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TEXAS REGISTER

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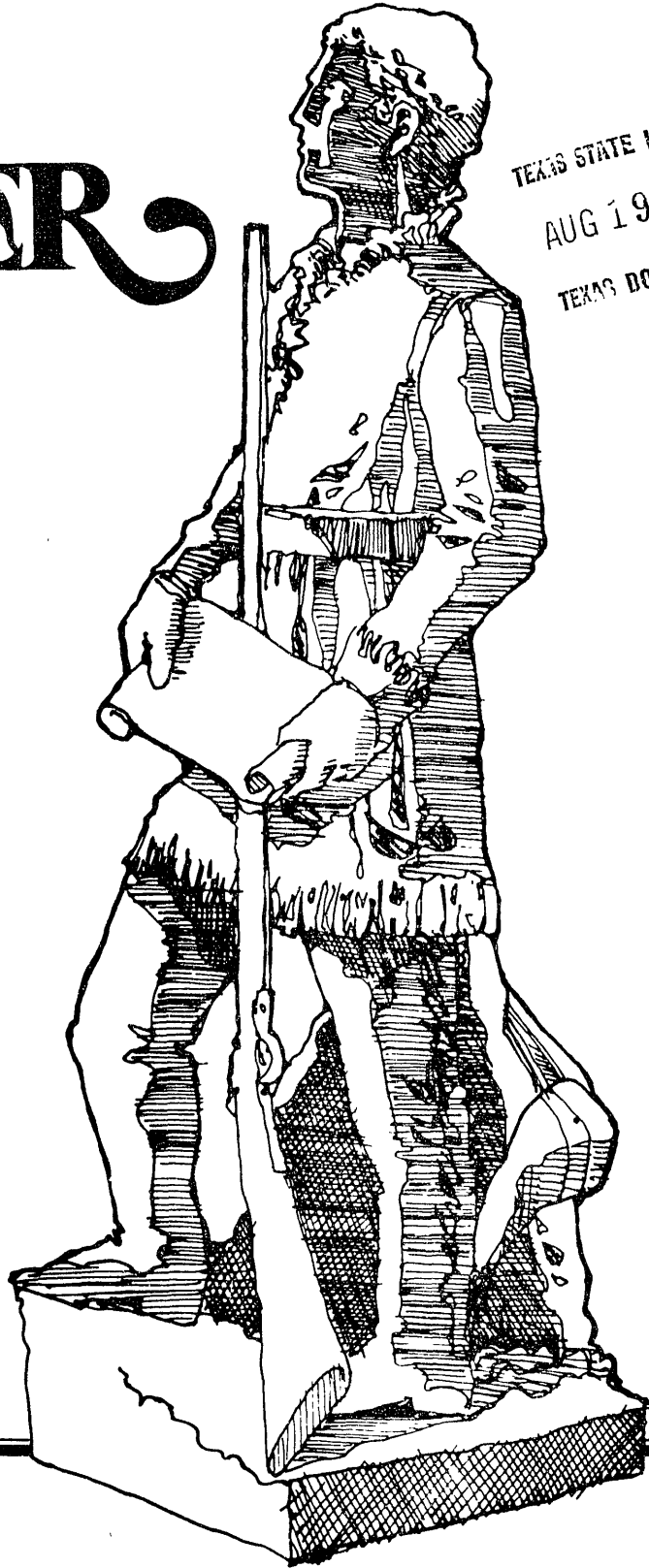
In This Issue...

Public Utility Commission of Texas adopts on an emergency basis and proposes for permanent adoption amendments concerning disputed telephone bills; effective date—August 10; proposed date of adoption—October 15..... 3001, 3002

Comptroller of Public Accounts proposes new sections to chapter on tax administration concerning cigarette tax; proposed date of adoption—September 18..... 3003

Texas Board of Private Investigators and Private Security Agencies adopts amendments to chapters concerning application and examination; handgun—Security Officer Commission; training programs; license not assignable; fees; and consumer information; effective date—September 1..... 3004

Texas Department of Public Safety adopts amendments to its chapters concerning drivers license; vehicle inspection; and identification and criminal records; effective date—August 31..... 3011



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, 16, 19, 22, 25, 31, 34, 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. 5, Apr. 81

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 Isabet Ney's statue of Stephen F. Austin, which stands in the foyer of the State Capitol.

TEXAS REGISTER

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George W. Strake, Jr.
Secretary of State

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The Governor

Appointments—August 7, 1981

- 3000 *Governor's Task Force on Water Resource Use and Conservation*

Emergency Rules

Public Utility Commission of Texas

- 3001 *Substantive Rules*

Proposed Rules

Public Utility Commission of Texas

- 3002 *Substantive Rules*

Texas Board of Private Investigators and Private Security Agencies

- 3002 *Training Programs*

Comptroller of Public Accounts

- 3003 *Tax Administration*

Adopted Rules

Texas Board of Private Investigators and Private Security Agencies

- 3004 *Application and Examination*

- 3004 *Handgun; Security Officer Commission*

- 3004 *Training Programs*

- 3005 *License Not Assignable*

- 3005 *Fees*

- 3005 *Consumer Information*

Texas Real Estate Commission

- 3005 *Provisions of the Real Estate License Act*

Texas Department of Health

- 3007 *Communicable Diseases*

Texas Parks and Wildlife Department

- 3007 *Wildlife*

Texas Department of Public Safety

- 3011 *Drivers License*

- 3011 *Vehicle Inspection*

- 3011 *Identification and Criminal Records*

State Department of Highways and Public Transportation

- 3011 *Maintenance Division*

Texas Commission on Alcoholism

- 3012 *State Planning*

Texas Department of Human Resources

- 3012 *Intermediate Care Facility for Mentally Retarded*

Open Meetings

- 3017 *Texas Department of Agriculture*

- 3017 *State Banking Board*

- 3017 *Texas Coastal and Marine Council*

- 3017 *Credit Union Department*

- 3018 *Texas Department of Health*

- 3018 *Statewide Health Coordinating Council*

- 3018 *State Board of Insurance*

- 3018 *Texas Department of Mental Health and Mental Retardation*

- 3019 *Texas Motor Vehicle Commission*

- 3019 *Texas State Board of Physical Therapy Examiners*

- 3019 *Polygraph Examiners Board*

- 3020 *Public Utility Commission of Texas*

- 3021 *Texas State Board of Examiners in Social Psychotherapy*

- 3021 *Texas Surplus Property Agency*

- 3021 *Texas Water Commission*

- 3022 *Regional Agencies*

In Addition

Texas Air Control Board

- 3023 *Applications for Construction Permits*

Texas Animal Health Commission

- 3023 *Quarterly Report for the Texas Bovine Brucellosis Program*

Texas Department of Health

- 3047 *Public Hearing*

Texas Health Facilities Commission

- 3048 *Applications for Exemption Certificate, Declaratory Ruling, and Transfer and Amendment of Certificate*

Texas Industrial Commission

- 3048 *Consultant Proposal Request*

State Purchasing and General Services Commission

- 3049 *Uniform General Conditions for All State of Texas Building Construction Contracts*

Office of the Secretary of State

- 3049 *Texas Register—Workshop*

Indexes

- 3050 *TAC Titles Affected in This Issue (Conversion Table)*

- 3050 *Table of TAC Titles*

Texas Civil Statutes, Article 6252-13a, §6, requires that executive orders issued by the Governor of Texas be published in the *Register*. Appointments made and proclamations issued by the governor are also published. Appointments are published in chronological order. The certification information, which includes a telephone number for additional information, follows each published submission.

Appointments

August 7, 1981

Governor's Task Force on Water Resource Use and Conservation

Pursuant to Executive Order WPC-23 dated June 26, 1981, for two-year terms to expire July 1, 1983:

Louis A. Beecherl, Jr., chairman
2750 Bryan Tower
Dallas, Texas 75201

Louie Welch, vice-chairman
Houston Chamber of Commerce
1100 Milam Building
Houston, Texas 77002

Josiah Wheat, secretary
300 West Bluff
Woodville, Texas 75979

Jeff Austin, Jr.
P.O. Box 951
Jacksonville, Texas 75766

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P.O. Box 609
San Marcos, Texas 78666

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Corpus Christi, Texas 78475

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Amarillo, Texas 79163

Preston M. Geren, Jr.
425 West Fifth
Fort Worth, Texas 76102

Issued in Austin, Texas, on August 7, 1981.

Doc. No. 815410 William P. Clements, Jr.
Governor of Texas

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

The Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, §5(d), allows an agency to take emergency action on a rule after determining what it considers to be an imminent peril to the public health, safety, or welfare. The rule may become effective immediately on filing with the Texas Register Division, or on a stated date less than 20 days after filing, 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 emergency action on a rule. The notice of emergency action must also include a statement of the legal authority under which the emergency action is promulgated and the text of the emergency action, in compliance with the rules of the Texas Register Division. The certification information, which includes the effective date of the emergency action and the expiration date, follows each published submission of emergency action. A telephone number for further information is also published.

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

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

COMMUNICATIONS



CODIFIED

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

Chapter 23. Substantive Rules Service

The Public Utility Commission of Texas adopts on an emergency basis amendments to §23.36(b)(3) (052.02.04.046(b)(3)) concerning disputed bills. The section provides that customers of telephone utilities shall not be required to pay a disputed item on their bill until the dispute is resolved, but not more than 60 days. This section is adopted on an emergency basis in order to provide an immediate means under which telephone customers shall not be required to pay certain disputed billings.

