be obtained from Carl C. Hardin, Jr., 718 Southwest Tower, Seventh and Brazos, Austin, Texas 78701, telephone (512) 475-2443.

Filed: June 9, 1980, 2:56 p.m.
Doc. No. 804438

Saturday, June 21, 1980, 10 a.m. and may be recessed from day-to-day until June 23. The Texas State Board of Dental Examiners will meet at the Medical Center, University of Texas Dental Branch, Houston, to discuss the following items: upcoming examination schedules; examination guidelines and examiner's manual; board finances; personnel matters; budget for 1982-83; appointments to Dental Hygiene Advisory Committee; litigation pending and probable; executive director's report; board rules and regulations; conferences as per Administrative Procedure Act (Article 6252-13a, Section 18(c)); dates, time and place for hearings and the use of a hearing officer. The board will also be giving dental and dental hygiene examinations June 20-23, 1980, and may recess the above meeting from day-to-day until all matters have been discussed.

Additional information may be obtained from Carl C. Hardin, Jr., 718 Southwest Tower, Seventh and Brazos, Austin, Texas 78701, telephone (512) 475-2443.

Filed: June 9, 1980, 2:56 p.m.
Doc. No. 804439

State Board of Education

Friday, June 13, 1980, 1:30 p.m. The Committee for Special Schools and Athletics of the State Board of Education made emergency additions to the agenda of a meeting held in the second floor conference room, Riverside North, 150 East Riverside Drive, Austin. The additions concerned the following issues regarding the Professional Practices Committee: penalties assessed to school personnel for violation of University Interscholastic League rules and regulations; wording of Dr. Bailey Marshall's recommendations to the Legislative Council regarding professional practices standards; committee appointed by University Interscholastic League to study transfer rules—wording of resolution to be presented to the Legislative Council regarding transfer rules. This information was not available for inclusion in the original notice for this meeting and is therefore submitted on an emergency basis.

Additional information may be obtained from Alton O. Bowen, 201 East 11th Street, Austin, Texas 78701, telephone (512) 465-3271.

Filed: June 12, 1980, 10:50 a.m.
Doc. No. 804520

Friday, June 13, 1980, 2 p.m. The Committee for Priorities, Accountability, and Accreditation of the State Board of Education made an emergency addition to the agenda of a meeting held in the board room, 150 East Riverside Drive, Austin. The addition concerned a report from the administration on a situation existing in the Poteet Independent School District. This information was not available for inclusion in the original notice for this meeting and was therefore submitted on an emergency basis.

Additional information may be obtained from Alton O. Bowen, 201 East 11th Street, Austin, Texas 78701, telephone (512) 465-3271.

Filed: June 12, 1980, 10:50 a.m.
Doc. No. 804521

Saturday, June 14, 1980, 8:30 a.m. The State Board of Education has made an emergency addition to a meeting held in the board room at 150 East Riverside Drive in Austin. The emergency addition concerned the appointment of trustee for the Fort Sam Houston Independent School District. This information was not received in a timely manner for inclusion in the original notice of this meeting and is therefore submitted on an emergency basis.

Additional information may be obtained from Alton O. Bowen, 201 East 11th Street, Austin, Texas 78701.

Filed: June 12, 1980, 10:49 a.m.
Doc. No. 804522

Texas Education Agency

Friday, June 20, 1980, 9 a.m. The Apprenticeship and Training Advisory Committee of the Texas Education Agency will meet in the board room, 150 East Riverside Drive, Austin, to approve the March 14, 1980, minutes and to consider the following committee reports: Larry Scott, president, Glass Blowers 259, Waco; Cliff Weaver, associate dean, technical-occupational programs, Dallas County Community College District, Irving; Dr. Charles Thompson, director, vocational education, Midland Independent School District, Midland. There will also be a report by the apprenticeship coordinator. Topics for discussion: 1) film presentation by Jeanne Hicks, program officer, ACTVE; 2) ad hoc committee appointments; 3) legislative concerns; new business.

Additional information may be obtained from Daniel C. Lowe, 201 East 11th Street, Austin, Texas 78701, telephone (512) 475-3129.

Filed: June 10, 1980, 2:12 p.m.
Doc. No. 804465

Office of the Governor

Tuesday, June 24, 1980, 9 a.m. The Governor's Advisory Committee on Education will meet in Room 117 of the Sam Houston Building, 14th and San Jacinto, Austin, to approve the minutes of the June 9, 1980, meeting and to adopt the final committee report to the governor.

Additional information may be obtained from Thomas E. Anderson, Jr., 112 Sam Houston Building, Austin, Texas 78711, telephone (512) 475-0386.

Filed: June 10, 1980, 10:05 a.m.
Doc. No. 804453

Texas Health Facilities Commission

Wednesday, June 18, 1980, 9:30 a.m. The Texas Health Facilities Commission will meet in Suite 305 of the Jefferson Building, 1600 West 38th Street, Austin. According to the agenda summary, the commission will consider the following applications:

exemption certificate
High Plains Baptist Hospital, Amarillo
AH80-0429-003
Southern Manor Nursing Home 1, San Antonio
AN80-0422-022
Home Care and Health Services, Inc., Tyler
AS80-0418-019
St. Joseph Hospital, Houston
AH80-0423-015
amendment of exemption certificate order
Alice Physicians and Surgeons Hospital, Alice
AH79-0941-018A (042880)

Further information may be obtained from O. A. Cassity III, P. O. Box 15023, Austin, Texas 78761, telephone (512) 475-6940

Filed: June 10, 1980, 4:50 p.m.
Doc. No. 804483

Texas Housing Agency

Wednesday, June 11, 1980, 9 a.m. The Personnel Search Committee of the Board of Directors of the Texas Housing Agency made an emergency addition to the agenda of a meeting held in the fourth floor conference room, TDCA building, 210 Barton Springs Road, Austin. According to the agenda, the term "executive administrator" was substituted for "financial advisor" on the last item of business. An error in transcription necessitated this change. The change was made as a matter of urgent public necessity requiring less than seven days' notice because committee action was to be considered by the Board of Directors of the Texas Housing Agency on June 16, 1980.

Additional information may be obtained from Sid Wieser, P.O. Box 13166, Austin, Texas 78711, telephone (512) 475-2431.

Filed: June 9, 1980, 3:33 p.m.
Doc. No. 804440

Texas Department of Human Resources

Friday, June 20, 1980, 8:30 a.m. The Alternate Care Advisory Subcommittee of the Financial and Social Service Advisory Committee of the Texas Department of Human Resources will meet in Room 4A17, 1708 East Anderson Lane, Austin. According to the agenda summary, the subcommittee will draft a philosophy statement; discuss budget issues document; and potential protective services legislation.

Additional information may be obtained from Chris Ros-Dulkler, 1708 East Anderson Lane, Austin, Texas, telephone (512) 835-0440, ext. 2009.

Filed: June 12, 1980, 9:46 a.m.
Doc. No. 804515

State Board of Insurance

Friday, June 13, 1980, 9:30 a.m. The Commissioner's Hearing Section of the State Board of Insurance met in emergency session in Room 342, 1110 San Jacinto, Austin, to conduct a public hearing to consider Docket 6050—application of Republic Insurance Company of Delaware, Inc., Wilmington, Delaware, for admission to do business in the State of Texas. The public hearing was held on an emergency basis because, if approved, the transaction would coincide with related administrative actions undertaken by the insurance department of the State of Delaware on June 30, 1980.

Additional information may be obtained from J. C. Thomas, 1110 San Jacinto, Austin, Texas 78786, telephone (512) 475-4353.

Filed: June 10, 1980, 2:11 p.m.
Doc. No. 804463

Friday, June 13, 1980, 10 a.m. The Commissioner's Hearing Section of the State Board of Insurance met in emergency session in Room 342, 1110 San Jacinto, Austin, to conduct a public hearing in Docket 6055—application of Republic Insurance Company, Dallas, to merge into Republic Insurance Company of Delaware, Inc., Wilmington, Delaware, such that the name of the survivor will be Republic Insurance Company. This hearing was held on an emergency basis such that, if approved, the transaction would coincide with related administrative actions undertaken by the insurance department of the State of Delaware on June 30, 1980.

Additional information may be obtained from J. C. Thomas, 1110 San Jacinto, Austin, Texas 78786, telephone (512) 475-4353.