The following amendment is adopted under the authority of Texas Civil Statutes, Article 1446c, §16 (Supplement 1979).

§23.36 (052.02.04.046) *Billing.*

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

(1) In the event of a dispute between a customer and a utility regarding any bill for utility service, the utility shall forthwith make such investigation as shall be required by the particular case, and report the results thereof to the customer and in the event the dispute is not resolved, shall inform the customer of the complaint procedures of the commission.

(2) *Reserved for future expansion.*

(3) *Notwithstanding any other section of these rules, a telephone utility customer's service shall not be subject to discontinuance for nonpayment of that portion of a bill under dispute pending the completion of the determination of the dispute, but in no event to exceed 60 days. The customer is obligated to pay any billings not disputed as established in §23.34 (052.02.04.044) of this title (relating to Discontinuance of Service).*

Issued in Austin, Texas, on August 10, 1981.

Doc. No 815399

Philip F. Ricketts
Secretary of the Commission
Public Utility Commission of Texas

Effective Date: August 10, 1981

Expiration Date: December 8, 1981

For further information, please call (512) 458-0100.

Pursuant to the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, an agency must give at least 30 days notice of its intention to promulgate certain action on a rule. The purpose of proposing rule action is to give interested persons an opportunity to review the proposal and make oral or written comments. "Opportunity for public hearing must be granted if requested by at least 25 persons, by a governmental subdivision or agency, or by an association having at least 25 members." Proposed action is effective as notice on the date published in the *Register*. Unless a later date is specified or unless a federal statute or regulation requires implementation of the action on shorter notice, the proposed date of adoption is 30 days after publication. The notice must include a brief explanation of the proposed action; a fiscal impact statement; a request for comments on the proposed action from any interested person; the text of the proposed action, in compliance with the rules of the Texas Register Division; and a statement of the legal authority under which the proposed action is to be promulgated. The certification information, which includes the earliest possible date that the agency may file notice to adopt the proposal, follows each published submission of proposed action. A telephone number for further information is also published.

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

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

CODIFIED

TITLE 16. ECONOMIC REGULATION

Part II. Public Utility Commission of Texas

Chapter 23. Substantive Rules

Service

(Editor's note: The Public Utility Commission of Texas proposes for permanent adoption the emergency amendment it adopts in this issue. The text of the amendment appears in the Emergency Rules section.)

The Public Utility Commission of Texas proposes to amend §23.36(b)(3) (052.02.04.046(b)(3)) concerning disputed bills. (Paragraph (2) has been adopted by the commission to become effective October 1, 1981.)

Subsection (b)(3) provides that customers of telephone utilities shall not be required to pay a disputed item on their bill until the dispute is resolved, but not more than 60 days.

The commission has determined that the amendment has no fiscal implications for the state or any unit of local government.

Written comments are invited and may be sent to Philip F. Ricketts, director of hearings and secretary of the commission, Public Utility Commission of Texas, 7800 Shoal Creek Boulevard, Suite 450N, Austin, Texas 78757.

The amendment is proposed under the authority of Texas Civil Statutes, Article 1446c, §16 (Supplement 1979).

Issued in Austin, Texas, on August 10, 1981.

Doc. No. 815400 Philip F. Ricketts
Secretary of the Commission
Public Utility Commission of Texas

Proposed Date of Adoption: October 15, 1981
For further information, please call (512) 458-0100.

TITLE 22. EXAMINING BOARDS

Part XX. Texas Board of Private Investigators and Private Security Agencies

Chapter 435. Training Programs

The Texas Board of Private Investigators and Private Security Agencies proposes to amend §435.3 (399.29.00.003) relating to training programs to establish clarity of all rules promulgated by the board and to assure that all rules are in accordance with amendments made to Texas Civil Statutes, Article 4413(29bb) by the Texas Legislature.

Comments are invited and should be submitted in writing to Clema D. Sanders, executive director, Texas Board of Private Investigators and Private Security Agencies, P.O. Box 13509, Austin, Texas 78711

The following amendment is proposed under authority of the Texas Board of Private Investigators and Private Security Agencies Act, Texas Civil Statutes, Article 4413(29bb), as amended.

§435.3 (399.20.00.003). *Certificate of Completion*. A certificate of completion shall be in a form prescribed by the board and shall include:

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

(6) ***The full name and social security number of student.***

Issued in Austin, Texas, on August 7, 1981.

Doc. No. 815401 Clema D. Sanders
Executive Director
Texas Board of Private Investigators
and Private Security Agencies

Proposed Date of Adoption: September 18, 1981
For further information, please call (512) 475-3944.

TITLE 34. PUBLIC FINANCE

Part I. Comptroller of Public Accounts

Chapter 3. Tax Administration

Subchapter G. Tobacco Products Tax Division— Cigarette Tax

The office of the Comptroller of Public Accounts proposes new §3.110 (026.02.07.010), which would provide a method for the Texas Alcoholic Beverage Commission to obtain and account for cigarette tax stamps for use in collecting tax at ports of entry.

This section sets forth the manner in which the Alcoholic Beverage Commission will be issued cigarette stamps by the state treasurer and how those stamps will be accounted for.

Fiscal implications of the section are as follows:

Fiscal Year	Total Ports of Entry Cigarette Tax Revenue	Revenue Gain to General Revenue Fund 001
1982	\$13,505	\$11,453
1983	\$13,505	\$11,453
1984	\$13,505	\$11,453
1985	\$13,505	\$11,453
1986	\$13,505	\$11,453

Similar annual fiscal implications would continue as long as the provisions of this section are in effect. Remaining revenues not deposited to General Revenue Fund 001 are allocated according to the Cigarette Tax Law (source: revenue estimating staff, Comptroller of Public Accounts).

Public comment is invited and may be submitted in writing to Lewis Conway, P.O. Box 13528, Austin, Texas 78711.

The section is proposed under the authority of Texas Taxation—General Annotated, Article 7.12 (Vernon 1969).

§3.110 (026.02.07.010). Issuance of Cigarette Tax Stamps to the Texas Alcoholic Beverage Commission

(a) The state treasurer shall sell cigarette tax stamps to the Texas Alcoholic Beverage Commission for the purpose of collecting at ports of entry the cigarette tax imposed by Texas Taxation—General Annotated, Articles 7.02 and 7.06.

(b) The state treasurer shall sell cigarette tax stamps on consignment to the Texas Alcoholic Beverage Commission when they are requisitioned by that agency. Payment for the stamps sold will be made monthly by report to the state treasurer. Partial payments may be made during the month.

Issued in Austin, Texas, on August 12, 1981

Doc No 815438 Bob Bullock
Comptroller of Public Accounts

Proposed Date of Adoption: September 18, 1981
For further information, please call (512) 475-1932.

The office of the Comptroller of Public Accounts proposes new §3.111 (026.02.07.011), which would direct the manner in which Texas Alcoholic Beverage Commission agents affix cigarette tax stamps to individual packages of cigarettes.

There are no significant fiscal implications expected from the proposed rule (source: revenue estimating staff, Comptroller of Public Accounts).

Public comment is invited and may be submitted in writing to Lewis Conway, P.O. Box 13528, Austin, Texas 78711.

The section is proposed under the authority of Texas Taxation—General Annotated, Article 7.12 (Vernon 1969).

§3.111 (026.02.07.011). Affixing of Cigarette Tax Stamps by Texas Alcoholic Beverage Commission Agents. Cigarette tax stamps affixed by agents of the Texas Alcoholic Beverage Commission must be affixed to the cellophane wrapper on the bottom of each individual package of cigarettes.

Issued in Austin, Texas, on August 12, 1981.

Doc. No. 815439 Bob Bullock
Comptroller of Public Accounts

Proposed Date of Adoption: September 18, 1981
For further information, please call (512) 475-1932.

The office of the Comptroller of Public Accounts is proposing new §3.112 (026.02.07.012). The new section would establish implementation guidelines for House Bill 1955, passed in the regular session of the 66th Legislature.

The section would provide that Texas Alcoholic Beverage Commission agents must seize cigarettes upon which payment of tax is refused, then release the cigarettes to agents of the comptroller.

There are no significant fiscal implications expected from the proposed rule (source: revenue estimating staff, Comptroller of Public Accounts).

Public comment is invited and may be submitted in writing to Lewis Conway, P.O. Box 13528, Austin, Texas 78711.

The section is proposed under the authority of Texas Taxation—General Annotated, Article 7.12 (Vernon 1969).

§3.112 (026.02.07.012) Disposition of Cigarettes Seized by Texas Alcoholic Beverage Commission Agents

(a) Texas Alcoholic Beverage Commission agents shall seize all cigarettes upon which payment of the tax imposed by Texas Taxation—General Annotated, Articles 7.02 and 7.06 is refused.

(b) Cigarettes seized shall be released to agents of the comptroller for ultimate disposition.

Issued in Austin, Texas, on August 12, 1981.

Doc No 815440 Bob Bullock
Comptroller of Public Accounts

Proposed Date of Adoption: September 18, 1981
For further information, please call (512) 475-1932.