Filed: June 10, 1980, 2:11 p.m.
Doc. No. 804464

Tuesday, June 17, 1980, 9 a.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 342, 1110 San Jacinto, Austin, to conduct a hearing on Docket 6027—whether First Texas Title Shares, Inc., Texarkana, doing business as, Lawyers Title Agency, failed to remit premiums belonging to Pioneer National Title Insurance Company, Los Angeles, California.

Additional information may be obtained from J. C. Thomas, 1110 San Jacinto, Austin, Texas 78786, telephone (512) 475-4353.

Filed: June 9, 1980, 2:58 p.m.
Doc. No. 804430

Tuesday, June 17, 1980, 2 p.m. The Commissioner's Hearing Section of the State Board of Insurance will conduct a public hearing in Room 342, 1110 San Jacinto, Austin, to consider Docket 6028—application for admission by the Liberty National Fire Insurance Company, Birmingham, Alabama.

Additional information may be obtained from J. C. Thomas, 1110 San Jacinto, Austin, Texas 78786, telephone (512) 475-4353.

Filed: June 9, 1980, 2:58 p.m.
Doc. No. 804431

Wednesday, June 18, 1980, 10 a.m. The Commissioner's Hearing Section of the State Board of Insurance will conduct a public hearing in Room 342, 1110 San Jacinto, Austin, to consider Docket 6047—reinsurance of Fant Security Association, Linden, into American Family Life Insurance Company, Austin.

Additional information may be obtained from J. C. Thomas, 1110 San Jacinto, Austin, Texas 78786, telephone (512) 475-4353.

Filed: June 9, 1980, 2:58 p.m.
Doc. No. 804432

Wednesday, June 18, 1980, 2 p.m. The Commissioner's Hearing Section of the State Board of Insurance will conduct a hearing in Room 342, 1110 San Jacinto, Austin, to consider Docket 6029—application for admission by Fort Dearborn Life Insurance Company, Chicago, Illinois.

Additional information may be obtained from J. C. Thomas, 1110 San Jacinto, Austin, Texas 78786, telephone (512) 475-4353.

Filed: June 9, 1980, 2:58 p.m.
Doc. No. 804433

Friday, June 20, 1980, 10 a.m. The Commissioner's Hearing Section of the State Board of Insurance will conduct a hearing in Room 342, 1110 San Jacinto, Austin, to consider Docket 6030—application for original incorporation of U. S. Life Insurance Company, Waco.

Additional information may be obtained from J. C. Thomas, 1110 San Jacinto, Austin, Texas 78786, telephone (512) 475-4353.

Filed: June 9, 1980, 2:58 p.m.
Doc. No. 804434

Friday, June 20, 1980, 1:30 p.m. The Commissioner's Hearing Section of the State Board of Insurance will conduct a public hearing in Room 342, 1110 San Jacinto, Austin, in Docket 6036—application for extension of time to dispose of real estate of Republic Life Insurance Company, Dallas.

Additional information may be obtained from J. C. Thomas, 1110 San Jacinto, Austin, Texas 78786, telephone (512) 475-4353.

Filed: June 9, 1980, 2:57 p.m.
Doc. No. 804435

Monday, June 23, 1980, 10 a.m. The Commissioner's Hearing Section of the State Board of Insurance will conduct a public hearing in Room 342, 1110 San Jacinto, Austin, in Docket 6049—application of Landmark Life Insurance Company, Brownwood, for purchase of stock and total assumption reinsurance of Phillips and Luckey Life Insurance Company, Rockdale.

Additional information may be obtained from J. C. Thomas, 1110 San Jacinto, Austin, Texas 78786, telephone (512) 475-4353.

Filed: June 9, 1980, 2:57 p.m.
Doc. No. 804436

Monday, June 23, 1980, 2 p.m. The Commissioner's Hearing Section of the State Board of Insurance will conduct a public hearing in Room 342, 1110 San Jacinto, Austin, in Docket 6032—application for admission by Empire Life Insurance Company, Omaha, Nebraska.

Additional information may be obtained from J. C. Thomas, 1110 San Jacinto, Austin, Texas 78786, telephone (512) 475-4353.

Filed: June 9, 1980, 2:57 p.m.
Doc. No. 804437

Tuesday, June 24, 1980, 10 a.m. The State Board of Insurance has made an addition to the agenda of a meeting to be held in Room 408, 1110 San Jacinto, Austin. The addition concerns consideration of dentists professional liability filings by Medical Protective Company, and Aetna Casualty and Surety Company.

Additional information may be obtained from Pat Wagner, 1110 San Jacinto, Austin, Texas 78786, telephone (512) 475-2950.

Filed: June 12, 1980, 9:51 a.m.
Doc. No. 804516

Tuesday, June 24, 1980, 2 p.m. The State Board of Insurance will meet in Room 408, 1110 San Jacinto, Austin, to consider a proposed amendment to Workers' Compensation Manual, concerning Classification Code 7601—television community coaxial cable companies—initial line installation.

Additional information may be obtained from Pat Wagner, 1110 San Jacinto, Austin, Texas 78786, telephone (512) 475-2950.

Filed: June 12, 1980, 9:50 a.m.
Doc. No. 804517

Texas Judicial Council

Friday, June 27, 1980, 10 a.m. The Texas Judicial Council will meet at 1414 Colorado, Austin. According to the agenda summary, the council will consider reports from committees on the continuing legal education of municipal court judges and judicial financing, and nonresident violators compact. The council will also discuss recommendations to the next legislature and conduct the election of officers.

Additional information may be obtained from C. Raymond Judice, P.O. Box 12066, Austin, Texas 78711, telephone (512) 475-2421.

Filed: June 10, 1980, 10:01 a.m.
Doc. No. 804460

Texas Legislative Council

Monday, June 23, 1980, 9:30 a.m. The Election Code Study Committee of the Texas Legislative Council will meet in the Senate Finance Committee Room (Room 301) of the State Capitol. The committee will consider staff reports on election equipment and supplies; time and place of elections; a supplemental report on recounts; and absentee voting.

Additional information may be obtained from Walter Fisher, P.O. Box 12128, Austin, Texas 78711, telephone (512) 475-2736.

Filed: June 12, 1980, 9:55 a.m.
Doc. No. 804519

Texas State Board of Medical Examiners

Tuesday, June 10, 1980, noon. The Texas State Board of Medical Examiners made an emergency addition to the agenda of a meeting held at 117 East 7th Street, Austin. According to the agenda, the addition concerned the board holding a discussion on possible coordination with other agencies regarding Article 4505(4)(c)(d)(e). This item was added to the agenda on an emergency basis because the nature of the addition required attention to the meeting scheduled June 7-12, 1980.

Additional information may be obtained from Jean Davis, 211 East 7th, Austin, Texas, telephone (512) 475-0741.

Filed: June 9, 1980, 2:14 p.m.
Doc. No. 804429

Midwestern State University

Monday, June 16, 1980, 5 p.m. The Executive Committee of the Board of Regents of Midwestern State University met in the board room of the Hardin Administration Building at Midwestern State University, 3400 Taft Boulevard, Wichita Falls, to discuss the 1980-81 operating budget and the 1982-83 biennial legislative request.

Additional information may be obtained from Dr. Jesse W. Rogers, Midwestern State University, 3400 Taft Boulevard, Wichita Falls, Texas 76308, telephone (817) 692-6551.

Filed: June 10, 1980, 1:25 p.m.
Doc. No. 804462

Texas Mohair Producers Board

Friday, June 20, 1980, 10 a.m. The Texas Mohair Producers Board will meet at the River Club, 800 West Avenue D, San Angelo, to consider financial and collection reports, report on marketing survey, report on mohair promotion, and the IMA report.

Additional information maybe obtained from Fred Campbell, P. O. Box 5337, San Angelo, Texas 76902, telephone (512) 655-3161

Filed: June 10, 1980, 4:38 p.m.
Doc. No. 804498

State Board of Nurse Examiners

Tuesday and Wednesday, June 24 and 25, 1980, 8 a.m. The Board of Nurse Examiners will meet in Parlors A and B of the Sheraton-Crest Inn, 111 East 1st Street, Austin. According to the agenda summary, the board will consider disciplinary, reinstatement, and informal hearings; education report—school visits, request for new programs; requests regarding faculty qualifications; report of executive secretary; examination; and miscellaneous business including a meeting with various agencies regarding the legislative recommendations of Sunset staff.