Pursuant to the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, an agency may take final action on a rule 30 days after publication of the proposed action in the *Register*. Upon adoption of the action, "the agency, if requested to do so by an interested person either prior to adoption or within 30 days after adoption, shall issue a concise statement of the principal reasons for and against its adoption, incorporating in the statement its reasons for overruling the considerations urged against its adoption." The action is effective 20 days after filing of the notice of final action with the Texas Register Division unless a later date is specified or unless a federal statute or regulation requires implementation of the action on shorter notice. The notice includes whether the action is promulgated with or without changes to the action proposed; a statement of the legal authority under which the final action is promulgated, and the text of the final action, in compliance with the rules of the Texas Register Division. If an agency takes final action on a rule with no changes made to the text as proposed only the preamble of the notice and statement of legal authority will be published. The text, as appropriate, will be published only if final action is taken with changes made to the proposed action. The certification information, which includes the effective date of the final action, follows each published submission of final action. A telephone number for further information is also published.

An agency may withdraw proposed action or the remaining effectiveness of emergency action by filing a notice of withdrawal with the Texas Register Division. The notice will appear in this section of the *Register* and is generally effective immediately upon filing with the Texas Register Division.

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 22. EXAMINING BOARDS

Part XX. Texas Board of Private Investigators and Private Security Agencies

Chapter 429. Application and Examination

The Texas Board of Private Investigators and Private Security Agencies adopts the amendment to §429.3

(399.15.00.003) without changes to the proposed text published in the July 3, 1981, issue of the *Texas Register* (6 TexReg 2283).

The amendment is adopted under authority of the Private Investigators and Private Security Agencies Act, Texas Civil Statutes, Article 4413(29bb).

Issued in Austin, Texas, on August 6, 1981.

Doc. No. 815402 Clema D. Sanders
Executive Director
Texas Board of Private Investigators and
Private Security Agencies

Effective Date: September 1, 1981

Proposal Publication Date: July 3, 1981

For further information, please call (512) 475-3944.

Chapter 433. Handgun; Security Officer Commission

The Texas Board of Private Investigators and Private Security Agencies adopts the amendment to §433.5 (399.19.00.005) without changes to the proposed text published in the July 3, 1981, issue of the *Texas Register* (6 TexReg 2283).

The amendment is adopted under authority of the Private Investigators and Private Security Agencies Act, Texas Civil Statutes, Article 4413(29bb).

Issued in Austin, Texas, on August 6, 1981.

Doc. No. 815403 Clema D. Sanders
Executive Director
Texas Board of Private Investigators and
Private Security Agencies

Effective Date: September 1, 1981

Proposal Publication Date: July 3, 1981

For further information, please call (512) 475-3944.

Chapter 435. Training Programs

The Texas Board of Private Investigators and Private Security Agencies adopts new §435.12 and §435.13 (399.20.00.012 and 013) with changes due to public comments received.

The new sections are adopted under authority of the Private Investigators and Private Security Agencies Act, Texas Civil Statutes, Article 4413(29bb), as amended.

§435.12 (399.20.00.012). *Handgun Qualification*. An applicant applying for an original security officer commission or the renewal of a security officer commission must submit a certificate signed by a board-approved handgun instructor, who is employed by a board-approved training school, which shows a handgun qualification date less than 24 months prior to the date the application is received. The certificate shall contain the full name and social security number of the student, as well as the signature of the school director.

§435.13 (399.20.00.013). *Handgun Courses*. In addition to the handgun qualification requirements as set forth in the act, a handgun instructor may qualify a student by using the:

(1) Texas Department of Public Safety practical combat pistol.

(2) Federal law enforcement training center practical pistol course.

Issued in Austin, Texas, on August 7, 1981.

Doc. No. 815405 Clema D. Sanders
Executive Director
Texas Board of Private Investigators
and Private Security Agencies

Effective Date: September 1, 1981

Proposal Publication Date: July 3, 1981

For further information, please call (512) 475-3944.

Chapter 439. License Not Assignable

The Texas Board of Private Investigators and Private Security Agencies adopts amendments to §439.1 and §439.4 (399.24.00.001 and .004) without changes to the proposed text published in the July 3, 1981, issue of the *Texas Register* (6 TexReg 2284).

The amendments are adopted under authority of the Private Investigators and Private Security Agencies Act, Texas Civil Statutes, Article 4413(29bb).

Issued in Austin, Texas, on August 6, 1981.

Doc. No. 815406 Clema D. Sanders
Executive Director
Texas Board of Private Investigators and
Private Security Agencies

Effective Date: September 1, 1981

Proposal Publication Date: July 3, 1981

For further information, please call (512) 475-3944.

Chapter 455. Fees

The Texas Board of Private Investigators and Private Security Agencies adopts new §455.1 and §455.2 (399.17.00.001 and .002) without changes to the proposed text published in the July 3, 1981, issue of the *Texas Register* (6 TexReg 2284).

The new sections are adopted under authority of the Private Investigators and Private Security Agencies Act, Texas Civil Statutes, Article 4413(29bb).

Issued in Austin, Texas, on August 6, 1981.

Doc. No. 815407 Clema D. Sanders
Executive Director
Texas Board of Private Investigators and
Private Security Agencies

Effective Date: September 1, 1981

Proposal Publication Date: July 3, 1981

For further information, please call (512) 475-3944.

Chapter 457. Consumer Information

The Texas Board of Private Investigators and Private Security Agencies adopts new §457.1 (399.47.00.001) without changes to the proposed text published in the July 7, 1981, issue of the *Texas Register* (6 TexReg 2322).

The new section is adopted under authority of the Private Investigators and Private Security Agencies Act, Texas Civil Statutes, Article 4413(29bb).

Issued in Austin, Texas, on August 6, 1981.

Doc. No. 815408 Clema D. Sanders
Executive Director
Texas Board of Private Investigators and
Private Security Agencies

Effective Date: September 1, 1981

Proposal Publication Date: July 7, 1981

For further information, please call (512) 475-3944.

Part XXIII. Texas Real Estate Commission

Chapter 535. Provisions of the Real Estate License Act

Education, Experience, Educational Programs, Time Periods, and Type of License

The Texas Real Estate Commission has withdrawn from consideration for adoption proposed amendments to §535.63(t), (u), (v) and (w) (402.03.07.003(t), (u), (v), and (w)) concerning the education requirements for real estate salesman and broker licensure applicants, continuing education requirements for salesmen, and courses offered by schools accredited by the commission. The text of the amended section as proposed was published in the June 2, 1981, issue of the *Texas Register* (6 TexReg 1981).

Issued in Austin, Texas, on August 10, 1981.

Doc. No. 815422 Mark A. Moseley
Legal Counsel
Texas Real Estate Commission

Filed: August 11, 1981, 8:58 a.m.

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

The Texas Real Estate Commission has amended §§535.63, 535.64, and 535.66 (402.03.07.003, .004, and .006) of this title, with changes from the proposal published in the June 2, 1981, issue of the *Texas Register* (6 TexReg 1981).

The number of real estate courses required of broker licensure applicants was not increased as proposed in §535.63 in response to public comment that prospective licensees had already completed their education based on the existing rules.

Where the phrase "continuing education requirements" was used in the proposed amendments, the phrase "annual education requirements" was substituted for clarity.

Section 535.64(b) was further amended to clarify the obligation of those salesmen licensed in 1981 subject to annual education requirements. As part of the agency's conversion to a staggered license certification process, such salesmen will be issued licenses for 1982 valid until the anniversary date of their first licensure. The change to the proposed amendment clarifies that those salesmen licensed in 1981 subject to annual education requirements will provide their first increment of coursework before their licenses expire in 1982.

These amendments are adopted pursuant to the authority of Texas Civil Statutes, Article 6573a.

§535.63 (402.03.07.003). Broker: Education and Experience.

(a)-(q) (No change.)

(r) Acceptable courses of study for broker licensure shall be those prescribed by statute and those related courses as determined by the commission. The commission will periodically publish guidelines as to the acceptability of related courses.

(s)-(w) (No change.)

§535.64 (402.03.07.004). Salesman: Education.

(a) In order to maintain licensure privileges, salesmen subject to annual education requirements shall furnish documentation to the commission of successful completion of appropriate courses no later than the 15th day of the month preceding the month their licenses expire.

(b) Persons with applications for salesman licensure pending on April 23, 1981, are not subject to the annual education requirements of §7(d) of the Act in order to thereafter certify licensure status. For the purposes of this section, "second annual certification" means the first renewal of licensure status following original issuance of the license. Provided, however, salesmen subject to annual education requirements whose licenses expire December 31, 1981, shall as a condition of maintaining licensure furnish documentation to the commission of successful completion of the first increment of required courses no later than the 15th day of the month preceding the month their licenses expire in 1982.

(c) The date a salesman's license application was filed controls in determining whether the salesman concerned has to show completion of certain educational work as a condition for annual certification of licensure.

(d) Acceptable courses of study and units of credit for salesman application and continuing licensure shall be those prescribed by statute and those related courses as determined by the commission.

(e) The commission shall accept for the educational requirement for salesman application or continuing salesman licensure a commission-approved course emphasizing salesmanship or sales technique but not to include strictly motivational courses.

(f) In evaluating courses, the commission may require that a person furnish materials such as outlines, syllabi, or course descriptions in support of credit instruments which sufficiently describe course content.

(g) The commission will publish periodically guidelines as to the acceptability of related courses.

(h)-(i) (No change.)

§535.66 (402.03.07.006). Educational Programs: Accreditation.

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

(j) A sales training course offered by brokerage operations shall not be considered eligible for consideration of commission approval.