Additional information may be obtained from Margaret L. Rowland, R.N., 510 South Congress, Suite 215, Austin, Texas, telephone (512) 478-9602.

Filed: June 10, 1980, 4:46 p.m.
Doc. No. 804493

Texas Optometry Board

Thursday, June 19, 1980, 2:30 p.m. The Texas Optometry Board will meet in the Marriott Hotel near the Astrodome, 2100 Braeswood, Houston. According to the agenda summary, the Investigation-Enforcement Subcommittee (El Paso area) will conduct information conferences at 1 p.m. and other committee meetings will begin at 2 p.m. The business session, which begins at 2:30 p.m., will consist of reports of the secretary-treasurer, legal counsel, and committees; old business—Section 5.10 of Act, and attorney general opinions (if received); new business—discussion regarding a letter from Kaiser/Prudential Health Plan, reinstatement of license, purchase of computer equipment and other items for the board office; and an executive session to discuss contemplated and pending litigation with the board attorney (in accordance with Section 2(e) of Article 6252-17, Open Meetings Act). On the following three days, the board will conduct written and clinical examinations.

Additional information may be obtained from Lois Ewald, 5555 North Lamar, Commerce Park H-101, Austin, Texas 78751, telephone (512) 458-2141 or STS 824-1595.

Filed: June 11, 1980, 9:47 a.m.
Doc. No. 804504

Board of Pardons and Paroles

Monday-Friday, June 23-27, 1980, 9 a.m. daily. The Board of Pardons and Paroles will meet in Room 711, Stephen F. Austin Building, Austin. According to the agenda, the board will review cases of inmates for parole consideration; act on emergency reprieve requests and other acts of executive clemency; review reports regarding persons on parole; review procedures affecting the day-to-day operation of support staff; review and initiate needed rule changes relating to general operation, executive clemency, parole, and all hearings conducted by this agency; and take action upon gubernatorial directives.

Additional information may be obtained from Ken Casner, 711 Stephen F. Austin Building, Austin, Texas, telephone (512) 475-3363.

Filed: June 9, 1980, 1:32 p.m.
Doc. No. 804425

Wednesday, June 25, 1980, 9 a.m. The Board of Pardons and Paroles will meet in the Diagnostic Unit, Texas Department of Corrections, Huntsville. According to the agenda, a parole panel consisting of members of the Board of Pardons and Paroles and members of the Texas Parole Commission will conduct parole violation hearings.

Additional information may be obtained from Ken Casner, 711 Stephen F. Austin Building, Austin, Texas, telephone (512) 475-3363.

Filed: June 9, 1980, 1:33 p.m.
Doc. No. 804426

Texas State Board of Pharmacy

Tuesday and Wednesday, June 24 and 25, 1980, 8 a.m., daily. The Texas State Board of Pharmacy will meet in the Municipal Auditorium, lower level, South First and Riverside Drive, Austin. According to the agenda, the board will be conducting examinations for licensure of pharmacists.

Additional information may be obtained from Priscilla Jarvis, Southwest Tower, Suite 1121, 211 East 7th Street, Austin, Texas, telephone (512) 478-9827.

Filed: June 11, 1980, 9:34 a.m.
Doc. No. 804505

Wednesday, June 25, 1980, 10 a.m.-5 p.m. The Texas State Board of Pharmacy will meet in Suite 1221, Southwest Tower, 211 East 7th, Austin. According to the agenda, the board will meet to discuss status of out-of-state pharmacy students, proposed DEA regulations and guidelines, Sunset Commission status, repeal of Rules 393.02.00.003 and 393.10.00.001-009, proposed agreed board orders, and old and new business.

Additional information may be obtained from Priscilla Jarvis, Southwest Tower, Suite 1121, 211 East 7th Street, Austin, Texas, telephone (512) 478-9827.

Filed: June 11, 1980, 1:54 p.m.
Doc. No. 804508

Public Utility Commission of Texas

Friday, July 11, 1980, 9:30 a.m. The Hearings Division of the Public Utility Commission of Texas will conduct a rescheduled hearing in Suite 450N, 7800 Shoal Creek Boulevard, Austin, on an application of Alexa Enterprises, doing business as Engel Utility Company, for authority to increase rates and review rate ordinance passed by the City of Enchanted Oaks. This hearing was originally scheduled for June 3, 1980.

Additional information may be obtained from Philip F. Ricketts, 7800 Shoal Creek Boulevard, Suite 450N, Austin, Texas 78757, telephone (512) 458-0100.

Filed: June 12, 1980, 9:51 a.m.
Doc. No. 804518

Monday, July 14, 1980, 9 a.m. The Hearings Division of the Public Utility Commission of Texas will conduct a preliminary hearing in Suite 450N, 7800 Shoal Creek Boulevard, Austin, to consider Docket 2466—complaint of Southwestern Bell Telephone Company against San Marcos Telephone Company.

Additional information may be obtained from Phillip F. Ricketts, 7800 Shoal Creek Boulevard, Suite 450N, Austin, Texas 78757, telephone (512) 458-0100.

Filed: June 10, 1980, 4:47 p.m.
Doc. No. 804492

Wednesday, July 23, 1980, 9 a.m. The Public Utility Commission will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin. According to the agenda, the commission will consider hearing in Docket 3243—application of ABC Land-Development Company, Inc., for a rate increase within Montgomery County.

Additional information may be obtained from Philip F. Ricketts, 7800 Shoal Creek Boulevard, Suite 450N, Austin, Texas 78757, telephone (512) 458-0100.

Filed: June 11, 1980, 1:53 p.m.
Doc. No. 804509

Monday, July 28, 1980, 10 a.m. The Hearings Division of the Public Utility Commission of Texas will conduct a hearing in Suite 450N, 7800 Shoal Creek Boulevard, Austin, on an application of Texas Electric Service Company for a rate increase—Docket 3250.

Additional information may be obtained from Philip F. Ricketts, 7800 Shoal Creek Boulevard, Suite 450N, Austin, Texas 78757, telephone (512) 458-0100.

Filed: June 10, 1980, 10:01 a.m.
Doc. No. 804459

Texas Real Estate Research Center

Monday, June 23, 1980, 1:30 p.m. The Advisory Committee of the Texas Real Estate Center will meet in the Cardinal B. Room, Loews Anatole Hotel, Dallas, to discuss the Sunset Commission hearing and future plans for the center.

Additional information may be obtained from Alvin B. Wooten, Texas Real Estate Research Center, Texas A&M University, College Station, Texas, telephone (713) 845-2031.

Filed: June 9, 1980, 3:47 p.m.
Doc. No. 804451

School Land Board

Tuesday, June 17, 1980, 10 a.m. The School Land Board Division of the General Land Office will meet in Conference Room 831 at 1700 North Congress Avenue, Stephen F. Austin Building, Austin. According to the agenda, the board will discuss pooling applications; application of Rutherford Oil Corporation to drill two additional directional wells from surface location on State Lease M-68997 to Federal Lease, Matagorda County; coastal public lands: easement application and excess acreage application.

Additional information may be obtained from Linda Fisher, Stephen F. Austin Building, 1700 North Congress Avenue, Room 835, Austin, Texas 78701, telephone (512) 475-2071.

Filed: June 9, 1980, 3:33 p.m.
Doc. No. 804441

State Securities Board

Wednesday, June 18, 1980, 10 a.m. The Securities Commissioner of the State Securities Board will conduct a hearing in Room 119, 1700 North Congress, Austin, for the purpose of determining whether the application of Ronald Howard Degel for registration as an individual securities dealer or investment adviser should be granted or denied.

Additional information may be obtained from Lee Polson, 1800 San Jacinto Street, Austin, Texas 78711, telephone (512) 474-2233.

Filed: June 10, 1980, 4:28 p.m.
Doc. No. 804484

Texas State Soil and Water Conservation Board

Thursday, June 12, 1980, 8 a.m. The Texas State Soil and Water Conservation Board made an emergency addition to a meeting held at 1006 First National Building, Temple. According to the agenda, the board considered subdivision boundary changes in the Floyd County Soil and Water Conservation District.

Additional information may be obtained from A. C. Spencer, 1002 First National Building, Temple, Texas 76501, telephone (817) 773-2250, STS 820-1250.