(k)-(ff) (No change.)

(gg) Core real estate courses prescribed by §7(a) of the Act and other standard courses of instruction for licensure credit offered by schools accredited by the commission shall be presented in no less than 30 classroom hours of instruction. The commission may authorize the offering of a special course of less than 30 classroom hours when the commission deems it necessary to provide immediate coverage of new or required material essential to licensees and the public. Each course curriculum and format must be submitted to and approved by the commission prior to presentation. Such special courses will be approved only to satisfy an immediate need during a period when the material is being incorporated into standard courses or to satisfy licensure requirements when the potential applicant has satisfied all other educational requirements by other acceptable means.

(hh) The curriculum for core real estate courses shall include but not be limited to the statutory subject areas as found in §7(a) of the Act.

(ii) (No change.)

(jj) The weight of written examinations as the determination of successful completion of a course, and the criteria for passing of examinations, may be developed by each school based on each school's educational concepts. However, the commission may direct alterations in examination procedures, criteria for passing, and administration whenever deemed necessary. Each school shall furnish the commission with copies of its examinations with each new course submitted for approval and at any time subsequent changes are made to previously approved examinations.

(kk)-(nn) (No change.)

(oo) Students shall be required to attend all hours of instruction in a commission-approved course in order to receive certification of successful completion of such course for licensure credit.

(pp)-(qq) (No change.)

(rr) A school planning development of a complete program of study should base its program on the core real estate courses as prescribed in §7(a) of the Act. Additional courses may be developed in subjects such as construction; ethics; taxation; office management; advertising; earnest money contracts; exchanging; real estate counseling; syndication; condominium conversions; farm and land brokerage; and other subjects approved by the commission.

(ss)-(ww) (No change.)

Issued in Austin, Texas, on August 4, 1981.

Doc. No. 815291 Andy James
 Administrator
 Texas Real Estate Commission

Effective Date: August 27, 1981
 Proposal Publication Date: June 2, 1981
 For further information, please call (512) 475-6693.

TITLE 25. HEALTH SERVICES

Part I. Texas Department of Health

Chapter 97. Communicable Diseases

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

The Texas Department of Health has adopted without changes the amendments proposed to §§97.63, 97.64, 97.67 (301.41.04.003, .004, and .007), which were published in the June 9, 1981, issue of the *Texas Register* (6 TexReg 2058). A number of public comments were received, but since they all were substantial or material changes to the amendments as proposed, the comments have not been incorporated into the final rules. The department will submit additional proposed amendments in the near future incorporating the public comments which the department deems appropriate.

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

Issued in Austin, Texas, on August 7, 1981.

Doc. No. 815397 Robert A. MacLean, M.D.
Deputy Commissioner
Texas Department of Health

Effective Date: September 1, 1981

Proposal Publication Date: June 9, 1981

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

The Texas Department of Health has adopted the repeal of §97.68 and §97.69 (301.41.04.008 and .009). The notice of repeal was published in the June 9, 1981, issue of the *Texas Register* (6 TexReg 2059). This repeal is being made in conjunction with amendments to immunization §§97.63, 97.64, and 97.67 (301.41.04.003, .004, and .007). The amendments are also adopted in this issue of the *Register*. The outbreak of measles among students in Texas schools has made it necessary for the department to amend §§97.63, 97.64, and 97.67 (301.41.04.003, .004, and .007) and to repeal §97.68 and §97.69 (301.41.04.008 and .009).

This repeal is adopted under authority of the Texas Education Code, Article 2.09, and Texas Civil Statutes, Articles 4418a and 6252-13a.

Issued in Austin, Texas, on August 7, 1981.

Doc. No. 815398 Robert A. MacLean, M.D.
Deputy Commissioner
Texas Department of Health

Effective Date: September 1, 1981

Proposal Publication Date: June 9, 1981

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

TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part II. Texas Parks and Wildlife Department

Chapter 65. Wildlife

Subchapter A. Statewide Hunting, Fishing, and Trapping

The Texas Parks and Wildlife Commission has adopted amendments to §65.72 of the Statewide Hunting, Fishing, and Trapping Proclamation, 1981-82, at a public hearing in Austin on July 23, 1981, with changes in the proposed text published in the June 23, 1981, issue of the *Texas Register* (6 TexReg 2215).

An increase in the minimum size limit for red drum from 14 inches to 16 inches and a reduction in the maximum size limit for red drum from two fish over 35 inches to no fish over 30 inches was adopted. The proposed 50% reduction in bag and possession limits for red drum and spotted seatrout was not adopted. In addition to the public hearing in Austin, public hearings were conducted in all 18 coastal counties during July 1981 to receive testimony and evidence from interested citizens on the proposed amendments. Written comments were also encouraged.

The principal reasons for the adoption of the amendments were to reverse the declining trend in red drum populations and to conserve the remaining sexually mature red drum. The reason generally given for opposing the amendments was a disbelief that red drum populations were declining. The proposed reduction in bag and possession limits of red drum and spotted seatrout was not adopted because the commission considered it unnecessary in view of recent legislation (House Bill 1000) that prohibits the sale of the two species. Opposition to the proposed bag and possession limits reduction centered around the adverse economic impact and the impact of House Bill 1000.

The amendments are adopted under the authority of Texas Parks and Wildlife Code, Chapter 61, §61.054.

§65.72. Saltwater Fish: Open Seasons, Bag, Possession, and Size Limits. There is no closed season, bag, possession, or size limit on saltwater fish, except as provided in Texas Parks and Wildlife Code, Chapter 66, Subchapter C, and Title 7, and as in the following:

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

(3) It is unlawful to catch and retain more than 20 spotted seatrout in one day or to possess more than 40 spotted seatrout.

(4)-(5) (No change.)

(6) It is unlawful to possess red drum less than 16 inches or greater than 30 inches.

Issued in Austin, Texas, on August 11, 1981.

Doc. No. 815421 Maurine Ray
Administrative Assistant
Texas Parks and Wildlife Department

Effective Date: September 1, 1981

Proposal Publication Date: June 23, 1981

For further information, please call (512) 479-4806.

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

The Texas Parks and Wildlife Commission adopted amendments to §§65.191, 65.194-65.197, 65.202, 65.204, 65.205, 65.207-65.211, 65.213, 65.214, 65.217, and 65.219 (127.70.19.134, .136-.139, .144, .146, .147, .149-.153, .155, .156, .158, and .160), which constitute a part of the Wildlife Management Areas Hunting, Fishing, and Trapping Proclamation, 1981-82, with changes in the proposed text published in the June 5, 1981, issue of the *Texas Register* (6 TexReg 2012).

The commission is responsible for establishing seasons, bag limits, means, methods, and fees for taking the wildlife resources on wildlife management areas. Fluctuations of wildlife resources on wildlife management areas require that new regulations be adopted for 1981-82 seasons.

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

§65.191 (127.70.19.134). Application. The provisions of this subchapter apply to all of the wildlife resources in the following areas:

- (1)-(3) (No change.)
- (4) Choke Canyon Wildlife Management Area in Live Oak and McMullen Counties;
- (5) Sierra Diablo Wildlife Management Area in Culberson and Hudspeth Counties;
- (6) Gus Engeling Wildlife Management Area in Anderson County;
- (7) Gene Howe Wildlife Management Area in Hemphill County;
- (8) Kerr Wildlife Management Area in Kerr County;
- (9) Matador Wildlife Management Area in Cottle County;
- (10) J. D. Murphree Wildlife Management Area in Jefferson County;
- (11) Las Palomas Wildlife Management Area:
 - (A)-(E) (No change.)
 - (F) McManus Unit in Hidalgo County;
 - (G) Prieta Unit in Starr County; and
 - (H) Voshell Unit in Cameron County;
- (12) Sheldon Wildlife Management Area in Harris County.

§65.194 (127.70.19.136). Consent.

(a) None of the wildlife resources of the wildlife management areas may be taken except by holders of permits that have been issued by the Parks and Wildlife Department or by persons who have obtained permission by registration. No permit is required for taking fish except on the Black Gap, Sheldon, and Engeling Wildlife Management Areas where permission by registration is required.

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

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

(a) (No change.)

(b) Specific days for taking wildlife resources within the open seasons, as provided, will be established by the executive director, in the interest of sound conservation practices.

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

§65.196 (127.70.19.138). Definitions. The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

Antlerless deer—A deer having no hardened antler protruding through the skin unless otherwise defined at the time of the hunt and stipulated on the permit issued by the department to the hunter.

Buck deer—A deer having a hardened antler protruding through the skin unless otherwise defined at the time of the hunt and stipulated on the permit issued by the department to the hunter.

§65.197 (127.70.19.139). General Regulations.

(a)-(c) (No change.)

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

(e)-(j) (No change.)

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

(l)-(o) (No change.)

(p) Boats, skiffs, or floating craft of any type may not be left overnight except by authorized campers on Dam B.

(q)-(s) (No change.)

§65.202 (127.70.19.144). Hunting Permits.

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

(c) A special permit is required for the hunting of deer, javelina, feral hogs, turkey, and exotic animals on the following wildlife management areas: Gene Howe, Engeling, Choke Canyon, Matador, Kerr, Black Gap, Sierra Diablo, Chaparral, and the Somerville and Pat Mayse Units of the Eastern Wildlife Management Area except during the deer archery only season on Somerville and Pat Mayse Units of the Eastern Wildlife Management Area.

(d) A regular permit (issued on a first-come-first-served basis at the area) is required for the taking of quail, squirrel, and waterfowl on the Gene Howe, Choke Canyon, Matador, Engeling, Black Gap, Chaparral, and J. D. Murphree Areas, and for mourning dove on the Chaparral Area.

(e) Permission by registration is required of all hunters not required to have a special permit or regular permit, and for nonhunting visitors on management areas.

§65.204 (127.70.19.145). Fishing Permits. Fishing privileges shall be extended to the public in an impartial manner. Permission by registration is required on the Black Gap and Engeling Wildlife Areas. Fishermen fishing from boats on open waters of reservoirs, creeks, bayous, or rivers within boundaries of wildlife management areas are not required to obtain any type of permit or obtain permission by registration.

§65.205 (127.70.19.147). Tagging of Game.

(a) (No change.)

(b) The carcass of deer or turkey in possession of a person shall have attached to it a tag issued to the person from

his or her valid hunting license; in addition, a special tag issued from the wildlife management area must be attached to each deer or turkey until the deer or turkey is processed for consumption, except no special tag is required for deer or turkey killed on the Eastern Area (Dam "B," Pat Mayse and Somerville Units during the deer archery only season.

(c) (No change.)

§65.207 (127.70.19.149). Deer and Exotic Mammals.

(a) (No change.)

(b) Archery only season—open season.

(1) Eastern:

(A) Dam B Unit (permission by registration) (includes Angelina-Neches Scientific Unit): to conform with the deer archery season set in Jasper County;

(B) Pat Mayse Unit (permission by registration): to conform with the deer archery season set in Lamar County; and

(C) Somerville Unit (permission by registration): to conform with the deer archery season set in Burleson County;

(2) Choke Canyon (special permit): October 1-30, 1981.

(3) Gus Engeling (special permit): September 1-30, 1981.

(4) Other areas: no open season.

(c) Regular season—open season.

(1) Eastern:

(A) Dam B Unit (permission by registration) (includes Angelina-Neches Scientific Unit): to conform with the regular deer season set in Jasper County;

(B) Pat Mayse Unit (special permit): November 14, 1981, through January 3, 1982; and

(C) Somerville Unit (special permit): November 14, 1981, through January 3, 1982.

(2) Gus Engeling (special permit): October 17, 1981 through January 3, 1982.

(3) Chaparral (special permit): November 14, 1981, through January 3, 1982.

(4) Choke Canyon (special permit): November 1, 1981, through January 3, 1982.

(5) Gene Howe (special permit): November 14, 1981, through January 3, 1982.

(6) Kerr (special permit): November 14, 1981, through January 3, 1982.

(7) Sierra Diablo (special permit): November 14, 1981, through January 3, 1982.

(8) Other areas: no open season.

(d) (No change.)

§65.208 (127.70.19.150). Javelina.

(a) Open season.

(1) Black Gap (special permit): January 1 through February 28, 1982.

(2) Chaparral (special permit): February 1-28, 1982.

(3) Choke Canyon (special permit): January 3 through February 28, 1982.

(4) Other areas: no open season.

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

§65.209 (127.70.19.151). Squirrel.

(a) Open season.

(1) Eastern:

(A) Somerville Unit (permission by registration): season to conform with the season set in Burleson County; except no squirrel hunting allowed during regular deer season;

(B) Dam B Unit (permission by registration) (includes Angelina-Neches Scientific Unit): season to conform with season in Jasper County;

(C) Toledo Bend Unit (permission by registration): season to conform with season in Shelby County;

(D) Granger Unit (permission by registration): season to conform to the season set in Williamson County; and

(E) Pat Mayse Unit (permission by registration): season to conform to the season set in Lamar County, except no squirrel hunting allowed during regular deer season.

(2) Gus Engeling (regular permit): October 1-30, 1981, May 1-30, 1982.

(3) Other areas: no open season.

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

§65.210 (127.70.19.152). Turkey.

(a) Open season.

(1) Choke Canyon (special permit): November 1, 1981, through May 2, 1982;

(2) Gus Engeling (special permit): April 1-30, 1982.

(3) Gene Howe (special permit): April 1-30, 1982.

(4) Kerr (special permit): April 1 through May 2, 1982.

(5) Matador (special permit): April 1-30, 1982.

(6) Other areas: no open season.

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

§65.211 (127.70.19.153). Quail.

(a) Open season.

(1) Eastern:

(A) Toledo Bend Unit (permission by registration): season to conform with season in Shelby County;

(B) Dam B Unit (permission by registration) (includes Angelina-Neches Scientific Unit): season to conform with season in Jasper County;

(C) Granger Unit (permission by registration): to conform with the season set in Williamson County;

(D) Pat Mayse Unit (permission by registration): to conform with the season set in Lamar County, except no quail hunting will be allowed during the regular deer season on the area;

(E) Somerville Unit (permission by registration): to conform with the season set in Burleson County, except no quail hunting will be allowed during regular deer season;

(2) Black Gap (regular permit): October 1 through November 1, 1981.

(3) Chaparral (regular permit): October 31, 1981, through February 28, 1982.

(4) Choke Canyon (regular permit): November 1, 1981, through March 1, 1982.

(5) Gene Howe (regular permit): October 1 through December 31, 1981, January 1-31, 1982.

(6) Matador (regular permit): October 1 through December 31, 1981, January 1-31, 1982.

(7) Other areas: no open season.

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

§65.213 (127.70.19.155). Migratory Birds.

(a) Mourning doves.

(1) Open season.

(A) Eastern:

(i) Dam B Unit (permission by registration) (includes Angelina-Neches Scientific Unit): to correspond with the season set in Jasper County;

(ii) Toledo Bend Unit (permission by registration): to correspond with the season set in Shelby County;

(iii) Granger Unit (permission by registration): to correspond with season set in Williamson County;

(iv) Pat Mayse Unit (permission by registration): to correspond with the season set in Lamar County;

(v) Somerville Unit (permission by registration): to correspond with the season set in Burleson County;

(B) Black Gap (permission by registration): to correspond with the first 30 consecutive days of the season set in Brewster County;

(C) Chaparral (regular permit): on dates when quail are hunted during the established dove season for Dimmit and LaSalle Counties;

(D) Choke Canyon (regular permit): on dates when quail are hunted during the prescribed dove season in Live Oak and McMullen Counties;

(E) Matador (permission by registration): to correspond with the season set in Cottle County;

(F) Gene Howe (permission by registration): to correspond with the season set in Hemphill County;

(G) Other areas: no open season.

(2) (No change.)

(3) Bag limit. 12 mourning doves.

(4) Possession limit. 24 mourning doves.

(b) White-winged doves.

(1) Open season.

(A) Black Gap (permission by registration): to correspond with the season set in Brewster County.

(B) Other areas: no open season.

(2) Shooting hours. Noon to sunset.

(3) Bag limit. 10 white-winged doves.

(4) Possession limit. 20 white-winged doves.

(c) Waterfowl.

(1) Open season:

(A) (No change.)

(B) Eastern:

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

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

(iii) Pat Mayse Unit (permission by registration): within the season set by the migratory game bird proclamation;

(iv) Somerville Unit (permission by registration): to correspond with the season set by the migratory game bird proclamation;

(v) Granger Unit (permission by registration): to correspond with the season set by the migratory game bird proclamation;

(C) Choke Canyon (regular permit): within the season set by the migratory game bird proclamation;

(D) Gus Engeling (regular permit): within the season set by the migratory game bird proclamation.

(E) Other areas: no open season.

(2)-(4) (No change.)

(5) Special regulation: on the J. D. Murphree area, hunters may possess only shotgun shells that contain steel shot.

(d) (No change.)

§65.214 (127.70.19.156). *Other Nonprotected Species: Rabbits and Hares—Eastern:*

(a) Granger Unit (permission by registration): no closed season and no bag or possession limit;

(b) Pat Mayse Unit (permission by registration): no closed season and no bag limit, except that only persons possessing a special permit may take rabbits and hares during the regular deer season on the area.

(c) North Toledo Bend Unit (permission by registration): no closed season and no bag or possession limit.

(d) Somerville Unit (permission by registration): no closed season and no bag or possession limit, except that only persons possessing a special permit may take rabbits and hares during the regular deer season on the area;

(e) Dam B Unit (permission by registration): (includes the Angelina-Neches Scientific Unit): no closed season and no bag or possession limit.

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

(1) Open season.

(A) Gus Engeling (special permit): September 1, 1981, through March 1, 1982

(B) (No change.)

(2)-(3) (No change.)

§65.219 (127.70.19.160). *Seasons.*

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

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

Issued in Austin, Texas, on May 27, 1981.

Doc. No. 815426

Maurine Ray

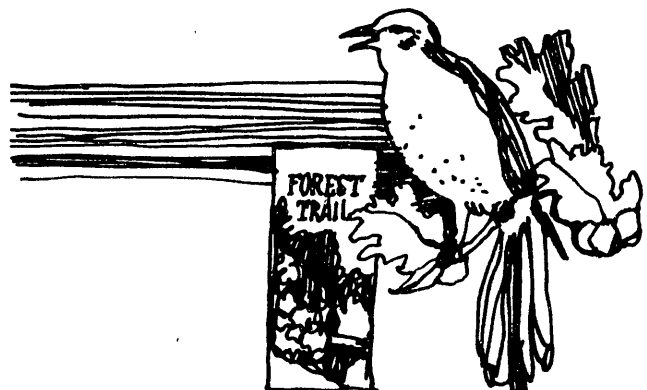
Administrative Assistant

Texas Parks and Wildlife Department

Effective Date: September 1, 1981

Proposal Publication Date: June 5, 1981

For further information, please call (512) 475-4954.