Filed: June 11, 1980, 3:44 p.m.
Doc. No. 804511

Statewide Health Coordinating Council

Friday, June 27, 1980, 1 p.m. The Statewide Health Coordinating Council will meet in Salons F,G,H, of the Marriott Hotel, IH 35 at U.S. 290, Austin. According to the agenda summary, the council will consider Application, Budget, and project Review Committee reports on: a) applications for continued designation from: Texas Area 5 Health Systems Agency (HSA-5), South Texas Health Systems Agency (HSA-8), and H-GAC Health Systems Agency (HSA-11); b) Texas Department of Health, Texas Health Incentives Grant application, Section 314(d) of Public Health Service Act; (c) Texas Department of Health, Texas Hypertension Program grant application, Section 317(a)(1) of Public Health Service Act. The council will also hear reports from the Monitoring and Assessment Committee, Resource Development and Implementation Committee and the State Health Plan Development Committee. The next meeting date will be August 22, 1980.

Additional information may be obtained from George R. Anderson, M.D., 1100 West 49th Street, Austin, Texas 78756.

Filed: June 10, 1980, 4:47 p.m.
Doc. No. 804490

Sunset Advisory Commission

Thursday and Friday, June 19 and 20, 1980, 10 a.m. and 9 a.m. respectively. The Sunset Advisory Commission will meet in Room 309, State Capitol, Austin. According to the agenda summary, on Thursday, staff reports will be presented on the State Board of Veterinary Medical Examiners, State Board of Dental Examiners, State Board of Pharmacy, and Texas State Board of Medical Examiners. Tentative recommendations will be made by the Commission on Polygraph Examiners Board and Texas Aeronautics Commission. Public testimony will also be heard on agencies whose staff reports were presented on May 21, 1980. On Friday, public testimony will continue on those agencies whose staff reports were presented on May 21, 1980.

Additional information may be obtained from Cindy Unsell, 203 Reagan Building, Austin, Texas 78701, telephone (512) 475-6565.

Filed: June 10, 1980, 2:10 p.m.
Doc. No. 804461

Commission on Standards for the Teaching Profession

Friday, June 20, 1980, 10 a.m. The Commission on Standards for the Teaching Profession will meet in the sixth floor conference room of the Southwest Educational Development Laboratory, 211 East 7th Street, Austin. According to the agenda, the commission will consider the Committee on Standards and Procedures for institutional approval; revision of Policy 61.03, Standards for Teacher Education Institutions; membership; and discussion for commission members.

Additional information may be obtained from Elmer Russell, 201 East 11th Street, Austin, Texas 78701, telephone (512) 475-0164.

Filed: June 10, 1980, 2:12 p.m.
Doc. No. 804466

Friday, June 20, 1980, 7:30 p.m. The Certification Committee of the Commission on Standards for the Teaching Profession will meet in the Bonham Room, Stephen F. Austin Hotel, 701 Congress, Austin, to consider recommendation on classes, the duration of certificates, and testing of teachers.

Additional information may be obtained from Elmer Russell, 201 East 11th Street, Austin, Texas 78701, telephone (512) 475-0164.

Filed: June 10, 1980, 2:12 p.m.
Doc. No. 804467

Friday, June 20, 1980, 7:30 p.m. The Membership Committee of the Commission on Standards for the Teaching Profession will meet on the first floor, 158 East Riverside Drive, Austin. According to the agenda, the committee will meet in closed session under Article 62.52-17, Section 2.(g), Texas Education Code, to discuss a membership vacancy on the commission.

Additional information may be obtained from Elmer Russell, 201 East 11th Street, Austin, Texas 78701, telephone (512) 475-0164.

Filed: June 10, 1980, 2:12 p.m.
Doc. No. 804468

Texas Water Commission

Monday, June 16, 1980, 10 a.m. The Texas Water Commission made emergency additions to a meeting held in Room 118 of the Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the emergency additions concerned an application by Galveston County Water Authority for change in plans (commission must act on this matter so the district will not have to re-advertise for bids) and also an application for petition for creation of Williamson County Municipal Utility District 3 for filing and setting of a hearing date (commission must consider the petition as soon as possible because confirmation elections can only be scheduled four times a year, general election year excepted—only three times).

Additional information may be obtained from Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-4514.

Filed: June 11, 1980, 4:50 p.m.
Doc. No. 804512

Tuesday, July 8, 1980, 10 a.m. The Texas Water Commission will hold a hearing in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the hearing will consider a petition for organization of North Harris County Municipal Utility District 1, which will contain approximately 294.3732 acres located wholly in Harris County.

Additional information may be obtained from Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-4514.

Filed: June 10, 1980, 4:40 p.m.
Doc. No. 804494

Tuesday, July 8, 1980, 10 a.m. The Texas Water Commission will meet in Room 118 of the Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the hearing will concern a petition for organization of West Harris County Municipal Utility District 14, which contains 265.478 acres of land and located wholly within Harris County.

Additional information may be obtained from Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-4514.

Filed: June 10, 1980, 4:41 p.m.
Doc. No. 804495

Tuesday, July 8, 1980, 10 a.m. The Texas Water Commission will conduct a hearing in Room 118 of the Stephen F. Austin Building, 1700 North Congress, Austin. According to the agenda summary, the hearing will concern a petition for organization of West Harris County Municipal Utility District 15, which contains 350.735 acres of land and located wholly within Harris County.

Additional information may be obtained from Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-4514.

Filed: June 10, 1980, 4:41 p.m.
Doc. No. 804496

Tuesday, July 8, 1980, 10 a.m. The Texas Water Commission will conduct a hearing in Room 118 of the Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the hearing will concern a petition for conversion of City of Cities Municipal Utility District into a municipal district.

Additional information may be obtained from Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-4514.

Filed: June 11, 1980, 4:51 p.m.
Doc. No. 804513

Wednesday, July 9, 1980, 10 a.m. The Texas Water Commission will meet in Room 118 of the Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will conduct a hearing on a petition for organization of Harris County Municipal Utility District 177 which will contain 115.6510 acres of land, located wholly within Harris County.

Additional information may be obtained from Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-4514.

Filed: June 9, 1980, 3:30 p.m.
Doc. No. 804444

Thursday, July 17, 1980, 10 a.m. The Texas Water Commission will meet in Room 618 of the Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will conduct a hearing on Application 4053 of D. J. Mims and C. B. Mims—Sunset Golf Center, for a permit to maintain an existing two acre-foot off-channel reservoir and to maintain a four acre-foot reservoir on an unnamed tributary of Mountain Creek, tributary of West Fork Trinity River, tributary of Trinity River, Trinity River Basin, for recreational and irrigation purposes.

Additional information may be obtained from Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-4514.

Filed: June 9, 1980, 3:30 p.m.
Doc. No. 804445

Tuesday, July 22, 1980, 10 a.m. The Texas Water Commission will conduct a hearing in Room 118 of the Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the hearing will concern the assessment of costs for Rio Grande Watermaster Operations by the Texas Water Commission.

Additional information may be obtained from Mary Ann Hefner, Box 13087, Austin, Texas 78711, telephone (512) 475-4514.

Filed: June 10, 1980, 4:40 p.m.
Doc. No. 804497

Wednesday, August 13, 1980, 10 a.m. The Texas Water Commission will meet in Room 118 of the Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will conduct a hearing on Application 4051 of El Dorado Homes Association, Inc., for a permit to maintain existing dam and reservoir on an unnamed tributary of Beitel Creek, tributary of Salado Creek, tributary of San Antonio River, San Antonio River Basin, for recreation purposes in Bexar County.

Additional information may be obtained from Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-4514.

Filed: June 9, 1980, 3:30 p.m.
Doc. No. 804446

Thursday, August 14, 1980, 10 a.m. The Texas Water Commission will meet in Room 618 of the Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the summarized agendas, the commission will conduct hearings on the following:

Application 4045 of Joe P. Mueck for a permit to divert 120 acre-feet from the Little River, tributary of Brazos River, Brazos River Basin, for irrigation purposes in Milam County;

Application 4049 of Vaughn Baird for a permit to maintain a dam creating a 20 acre-foot capacity reservoir on Salado Creek, tributary of Lampasas River, tributary of Little River, tributary of Brazos River, Brazos River Basin; and to divert and use up to 450 acre-feet of water for irrigation purposes in Bell County;

Application 4048 of Ellis Gordon Marshall and Jean Marshall for a permit to divert and use (not to exceed) 100 acre-feet of water from Little River, tributary of Brazos River, Brazos River Basin for irrigation purposes in Bell County;

Application 4047 of W. H. McKemie and Judith Givens McKemie, individually and as trustees for Jack McKemie, for a permit to divert 400 acre-feet per annum from the Little River, tributary of Brazos River, Brazos River Basin, for irrigation purposes in Milam County.