TITLE 37. PUBLIC SAFETY AND CORRECTIONS

Part I. Texas Department of Public Safety

Chapter 15. Drivers License

Licensing Requirements

The Texas Department of Public Safety adopts amendments to §15.6 (201.08.01.006) without changes to the proposed text published in the July 3, 1981, issue of the *Texas Register* (6 TexReg 2286).

The amendments are adopted under authority of Texas Civil Statutes, Article 6687b, §1(c), §5B, and §12(e)(1).

Issued in Austin, Texas, on August 7, 1981.

Doc. No. 815391 James B. Adams
Director
Texas Department of Public Safety

Effective Date: August 31, 1981
Proposal Publication Date: July 3, 1981
For further information, please call (512) 465-2000.

Examination Requirements

The Texas Department of Public Safety adopts the amendment to §15.53 (201.08.03.003) without changes to the proposed text published in the July 3, 1981, issue of the *Texas Register* (6 TexReg 2287).

The amendment is adopted under authority of Texas Civil Statutes, Article 6687b, §10 and §3, Paragraph 5.

Issued in Austin, Texas, on August 7, 1981.

Doc. No. 815392 James B. Adams
Director
Texas Department of Public Safety

Effective Date: August 31, 1981
Proposal Publication Date: July 3, 1981
For further information, please call (512) 465-2000.

Reciprocity in Driver Licensing

The Texas Department of Public Safety adopts amendments to §15.91 (201.08.05.001) without changes to the proposed text published in the July 3, 1981, issue of the *Texas Register* (6 TexReg 2287).

The amendments are adopted under the authority of Texas Civil Statutes, Article 6687b, §3, Paragraph 4.

Issued in Austin, Texas, on August 7, 1981.

Doc. No. 815393 James B. Adams
Director
Texas Department of Public Safety

Effective Date: August 31, 1981
Proposal Publication Date: July 3, 1981
For further information, please call (512) 465-2000.

Chapter 23. Vehicle Inspection

Vehicle Inspection Station Licensing

The Texas Department of Public Safety adopts the amendment to §23.3 (201.12.01.003) without changes to the proposed text published in the July 3, 1981, issue of the *Texas Register* (6 TexReg 2287).

The amendment is adopted under the authority of Texas Civil Statutes 6701d, Article XV, §141.

Issued in Austin, Texas, on August 7, 1981.

Doc. No. 815394 James B. Adams
Director
Texas Department of Public Safety

Effective Date: August 31, 1981
Proposal Publication Date: July 3, 1981
For further information, please call (512) 465-2000.

Chapter 27. Identification and Criminal Records

Personal Criminal History Records

The Texas Department of Public Safety adopts the amendment to §27.1 (201.14.01.001) without changes to the proposed text published in the July 3, 1981, issue of the *Texas Register* (6 TexReg 2288).

The amendment is adopted under the authority of Code of Federal Regulations, Title 28, Chapter 1, Part 20.

Issued in Austin, Texas, on August 7, 1981.

Doc. No. 815395 James B. Adams
Director
Texas Department of Public Safety

Effective Date: August 31, 1981
Proposal Publication Date: July 3, 1981
For further information, please call (512) 465-2000.

TITLE 43. TRANSPORTATION

Part I. State Department of Highways and Public Transportation

Chapter 25. Maintenance Division

General

The State Department of Highways and Public Transportation adopts the amendment to §25.1 (101.18.01.001) without changes to the proposed text published in the June 30, 1981, issue of the *Texas Register* (6 TexReg 2259).

The amendment is adopted under authority of Texas Civil Statutes, Article 6701d.

Issued in Austin, Texas, on August 11, 1981.

Doc. No. 815441 Diane Northam
Administrative Technician
State Department of Highways
and Public Transportation

Effective Date: September 2, 1981
Proposal Publication Date: June 30, 1981
For further information, please call (512) 475-2141.

NONCODIFIED

Texas Commission on Alcoholism State Planning 303.04.00

The Texas Commission on Alcoholism adopts the amendment to Rule 303.04.00.001, without changes to the proposed text published in the July 10, 1981, issue of the *Texas Register* (6 TexReg 2381).

The amendment is adopted under the authority of Texas Civil Statutes, Article 5561c.

Issued in Austin, Texas, on August 10, 1981.

Doc. No. 815396 Ross Newby
 Executive Director
 Texas Commission on Alcoholism

Effective Date: August 31, 1981

Proposal Publication Date: July 10, 1981

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

Texas Department of Human Resources

Intermediate Care Facility for Mentally Retarded

Eligibility for Participation 326.35.03

The Texas Department of Human Resources adopts new Rule 326.35.03.004 in its Title XIX Intermediate Care Facilities for the Mentally Retarded (ICF-MR) Program. The rule was proposed in the July 10, 1981, issue of the *Texas Register* (6 TexReg 2382).

Because of the limited appropriations for fiscal year 1982 for the nonstate school ICF-MR Program, the department will temporarily cease accepting provider applications from September 1, 1981, through December 31, 1981. During this temporary period, the department will work with the Texas Department of Mental Health and Mental Retardation to develop more effective and efficient measures to contain costs in this program. The intent is to maintain the program within its appropriation and also provide for high quality client care.

The 21-day comment period on the proposed rule ended July 31, 1981. The one comment received concerned whether the term "provider applications" refers to potential providers only or includes current providers who might apply for an increase in the number of certified contracted beds. The department has clarified the term by indicating that the moratorium on accepting provider applications also refers to current providers who seek to increase their number of certified contracted beds.

In addition, the following statement has been added to the rule text to be consistent with the requirements of the emergency rule on the same subject, published in the July 21, 1981, issue of the *Texas Register* (6 TexReg 2574):

"Applicants whose applications were pending on July 13, 1981, are given until November 10, 1981, to complete their certification to participate in the program."

The following rule is adopted under the authority of the Human Resources Code, Title 2, with the approval of the Texas Board of Human Resources.

.004. *Provider Application Acceptance.* Effective September 1, 1981, through December 31, 1981, the department will not accept provider applications for the Title XIX Intermediate Care Facilities for the Mentally Retarded Program from potential providers or current providers requesting an increase in their number of certified contracted beds. Applicants whose applications were pending on July 13, 1981, are given until November 10, 1981, to complete their certification to participate in the program.

Issued in Austin, Texas, on August 11, 1981.

Doc No. 815429 Marlin W. Johnston
 Commissioner
 Texas Department of Human Resources

Effective Date: September 1, 1981

Proposal Publication Date: July 10, 1981

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

Support Documents 326.35.99.200, .204

The Texas Department of Human Resources adopts the amendments to Rules 326.35.99.200 and .204 concerning a uniform rate reimbursement methodology for the ICF-MR Program. The amendments will be effective September 1, 1981.

A proposed uniform rate reimbursement methodology was published in the June 16, 1981, issue of the *Texas Register* (6 TexReg 2149). A public hearing regarding the proposed amendments and the repeal of 326.35.99.201, .205, and .206 was held in Austin on July 20, 1981. In response to oral and written comments, the department revised the proposed methodology. The most significant concerns expressed in oral and written comments and their resolution are shown below.

Many commentators believe state schools should not be separated into a distinct reimbursement class. State schools have unique characteristics and are ICF-MR providers of last resort. Many Medicaid recipients in state schools can not be placed in community-based centers due to various problems. Consequently, the average Medicaid recipient in the state school system is more difficult to care for and more costly to care for as a result. While there are exceptions on a facility-by-facility basis, there was no information presented nor is there any Texas information available which would contradict this conclusion. The department retained a separate reimbursement class for state schools as originally proposed.

Some commentators thought that the facility-by-facility methodology should not be abandoned in favor of a uniform rate methodology. The inherent cost-push nature of facility-by-facility reimbursement systems make fiscal control extremely difficult, if not impossible. The uniform rate proposal will require some providers to alter their methods of operation substantially. However, the alternative is preferable to the substantial per diem expense escalations experienced under the current methodology. No information was presented, nor is there any information available which indicates that a facility-by-facility methodology is inherently superior to a uniform rate methodology. The department retained the provision of a uniform rate methodology.

Some commentators believe the quality of service will suffer under the uniform rate proposal. Necessary services required to meet the needs of recipients can be provided with a uniform rate structure. No information was presented nor is there any information available which contradicts this statement.

Most commentators believe reimbursement should not be based on staffing ratios for the ICF-MR V and ICF-MR I levels of care as proposed. The department agreed with this position and deleted this provision for the final amendments.

Many commentators believe that leased facilities should not be subjected to an expense limitation since terms of lease agreements may be fixed for several years and providers leasing their facilities could be financially disadvantaged. The department agreed with this position and deleted this provision from the final amendments.

Many commentators believe that management fees should not be subjected to limitations. The department seeks to include in the calculations of rates only actual expenses for administration. Under the terms of some management agreements, the management firm shares in the profits of the provider through a proviso that the management firm's share of the profit is deemed a "bonus management fee." To avoid an annual detailed review of each management agreement to determine actual administration expense, it was proposed that this be accomplished by limiting administration expenses to marketplace expenses incurred by provider-managed facilities. The department retained this proposed amendment in the adopted rule.

Most commentators believe that 90% occupancy level is unrealistic for small ICF-MR facilities. The department agrees that providers with small facilities periodically encounter low occupancy through no fault of their own. Facility unit costs are quite high, especially for the 15-bed or less ICF-MR I Program even when occupancy is high. The department changed the occupancy adjustment percentage in the ICF-MR reimbursement methodology to 85%.

The department is also repealing Rules 326.35.99.201, .205, and .206 in the support documents subchapter. The repeal of these rules is due to their inclusion in the amendments to Rule 326.35.99.200.

Agency Rule 326.35.99.204(2)(W) concerning unallowable costs for purchases of services from related parties is amended to be consistent with Rule 326.35.99.200.

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

.200. Reimbursement Methodology for Vendor Rates.

(a) General. The Texas Department of Human Resources will reimburse Texas Medicaid long-term care contracted providers for care rendered to recipients in the ICF-MR VI, ICF-MR V, and ICF-MR I levels of care. Reimbursement rates are determined on a statewide basis using financial and statistical information from annual cost reports which must be submitted by each participating provider.

(1) Uniform rates. Reimbursement rates are uniform statewide for the same class of service.

(2) Class of service. Service classes are based upon the level of care of the recipient and the type of provider.

(3) Rate period. The rate period is the state fiscal year which is the annual period September 1 through August 31.

(4) Prospective rates. Reimbursement rates are determined prospectively by projecting expenses reported on cost reports for a specific cost report year to the next ensuing rate period.

(5) Frequency of rate determination. Reimbursement rates are determined at least annually.

(b) Cost reporting.

(1) Cost reports. Each provider must submit financial and statistical information at least annually in a cost report prescribed by the department.

(A) Accounting requirements. Financial and statistical information submitted in cost reports must be based upon the accrual method of accounting, except governmental institutions operated on the cash method of accounting. The treatment given any financial or statistical item must reflect the application of the generally accepted accounting principles (GAAP) approved by the American Institute of Certified Public Accountants.

(B) Content of cost report. The cost report will contain financial information such as schedules of revenue, schedules of expense, income statement, schedules of depreciation and amortization, schedules of purchases from related organizations and/or related parties, and balance sheets reflecting the assets, liabilities, and capital for the long-term care facility. The cost report will contain statistical information such as ownership detail and days of service provided.

(C) Chart of accounts. The cost report must be completed in accordance with the department's prescribed chart of accounts for long-term care providers. Each provider must maintain records in accordance with the department's prescribed chart of accounts for long-term care providers in sufficient detail to substantiate information submitted in the cost report.

(D) Allowable and unallowable costs. The cost report must be completed in accordance with the department's lists of allowable and unallowable costs for long-term care provider reimbursement rate determination.

(E) Reporting period. The cost report must be prepared reflecting the activities of the provider during its fiscal year. Cost reports may be required for other periods in order to ensure that all periods have been reported, or to ensure that the most complete information is reported for a facility in an exceptional circumstance, such as ownership change, bankruptcy proceeding, etc.

(F) **Due date.** The cost report must be submitted no later than three months from the end of the provider's fiscal year.

(G) **Cost report supplements.** Additional financial and statistical information may be required periodically in order to ensure the fiscal integrity of the Texas Medicaid Long-Term Care Program.

(H) **Extension of due date.** An extension of a due date may be granted for good cause. Good cause is that cause outside the control of the provider. A request for an extension must be submitted in writing.

(I) **Failure to file acceptable cost report.** Failure to file a cost report in accordance with all applicable rules and instructions will result in a "hold" on the provider's vendor payments. Such "hold" will be removed when all deficiencies have been corrected.

(J) **Cost report certification.** Cost reports must bear the following certification:

Misrepresentation or falsification of any information contained in this report may be punishable by fine and/or imprisonment under state or federal law.

I hereby certify that I have read the above statement and, that I have examined the accompanying Texas Medicaid long-term care provider (year) cost report including: general information; patient-day and resident-day statistics; schedules of revenue; schedules of expenses; income statement, balance sheets; and, schedules of purchases from related organizations and/or related parties; for the reporting period (beginning date) through (ending date) and that, to the best of my knowledge and belief, the (year) cost report is true, correct, and complete; is prepared in accordance with the department's lists of allowable and unallowable costs for long-term care providers; is prepared in accordance with applicable instructions, except as noted, and, is prepared from the books and records of (name of facility).

This certification must be signed by an individual legally responsible for the conduct of the contracted provider such as the owner, a partner, a corporation officer, an association officer, or a government official. Only facility administrators who hold one of these positions are authorized to sign. The cost report certification must be notarized.

(2) **Desk verification of cost report.** Each cost report is desk verified to ensure that all financial and statistical information submitted in the cost report is in accordance with all applicable rules and instructions. Cost report desk verifications are accomplished within six months of the date the cost report is received. The desk verification procedure includes the adjustment of reported costs to remove any unallowable costs which may be reported.

(3) **On-site cost report audits.**

(A) **Number of on-site audits to be performed.** A sufficient number of on-site audits are performed each year to ensure the fiscal integrity of the Texas Medicaid Long-Term Care Program. The number of on-site audits actually performed each year can vary according to budget constraints, but is not less than the number specified in federal regulations.

(B) **On-site auditing standards.** On-site cost report audits are performed in accordance with the generally accepted auditing standards (GAAS) approved by the American Institute of Certified Public Accountants.

(C) **Use of on-site audited cost reports.** On-site cost report auditing schedules are arranged to maximize the number of on-site audited cost reports available for use in reimbursement rate determination.

(4) **Record-keeping requirements.** Records must be maintained by each provider for a period of not less than three years following the date of submission of the cost report to the department. Records must be accurate and in sufficient detail to support the financial and statistical information reported in cost reports.

(5) **Failure to maintain records.** A provider not maintaining adequate records to support the financial and statistical information reported in cost reports, or not maintaining records in accordance with the department's prescribed chart of accounts for long-term care providers will be given 90 days to bring its record keeping into compliance. Failure to correct deficiencies within 90 days from the date of notification of deficiency can result in the cancellation of the provider's contract for services under the Texas medical assistance plan.

(c) **Cost-finding methodology.** The cost-finding methodology recasts reported expense data in a consistent manner to determine per diem allowed costs. Certain adjustments are made in allowable costs in the cost-finding process to ensure that costs used for rate setting are costs required for long-term care; are costs derived from the marketplace; and are costs incurred from economic and efficient use of resources.

(1) **Cost determination by cost area.** Reported expenses are combined into four cost areas.

(A) **Patient care cost area.** The patient care cost area includes daily service expense; laundry, linen, and housekeeping expense; activity services expense; social service expense; training expense; and, consultant expense for direct patient care.

(B) **Dietary care cost area.** The dietary care cost area includes food and food service expense and dietary consultant expense.

(C) **Facility cost area.** The facility cost area includes buildings, equipment, and capital expense; and, operation and maintenance expense.

(D) **Administration cost area.** The administration cost area includes all administrative expenses.

(2) **Exclusion of certain reported expenses.** Expenses included in cost-finding and reimbursement rate determination will be in accordance with provisions in the sections regarding allowable costs and unallowable costs found elsewhere in these rules.

(3) **Adjustments to reported expenses.**

(A) **Non-Medicaid expenses removed.**

(i) Expenses incurred to produce revenues for non-Medicaid required services are reduced to an amount which allows for a reasonable profit. Non-Medicaid expenses are defined in the list of unallowable costs.

(ii) Expenses incurred on behalf of Medicaid recipients which arise as a result of the receipt of gifts, grants, donations, endowments, and trusts are removed.

(B) **Interest expenses.** Interest expenses are reduced by interest revenue not to exceed total reported interest expenses.

(C) **Management fees.** Administration expenses for a facility under contract management are limited to administration expenses incurred by the average provider-managed facility of comparable size calculated on a per diem basis.

(D) Services, facilities, and supplies purchased from related organizations. Expenses for services, facilities, and supplies furnished by organizations related to the provider by common ownership or control must not exceed the lower of the cost to the related organization or the price of comparable services, facilities, or supplies purchased elsewhere.

(E) Personal services purchased from a related party. Expenses for personal services purchased from a related party are limited to expenses incurred in the open market by a facility of comparable size calculated on a per diem basis.

(F) Occupancy adjustment. Facility and administration expenses are lowered to reflect per diem expenses at the 85% rate of occupancy for a provider with an occupancy rate less than 85%.

(4) Projected costs. Adjusted costs are projected from the various reporting periods for the same cost report year to the next ensuing rate period. Cost increase projections are performed so that substantively equitable treatment will be afforded all providers. Cost increase factors appropriate for each expense category are derived from the Bureau of Labor Statistics' consumer and producer price indices, the Bureau of Economic Analysis' implicit price deflators, the Fair Labor Standard Act's minimum wage provisions, the Social Security Administration's scheduled increases in Federal Insurance Contributions Act (FICA) amounts, and others.

(5) Projected cost arrays. Cost area per diem expense will be rank-ordered from low to high to produce projected per diem expense arrays.