Additional information may be obtained from Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-4514.

Filed: June 9, 1980, 3:31 p.m.
Doc. Nos. 804447-804450

Texas Water Development Board

Tuesday, June 17, 1980, 8:30 a.m. The Texas Water Development Board will meet in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the board will consider: approval of minutes; resolutions honoring A. L. Black and Chairman Beecher; naming a finance committee of the TWDB; status of the development fund; financial assistance for the Cities of Galveston, Center, Elgin, Town of Tom Bean, and Bacliff MUD; status of the Federal Construction Grant Program; contract amendment of 1980 joint funding agree-

ment between TDWR and USGS; adoption of proposed Rules 156.12.06.001-.10, concerning Texas Water Well Drillers Act in lieu of existing Rules 156.12.05.001-.011; conducting public meetings on July 31, 1980 for the draft of five-year strategy and annual work program, and on August 21, 1980 for obtaining public input concerning EPA programs; adoption of emergency rules relating to state hazardous waste permits for industrial solid waste disposal facilities; and approval of TDWR operating budget for fiscal year 1981 and of budget requests for fiscal year 1982 and 1983.

Additional information may be obtained from Harvey Davis, P. O. Box 13087, Austin, Texas 78711, telephone (512) 475-3187.

Filed: June 9, 1980, 3:32 p.m.
Doc. No. 804442

Texas Water Well Drillers Board

Tuesday, July 1, 1980, 1:30 p.m. The Texas Water Well Drillers Board will meet in the executive conference room (Room 513), Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the board will consider taking appropriate legal action against Willie E. Neie and B. B. Seago for violations of the Texas Water Well Drillers Act.

Additional information may be obtained from Jim Rourke, Stephen F. Austin Building, 1700 North Congress Avenue, Austin, Texas, telephone (512) 475-4338.

Filed: June 9, 1980, 3:32 p.m.
Doc. No. 804443

Regional Agencies

Meetings Filed June 9, 1980

The Deep East Texas Council of Governments, Rural Development Committee, will meet in the Harvest Room, Lufkin Federal Savings and Loan, 211 Shepherd Street, Lufkin, on June 19, 1980, 10 a.m. Further information may be obtained from Randy E. Blanks, P.O. Drawer 1170, Jasper, Texas, telephone (713) 384-5704.

The Education Service Center, Region III, Board of Directors, met at 1905 Leary Lane, Victoria, on June 16, 1980, at 1 p.m. Further information may be obtained from Dennis Grizzle, 1905 Leary Lane, Victoria, Texas 77901, telephone (512) 575-1471.

The City of El Paso, El Paso Urban Transportation Study, Policy Advisory Committee, will meet in the OMB Conference Room, 10th floor, Administration Municipal Building, No. 2 Civic Center Plaza, El Paso, on June 19, 1980, at 11 a.m. Further information may be obtained from Judith M. Price, No. 2 Civic Center Plaza, El Paso, Texas 79999, telephone (915) 543-6770.

The Houston-Galveston Area Council, Board of Directors, will meet at 3701 West Alabama, Houston, on June 17, 1980, at 9:30 a.m. Further information may be obtained from Jack Steele, 3701 West Alabama, Houston, Texas 77072, telephone (713) 627-3200.

The Lower Neches Valley Authority, Board of Directors, will meet in the Conference Room, LNVA Office Building, 7850 Eastex Freeway, Beaumont, on June 17, 1980, at 10:30 a.m. Further information may be obtained from J. D. Nixon, P.O. Drawer 3464, Beaumont, Texas 77704.

The Nortex Regional Planning Commission, General Membership, will meet at McBride Land and Cattle Company, 501 Scott Street, Wichita Falls, on June 19, 1980, at noon. Further information may be obtained from Edwin B. Daniel, 2101 Kemp Boulevard, Wichita Falls, Texas 76309, telephone (817) 322-5281.

The Tri-Region Health Systems Agency, Concho Valley SAC, met in emergency session in the Robert Carr Auditorium, Saint Johns Hospital, 2018 Pulliam, San Angelo, on June 10, 1980, at 7 p.m. Further information may be obtained from Angel Rivera, 2642 Post Oak Road, Abilene, Texas 79605, telephone (915) 698-9481.

Doc. No. 804427

Meetings Filed June 10, 1980

The Education Service Center, Region XII, Administrative, will meet at 3730 Franklin Avenue, Waco, on June 19, 1980, at 7:30 p.m. Further information may be obtained from Mack W. Mullins, P.O. Box 1249, Waco, Texas 76703, telephone (817) 756-7494.

The Panhandle Ground Water Conservation District No. 3, Board of Directors, met at Panhandle Ground Water District Office, 300 South Omohundro, White Deer, on June 16, 1980, at 7:30 p.m. Further information may be obtained from Richard S. Bowers, Box 637, White Deer, Texas 79097.

The San Antonio River Authority, Board of Directors, will meet in the Conference Room, General Offices, 100 East Guenther Street, San Antonio, on June 18, 1980, at 2 p.m. Further information may be obtained from Fred N. Pfeiffer, P.O. Box 9284, Guilbeau Station, San Antonio, Texas 78204, telephone (512) 227-1373.

The Trinity River Authority of Texas, Basin Planning Committee, met in the conference room, Livingston Dam and Reservoir Office, five miles south of Livingston on FM Road 1988, Livingston, on June 16, 1980, at 10 a.m. Further information may be obtained from Geri Elliott, P.O. Box 5768, Arlington, Texas 76011, telephone (817) 461-3151.

Doc. No. 804458

Meetings Filed June 11, 1980

The Austin-Travis County Mental Health Mental Retardation Center, Personnel Committee of the Board of Trustees, will meet in the board room at 1430 Collier Street, Austin, on June 17, 1980, at 7:30 p.m. Further information may be obtained from Cynthia Garcia, 1430 Collier Street, Austin, Texas 78704, telephone (512) 447-4141.

The Camino Real Health Systems Agency, Board of Directors, will meet in the second floor conference room, Heritage Plaza, 410 South Main, San Antonio, on June 18, 1980, at 7 p.m. Further information may be obtained from Jose Antonio Contreras, 410 South Main, Suite 212, San Antonio, Texas 78204, telephone (512) 225-4426.

The Central Counties Center for MH/MR Services, Board of Trustees, will meet at 302 South 22nd Street, Temple, on June 19, 1980, at 7:45 p.m. Further information may be obtained from Steven Schnee, P.O. Box 518, Temple, Texas 76501, telephone (817) 778-4841.

The Central Texas Health Systems Agency, Board of Directors, will meet in the Coronet Room, Austin Hilton Inn, 6000 Middle Fiskville Road, Austin, on June 24, 1980, at 7:30 p.m. Further information may be obtained from Keith Markley, 1106 Clayton Lane, Suite 210 West, Austin, Texas 78723, telephone (512) 458-9161.

The East Texas CETA Consortium, Board of Directors, will meet in the Blue Room of Allied Citizens Bank Building, Kilgore, on June 18, 1980, at 2 p.m. Further information may be obtained from Wendell Holcombe, fifth floor, Allied Citizens Bank Building, Kilgore, Texas 75662, telephone (214) 984-8641.

The Guadalupe-Blanco River Authority, Board of Directors, will meet at 933 East Court Street, Seguin, on June 19, 1980, at 10 a.m. Further information may be obtained from John H. Specht, P.O. Box 271, Seguin, Texas, telephone (512) 379-5822.

The North Texas Municipal Water District, Board of Directors, will meet at Highway 79 East, Wylie, on June 26, 1980, at 4 p.m. Further information may be obtained from Carl Rich, P.O. Drawer C, Wylie, Texas 75098, telephone (214) 442-2217, ext. 26.

The Region XIV Education Service Center, Board of Directors, will meet at 3001 North 3rd Street, Abilene, on June 26, 1980, at 5:30 p.m. Further information may be obtained from Thomas Lawrence, Center Office, Abilene, Texas, telephone (915) 677-2911.

The Sabine Valley Regional MH/MR Center, Board of Trustees, will meet at Highway 80 West, at Sun Camp Road, Longview, on June 19, 1980, at 7:30 p.m. Further information may be obtained from Frances Willis, P.O. Box 6800, Longview, Texas 75608, telephone (214) 297-2191.

The San Antonio River Authority, Board of Trustees, will meet in the conference room, 100 East Guenther Street, San Antonio, on June 18, 1980, following a 2 p.m. board of directors' meeting. Further information may be obtained from Fred Pfeiffer, P.O. Box 9284, Guilbeau Station, San Antonio, Texas 78204, telephone (512) 227-1373.

The Tri-Region Health Systems Agency, Nominating Committee, will meet at 2642 Post Oak Road, Abilene, on June 20, 1980, at 6 p.m. Further information may be obtained from Victor W. Rhoads, 2642 Post Oak Road, Abilene, Texas 79605, telephone (915) 698-9481.

The Trinity River Authority of Texas, Administration Committee, will meet at Lake Livingston Dam and Reservoir Office, five miles south of Livingston on FM 1988, on June 18,

1980, at 10 a.m. Further information may be obtained from Geri Elliot, P.O. Box 5768, Arlington, Texas 76011, telephone (817) 461-3151.

The West Central Texas Council of Governments, 95-Physical Planning Advisory Committee, will meet at 1025 East North 10th Street, Abilene, on June 18, 1980, at 11 a.m. Further information may be obtained from Gary L. Smith, P.O. Box 3195, Abilene, Texas 79604, telephone (915) 672-8544.

Doc. No. 804503

Meetings Filed June 12, 1980

The Alamo Area Council of Governments, Executive Committee and Area Council, will meet at the Castroville Regional Park in Castroville, July 2, 1980, at 1:30 p.m. and 3 p.m., respectively. Further information may be obtained from Al J. Notzon III, 400 Three Americas Building, San Antonio, Texas 78205, telephone (512) 225-5201.

The Lower Colorado River Authority will meet at 3700 Lake Austin Boulevard, Austin, on June 19, 1980, at 9 a.m. Further information may be obtained from Charles Herring, P.O. Box 220, Austin, Texas 78767, telephone (512) 474-5931, ext. 330.

The South Plains Health Systems, Inc., Board of Directors, will meet in the George M. Brewer Assembly Room, Methodist Hospital, 3515 19th Street, Lubbock, on June 17, 1980, at 7 p.m. The Nominating Committee of GCSAC will meet in Room 201 in the Science Building at Victoria College in Victoria, on June 18, 1980, at 9 a.m. The Golden Crescent Subarea Advisory Council will meet in the same location on the same date at 7 p.m. Further information may be obtained from Ronald D. Warner, 1217 Avenue K, Lubbock, Texas 79401, and Ruben Saenz, Station 1, Box 2378, Kingsville, Texas 78363, telephone (806) 747-0181 and (512) 595-5545, respectively.

The Texas Municipal Power Agency, Board of Directors, met in Suite 319 of the agency offices at 600 Arlington Downs Tower in Arlington, June 10, 1980, at 9 a.m. The Audit and Budget Committee and the Board of Directors will meet in the Mill Creek Room at the Rodeway Inn, Highway 360 at Six Flags Drive, Arlington, on June 18, 1980, at 4 p.m. and 7 p.m., respectively. Further information may be obtained from Joel T. Rodgers, Suite 319, 600 Arlington Downs Tower, or 2225 E. Randol Mill Road, Arlington, Texas 76011, telephone (817) 461-4400.

The West Texas Health Systems Agency, Governing Body, will meet in the Durango Room at the Granada Royale Hotel, 610 Gateway East, El Paso, on June 19, 1980, at 8:30 p.m. Further information may be obtained from Cory Vaughan, 303 North Oregon, Suite 700, El Paso, Texas 79901, telephone (915) 532-2910.

Doc. No. 804514

Texas Air Control Board

Applications for Construction Permits

Notice is given by the Texas Air Control Board of applications for construction permits received during the period of June 2-6, 1980.

Information relative to these applications, 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 name of the applicant and the city in which the facility is located; type of facility; location of the facility (if available); permit number; and type of application—new source or modification.

Week Ending June 6, 1980

Brown and Root, Inc., Humble; asphalt mixing plant; 8401; new source

Phillips Petroleum Company, Sweeny; toluene-xylene recovery unit; 8402; new source

Diamond Shamrock Corporation, Sunray; vacuum distillation unit; McKee plants; 8403; new source

Diamond Shamrock Corporation, Sunray, natural gas pipeline compressor; Flores Compressor Station; 8405; new source

Diamond Shamrock Corporation, Sunray; natural gas pipeline compressor; Sunray Compressor Station; 8406; new source

Nueces Grain Corporation, Corpus Christi; grain storage facility; 1409 Corn Products Road; 4252A; new source

E. I. Dupont De Nemours and Company, Inc., LaPorte; vinyls area—polyvinyl alcohol process; Houston plant; 4445A; modification

David Buster Construction Company, Paris; production of asphaltic concrete; Loop 286W; 8407; new source

United Texas Transmission Company, Hallettsville; gas sweetening with amine—H₂/CO₂ removal; UTTCO—Melner; 8408; new source

Southwestern Portland Cement Company, Amarillo; rotary kiln—fuel conversion; 2398A; modification

Oasis Pipeline Company, Fort Stockton; compressor station; Gomez Compressor Station; 8409; new source

Southwestern Portland Cement Company, Odessa; No. 1 rotary kiln—fuel conversion; 8410; modification

Southwestern Portland Cement Company, Odessa; No. 2 rotary kiln and suspension preheater—fuel conversion; 8411; modification

Southwestern Portland Cement Company, Odessa; No. 3 rotary kiln and suspension preheater flash furnace; 8412; new source

High Plains Pavers, Inc., Plainview; drum mix asphalt plant; 7953A; new source

Champlin Petroleum Company, Carthage; natural gas processing plant; East Texas gas plant; 8413; new source

Amerada Hess Corporation, Seminole; gas processing and compression plant; Seminole (San Andres) unit; 8414; new source

Southwest Industrial Motor Sales, Inc., Houston; Bayco No. BB-42 burnout oven; 1606 Superior Way; 8415; new source

McFarlane Oil Company, Inc., Seven Points; gas injection project; John W. (Smackover) Field central facility; 8416; new source

Issued in Austin, Texas, on June 6, 1980.

Doc. No. 804457 Ramon Dasch
Hearing Examiner
Texas Air Control Board

Filed: June 10, 1980, 10:02 a.m.

For further information, please call (512) 451-5711, ext. 401

Texas Energy and Natural Resources Advisory Council

Notice of Contract

The Texas Energy and Natural Resources Advisory Council has contracted with Richard Bywaters and Associates, Consulting Engineers, Energy Systems Research, Design, and Analysis, P.O. Box 25111, Dallas, Texas 75225, to provide a broad base of technical review and support in the areas related to programs administered by the Conservation Division of TENRAC. The contractor will be responsible for review of energy conservation material for accuracy and continuity with the State Energy Conservation Plan and review evaluation of appropriate technology proposals received by TENRAC. Maximum project funding will not exceed \$50,000. Richard Bywaters and Associates will be retained for a period ending December 31, 1980. Appropriate technology proposal reviews will be concluded on or about June 15, 1980.

Issued in Austin, Texas, on June 10, 1980.

Doc. No. 804485 Thomas D. Wright
Acting Director, Conservation Division
Texas Energy and Natural Resources
Advisory Council

Filed: June 10, 1980, 4:44 p.m.

For further information, please call (512) 475-5407.

General Land Office Consultant Proposal Request

The General Land Office (GLO) is soliciting statements of qualifications and fee proposals from persons and firms interested in contracting with the GLO to develop conceptual models, narrative reports, and other information pertaining to the Texas Gulf Coast. This study is contingent upon the availability of funding.

Description. The contractor will aid in the preparation of draft and final versions of conceptual models, a narrative report, and an information base pertaining to the Texas Gulf Coast. The models and accompanying graphics will be designed to delineate functional system boundaries, forcing functions, components, processes, and outputs at scales of the region, hydrologic unit, and habitat and community. The narrative report will analyze, synthesize, and summarize information presented in the models. The information base will consist of numerical and tabular data to quantify forcing functions, components, and interactions within the region, hydrologic units, and habitats and communities.

The contractor will work in close cooperation with the GLO staff and under the direct supervision of the GLO project supervisor on a day-to-day basis. The first 12 months of this project will require a nearly full-time effort from the contractor.

Contract Period. The GLO estimates this study will require two person-years of work over approximately 15 months. The contract period is expected to begin on July 28, 1980, and continue through October 1, 1981.

Criteria. The GLO will select a contractor on the basis of demonstrated competence and knowledge, qualifications and ability, and reasonableness of the proposed fee. When other considerations are equal, the GLO will give preference to persons and firms whose principal place of business is within the state or who will conduct their efforts from offices within the state. Because of the need to work in close cooperation with staff of the GLO and under the direct supervision of the GLO project supervisor on a day-to-day basis offices in Austin, Texas, are highly desirable.

Negotiation. The GLO reserves the right to enter into competitive negotiations with selected persons or firms prior to contract award and/or execution.

Preliminary Determination. On the basis of the foregoing criteria, the GLO has made a preliminary determination that the firm of Island Cybernetics is uniquely suited to serve as contractor for the study. However, the GLO recognizes there may be other persons or firms with which it is unfamiliar that have superior competence, knowledge, qualifications, and ability. The GLO invites such persons or firms to respond to this solicitation.

Deadline. Three copies of the statement of qualifications and fee proposal should be sent by registered mail or courier to the General Land Office, 1700 North Congress Avenue, Austin, Texas 78701, attention: Dr. William L. Longley, and must arrive no later than 5 p.m. July 2, 1980.

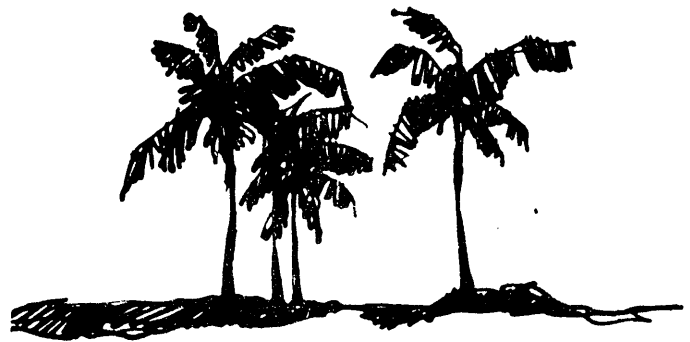
Information. Further information may be obtained by writing or telephoning Dr. William L. Longley, 1700 North Congress Avenue, Austin, Texas 78701, telephone (512) 475-1539.

Issued in Austin, Texas, on June 10, 1980.

Doc. No. 804456 Bob Armstrong
 Commissioner
 General Land Office

Filed: June 19, 1980, 11:53 a.m.

For further information, please call (512) 475-1166.



Texas Health Facilities Commission Applications for Declaratory Ruling, Exemption Certificate, and Transfer and Amendment of Certificate

Notice is hereby given by the Texas Health Facilities Commission of application (including a general project description) for declaratory ruling, exemption certificate, transfer of certificate, and amendment of certificate accepted during the period of June 5-9, 1980.

Should any person wish to become a formal party to any of the above-stated applications, that person must file a request to become a party to the application with the chairman of the commission within 25 days after the application is accepted. The first day for calculating this 25-day period is the first calendar day following the date of acceptance of the application. The 25th day will expire at 5 p.m. on the 25th consecutive day after the date said application is accepted. If the 25th day is a Saturday, Sunday, or state holiday, the last day shall be extended to 5 p.m. of the next day that is not a Saturday, Sunday, or state holiday. A request to become a party should be mailed to the chairman of the commission, P.O. Box 15023, Austin, Texas 78761, and must be received at the commission no later than 5 p.m. of the last day allowed for filing of a request to become a party.

The contents and form of a request to become a party to an application for a declaratory ruling, exemption certificate, transfer of certificate, or amendment of certificate must meet the minimum criteria set out in Rule 315.20.01.050. Failure of a party to supply the minimum necessary information in the correct form will result in a defective request to become a party and such application will be considered uncontested.

The fact that an application is uncontested will not mean that it will be approved. The application will be approved only if the commission determines that it qualifies under the criteria of Sections 3.02 or 3.03 of Article 4418(h), Texas Revised Civil Statutes, and Rules 315.17.04.010-.030, Rules 315.17.05.010-.030, Rules 315.18.04.010-.030, and Rules 315.18.05.010-.030.

In the following list, the applicant and date of acceptance are listed first, the file number second, the relief sought third, and description of the project fourth. EC indicates exemption certificate, DR indicates declaratory ruling, TR indicates transfer of ownership of certificate, AMD indicates amendment of certificate, and CN indicates certificate of need.

Panhandle Area Cancer Council, Inc., Amarillo (6/6/80)

AO78-1010-020A (060280)

AMD/CN—Request to increase the project cost in Certificate of Need AO78-1010-020, which authorized the construction of a cancer center in Amarillo

Adolescent Residential Care Program of Nueces County MH/MR Community Center, Corpus Christi (6/6/80)

AA80-0602-038

EC—To establish a group living residence for eight adolescents ranging in age from 13-17 in Corpus Christi

Richardson Medical Center, Richardson (6/6/80)

AH80-0602-048

EC—Installation of a telecommunications terminal and data prep equipment in order to subscribe to the shared medical systems hospital data processing service

Ennis Nursing Home, Ennis (6/6/80)

AN80-0602-052

EC/DR—To reclassify eight ICF-III beds to skilled level in a 93-bed nursing home

Presbyterian Medical Center, Lubbock (6/6/80)

AH80-0604-008

EC—Relocate its clinic operations from 2305 Cedar Street in Lubbock to 1602 Vanda Street in Lubbock

Chillicothe Hospital Authority, Chillicothe (6/6/80)

AH80-0603-013

EC—To provide diagnostic ultrasound at the hospital by contracting with a mobile service

Central Texas Planned Parenthood Association, Waco (6/6/80)

AO80-0604-012

EC—To acquire a modular building to be used as office space and a library

Fort Worth Western Hills Nursing Home, Inc., Fort Worth (6/6/80)

AN80-0604-020

EC—Enclose a patio area to provide additional dining area, pantry, and a walk-in cooler and freezer

Sam Houston Memorial Hospital, Houston (6/9/80)

AH80-0605-005

EC—To acquire an MDSA² nuclear image processing system for cardiac diagnostic assessment, as an addition to the existing gamma camera

Family and Individual Services Association of Tarrant County, Fort Worth (6/9/80)

AS80-0605-015

DR—That neither a certificate of need nor an exemption certificate is required to develop a Hospice Care Program within an existing home health agency

Wadley Hospital, Texarkana (6/9/80)

AH80-0606-012

EC—To acquire two-dimensional sector scanning and M-mode echography equipment to replace existing equipment which will be retained for back-up purposes

Irving Community Hospital, Irving (6/9/80)

AH80-0606-022

EC—Expansion of employee parking by 47 spaces and visitor parking by 60 spaces

Visiting Nurse Association of Greater Texarkana, Inc., Texarkana (6/9/80)

AS80-0606-018

EC—Relocate the branch office in New Boston from 308 Highway 82 to 101 North Front Street in New Boston

Fourth Ward Clinic, Houston (6/6/80)

AO80-0602-042

DR—That neither a certificate of need nor an exemption certificate is required to continue offering certain services in a health clinic which ceased operation for a period of months in 1976

Issued in Austin, Texas, on June 11, 1980.

Doc. No. 804502

O. A. Cassity III

Director of Hearings

Texas Health Facilities Commission

Filed: June 11, 1980, 11:40 a.m.

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

State Pension Review Board

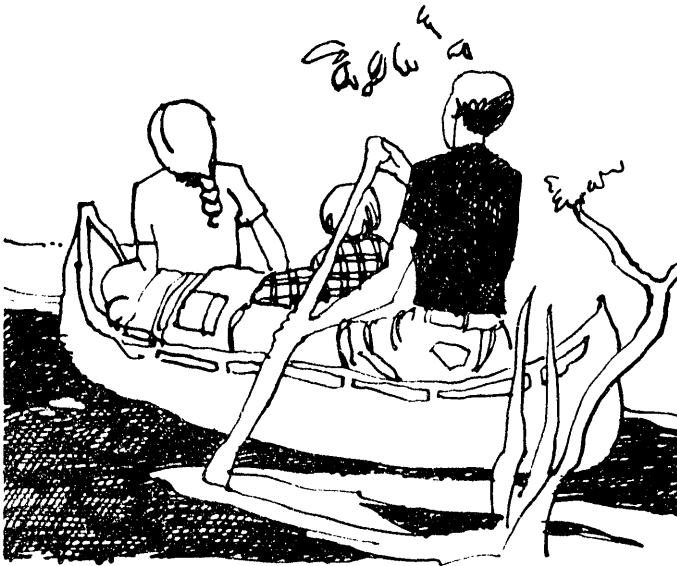
Correction of Error

A notice of an open meeting scheduled for June 13, 1980, submitted for publication by the State Pension Review Board, was inadvertently omitted from publication in the June 10, 1980, issue of the *Texas Register* (5 TexReg 2324). The meeting was timely submitted, properly noticed, and should have read as follows:

Friday, June 13, 1980, 9 a.m. The Subcommittee on Presentation to the President's Commission on Pension Policy of the State Pension Review Board will meet in Room 100-E, Reagan State Office Building, 105 West 15th Street, Austin. According to the agenda summary, there will be a presentation by actuarial consultant, Thomas Bleakney, to present further benefit comparisons and preliminary cost comparisons for Houston, Dallas, and San Antonio systems under study by the board.

Additional information may be obtained from Rita Horwitz, Room 200, Reagan State Office Building, 105 West 15th Street, Austin, Texas 78701, telephone (512) 475-8332.

Filed: June 3, 1980, 3:25 p.m.
Doc. No. 804288



Texas Savings and Loan Department Notice of Interest Rate

The following information is made available at this time for the benefit of the public and the financial institutions of Texas.

Pursuant to the provisions of House Bill 409, 66th Legislature of Texas, Regular Session, 1979, the Savings and Loan Commissioner of Texas has ascertained the average per annum market rate adjusted to constant maturities on 10-year U.S. Treasury notes for the calendar month of May 1980 to be 10.18%. An additional 2.0% per annum translates to the maximum 12% as provided for by law.

This rate shall govern applicable loans made on or after July 1, 1980, and extending through July 31, 1980.

Issued in Austin, Texas, on June 11, 1980.

Doc. No. 804501 L. L. Bowman III
Deputy Commissioner
Savings and Loan Department of Texas

Filed: June 11, 1980, 11:33 a.m.
For further information, please call (512) 475-7991.

Texas Register Notice of Schedule Variation

In view of the state observance of Emancipation Day on June 19, deadlines for submission of documents for publication in

the issue of the *Texas Register* dated June 24, 1980, have been changed. As previously scheduled, deadlines for submission of documents for publication in the June 24 issue are noon, Tuesday, June 17 (all copy except notices of open meetings), and noon Wednesday, June 18 (open meeting notices). The regular deadline schedule for submission of documents for publication will resume with the June 27, 1980, issue of the *Register*.

Texas Water Commission Applications for Waste Discharge Permits

Notice is given by the Texas Water Commission of public notices of waste discharge permit applications issued during the period of June 2-6, 1980.

No public hearing will be held on these applications unless an affected person who has received notice of the applications has requested a public hearing. Any such request for a public hearing shall be in writing and contain (1) the name, mailing address, and phone number of the person making the request; (2) a brief factual statement of the nature of the interest of the requester and an explanation of how that interest would be affected by the proposed action; and (3) the names and addresses of all persons whom the requester represents. If the commission determines that the request sets out legal or factual questions within the jurisdiction of the commission and relevant to the waste discharge permit decision, the commission shall conduct a public hearing, after the issuance of proper and timely notice of the hearing. If no sufficient request for hearing is received within 45 days of the date of publication of notice concerning the applications, the permit will be submitted to the commission for final decision on the application.

Information concerning any aspect of these applications may be obtained by writing Larry R. Soward, assistant chief hearings examiner, Texas Water Commission, P.O. Box 13087, Capitol Station, Austin, Texas 78711, telephone (512) 475-1311.

Listed are the name of the applicant and the city in which the facility is located; type of facility; location of the facility; permit number; and type of application—new permit, amendment, or renewal.

Week Ending June 6, 1980

City of Corpus Christi (Broadway Plant), Nueces County; treatment facilities; intersection of North Staples and Broadway Streets; 10401-05; renewal

Coastal States Petroleum Company, Corpus Christi; oil refinery and petrochemical plant; east of Navigation Boulevard and approximately 0.5 mile north of IH 37; 00465; amendment

Specialty Sand Company, Deweyville, Newton County; industrial sand mining and processing facility; 1/4 mile west of State Highway 12, and about 1/2 mile northwest of Deweyville; 01677; renewal

Atchinson, Topeka, and Santa Fe Railway Company, Nolan County; fueling station and freight car classification yard; approximately 0.6 mile west of the crossing of the Santa Fe Railroad and State Highway 70; 01915; renewal

City of Graford, Graford, Palo Pinto County; treatment facilities; 1/2 mile north of Graford, 1/4 mile west of FM 206; 10722-01; renewal

Robert L. Sisk, Rains County; wastewater retention facilities and irrigation equipment to dispose of accumulated process wastewater; north side and adjacent to FM 514, approximately two miles east of the intersection of State Highway 19 and FM 514; new permit

Texas Parks and Wildlife Department (Possum Kingdom State Recreation area), Palo Pinto County; water treatment plant; 500 feet within the limits of Possum Kingdom State Recreation area on south shores of Possum Kingdom Reservoir; 11704-02; renewal

City of Rockwall (Squabble Creek Plant), Rockwall County; sewage treatment facility; 1.2 miles south-southwest of the intersection of State Highway 205 and FM 552; 10262; amendment

Gilmer Potteries, Inc., Gilmer, Upshur County; vitreous china bathroom fixture manufacturing plant; southwest of the intersection of Warren Avenue and U.S. Highway 271; 01361; renewal

Stauffer Chemical Company, Fort Worth, Tarrant County; basin inorganic chemical manufacturing plant; east side of Deen Road; 00540;

City of Del Rio Utilities Commission, Val Verde County; treatment facilities; 3,500 feet southeast of the intersection of Hudson Street and Guyler Avenue, southeast of Del Rio; 10159-01; renewal

City of Huntsville (north side plant), Walker County; treatment facilities; 1320 Thomason Street, approximately 300 feet west of FM 247 (Avenue M); 10781-01; renewal

City of Huntsville (South Huntsville Plant), Walker County; treatment facilities; 3.5 miles south of the intersection of FM 1374 and IH 45, approximately 1.4 miles southwest of the Elkins Lake Dam; 10781-02; renewal

City of Longview (Greggton Plant), Gregg County; treatment facilities; 1,000 feet southwest of the inter-

section of Pine Bluff Drive and River Oaks Drive, southeast of Longview; 10589-01; renewal

City of Oakwood, Leon County; sewage treatment facilities; southeast of Y intersection of FM 831 and 524; 10586-01; renewal

City of Mabank, Henderson County; sewage treatment facilities; due west of Mabank, and east of Prairie Creek, 6,000 feet due west of the intersection of U.S. Highway 175 and State Highway 198; 10579-01; renewal

City of Sadler, Grayson County; sewage treatment facilities; 1/4 mile due southeast of the intersection of FM 901 and the Missouri-Kansas-Texas Railroad; 11037-01, renewal

San Isidro Independent School District, San Isidro, Starr County; evaporation ponds to dispose of treated domestic sewage from a public school system; one mile west of the intersection of FM 1017 and FM 2254; new permit

Mobil Oil Corporation (Nell Project—Well 1), Live Oak County; industrial waste disposal well; 8,500 feet from the west line and 3,200 feet from the north line of William T. Hatton survey, Section 121, Abstract 222; new permit

Mobil Oil Corporation (Nell Project—Well 2), Live Oak County; industrial waste disposal well; 7,400 feet from the west line and 2,300 feet from the north line of William T. Hatton Survey, Section 121, Abstract 222; new permit

Amoco Oil Company, Texas City; fertilizer manufacturing plant, intersection of Grant Avenue and FM 519; 00450; renewal

City of Nacogdoches (Plant 2A); sewage treatment facilities, east side of Bayou La Nana between FM 1275 and FM 2863, 3-1/2 miles south of Nacogdoches; 10342-04; amendment

Issued in Austin, Texas, on June 6, 1980.

Doc No 804395 Mary Ann Hefner
 Chief Clerk
 Texas Water Commission

Filed: June 6, 1980, 4:07 p.m.

For further information, please call (512) 475-1311.