(d) Rate-setting methodology. Reimbursement rates for each class of service are determined by selecting the projected per diem expense from each cost area within each class of service which corresponds with the 60th percentile Medicaid day of service, and summing the cost area amounts to arrive at per diem reimbursement rates.

(1) Classes of service.

(A) Level of care of recipient:

- (i) ICF-MR VI;
- (ii) ICF-MR V;
- (iii) ICF-MR I.

(B) Provider type.

(i) Type 1. State schools for the mentally retarded and state centers for human development.

(iii) Type 2. Community-based providers (this type includes all ICF-MR providers not included in provider Type 1).

(2) Reimbursement classes:

- (A) ICF-MR VI/provider Type 1;
- (B) ICF-MR VI/provider Type 2;
- (C) ICF-MR V/provider Type 1;
- (D) ICF-MR V/provider Type 2;
- (E) ICF-MR V/provider Type 1;
- (F) ICF-MR V/provider Type 2.

(3) Cost area projected arrays. Class rates are determined by selecting the 60th percentile Medicaid day of service per diem expense from projected cost arrays.

(A) Patient care cost area arrays:

- (i) ICF-MR VI/provider Type 1;
- (ii) ICF-MR VI/provider Type 2;
- (iii) ICF-MR V/provider Type 1;
- (iv) ICF-MR V/provider Type 2;
- (v) ICF-MR I/provider Type 1;
- (vi) ICF-MR I/provider Type 2.

(B) Dietary care cost area arrays:

- (i) ICF-MR VI/provider Type 1;
- (ii) ICF-MR VI/provider Type 2;
- (iii) ICF-MR V/provider Type 1;
- (iv) ICF-MR V/provider Type 2;
- (v) ICF-MR I/provider Type 1;
- (vi) ICF-MR I/provider Type 2.

(C) Facility cost area arrays:

- (i) ICF-MR VI/provider Type 1;
- (ii) ICF-MR VI/provider Type 2;
- (iii) ICF-MR V/provider Type 1;
- (iv) ICF-MR V/provider Type 2;
- (v) ICF-MR I/provider Type 1;
- (vi) ICF-MR I/provider Type 2.

(D) Administration cost area arrays:

- (i) ICF-MR VI/provider Type 1;
- (ii) ICF-MR VI/provider Type 2;
- (iii) ICF-MR V/provider Type 1;
- (iv) ICF-MR V/provider Type 2;
- (v) ICF-MR I/provider Type 1;
- (vi) ICF-MR I/provider Type 2.

(4) Reimbursement rate determination for each reimbursement class. Each rate is determined by summing the four cost area amounts from within each reimbursement class selected from the cost area arrays.

(A) ICF-MR VI/provider Type 1:

- (i) patient care cost area—provider Type 1;
- (ii) dietary care cost area—provider Type 1;
- (iii) facility cost area—provider Type 1;
- (iv) administration cost area—provider Type 1.

(B) ICF-MR VI/provider Type 2:

- (i) patient care cost area—provider Type 2;
- (ii) dietary care cost area—provider Type 2;
- (iii) facility cost area—provider Type 2;
- (iv) administration cost area—provider Type 2.

(C) ICF-MR V/provider Type 1:

- (i) patient care cost area—provider Type 1;
- (ii) dietary care cost area—provider Type 1;
- (iii) facility cost area—provider Type 1;
- (iv) administration cost area—provider Type 1.

(D) ICF-MR V/provider Type 2:

- (i) patient care cost area—provider Type 2;
- (ii) dietary care cost area—provider Type 2;
- (iii) facility cost area—provider Type 2;
- (iv) administration cost area—provider Type 2.

(E) ICF-MR V/provider Type 1:

- (i) patient care cost area—provider Type 1;
- (ii) dietary care cost area—provider Type 1;
- (iii) facility cost area—provider Type 1;
- (iv) administration cost area—provider Type 1.

(F) ICF-MR V/provider Type 2:

- (i) patient care cost area—provider Type 2;
- (ii) dietary care cost area—provider Type 2;
- (iii) facility cost area—provider Type 2;
- (iv) administration cost area—provider Type 2.

(5) Exceptions to reimbursement rate determination. The reimbursement rate in each reimbursement class is lowered to the provider's customary charge, if the provider's customary charge is less than the Medicaid reimbursement rate for the same services.

(e) Appeals procedures. The Department of Human Resources will resolve all appeals in accordance with established administrative procedures.

.204. Unallowable Costs. The following described items of expense are not intended to be exhaustive of all possible unallowable costs. Rather, they are intended to be a general guide to various unallowable costs which may be encountered in long-term care facilities. The absence of a particular type of cost does not necessarily mean that it is an allowable cost.

(1) (No change.)

(2) List of unallowable costs.

(A)-(V) (No change.)

(W) Purchases of services, facilities, or supplies from related organizations or related parties. Allowable costs shall not exceed the lower of the cost to the related organization or the price of comparable services, facilities, or supplies purchased elsewhere. Allowable costs for personal services purchased from a related party shall not exceed the price of services purchased elsewhere.

(X)-(CC) (No change.)

Issued in Austin, Texas, on August 11, 1981.

Doc. No. 815430 Marlin W. Johnston
 Commissioner
 Texas Department of Human Resources

Effective Date: September 1, 1981

Proposal Publication Date: June 16, 1981

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

326.35.99.201, .205, .206

The Texas Department of Human Resources adopts the repeal of Rules 326.35.99.201, .205, and .206. The notice of repeal was published in the June 16, 1981, issue of the *Texas Register* (6 TexReg 2154). The repeal of these rules is due to their inclusion in the amendments to Rule 326.35.99.200.

Rule 326.35.99.200, which contains an amended proposed uniform rate reimbursement methodology, was also proposed in the June 16, 1981, issue. Comments on the amendments and repeal are addressed in the preamble of Rules 326.35.99.200 and .204, which also appears in this issue.

Rules 326.35.99.201, .205, and .206 are repealed under the authority of the Human Resources Code, Title 2, with the approval of the Texas Board of Human Resources.

Issued in Austin, Texas, on August 11, 1981.

Doc. No. 815431 Marlin W. Johnston
 Commissioner
 Texas Department of Human Resources

Effective Date: September 1, 1981

Proposal Publication Date: June 16, 1981

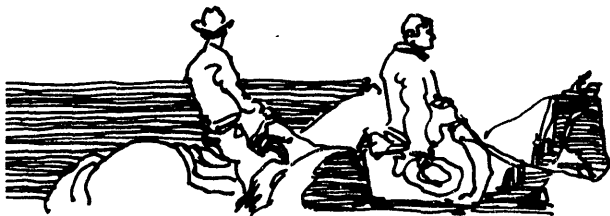
For further information, please call (512) 441-3355, ext. 2037.

The Texas Open Meetings Act, Texas Civil Statutes, Article 6252-17, requires that an agency with statewide jurisdiction have notice posted for at least seven days before the day of a meeting. An institution of higher education must have notice posted for at least 72 hours before the scheduled meeting time. Although some notices may be received and filed too late for publication before the meeting is held, all filed notices will be published in the *Register*. Each notice published includes the date, time, and location of the meeting; an agenda or a summary of the agenda as furnished for publication by the agency; where additional information may be obtained; and the date and time of filing.

A political subdivision covering all or part of four or more counties must have notice posted for at least 72 hours before the scheduled meeting time. Each notice published includes the date, time, and location of the meeting and where further information may be obtained. These notices are published under the heading "Regional Agencies," alphabetically by date filed.

Any of the governmental entities named above must have notice of an emergency meeting, or an emergency addition or amendment to an agenda, and the reason for such emergency, posted for at least two hours before the meeting is convened. Emergency notices filed by these entities will be published in the *Register*; however, notices of an emergency addition or amendment to an agenda filed by a regional agency will not be published in the *Register* since the original agendas for these agencies are not published.

All notices are posted on the bulletin board outside the Office 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 Department of Agriculture

Tuesday, August 25, 1981, 10 a.m. The Agricultural Protective Act (Unit) Produce Recovery Fund Board of the Texas Department of Agriculture will meet two blocks west of Morningside Road, Expressway 83, San Juan, to discuss allegations on nonpayment of produce to Green Grove Citrus Inc., McAllen, by Rudy Fernandez and Sons Produce, Inc., San Antonio.

Information may be obtained from Bill B. Quicksall, P.O. Box 12847, Austin, Texas 78711, (512) 475-4304.

Filed: August 12, 1981, 4:25 p.m.
Doc. No. 815464

State Banking Board

Wednesday, August 12, 1981, 2 p.m. The State Banking Board made an emergency addition to the agenda of a meeting held at 2601 North Lamar, Austin. The addition concerned an amendment to the board rules to identify the deputy commissioner by name within the rules pursuant to the banking code. The emergency addition was necessary in order that the requirements of the Texas Banking Code could be most quickly and efficiently implemented.

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

Filed: August 11, 1981, 4:28 p.m.
Doc. No. 815427

Texas Coastal and Marine Council

Friday, August 21, 1981, 10 a.m. The Texas Coastal and Marine Council (TCMC) will meet in the auditorium, Texas A&M University at Galveston, Galveston. According to the agenda, the council will consider the following matters: minutes of June 19, 1981, TCMC meeting; recommended TCMC program and budget for fiscal year 1982-83; appointment of TCMC Fisheries Committee; seafood processing facility capabilities; revisions in Southern Building Code hurricane building standards; TCMC co-sponsorship of the Coastal Society seventh annual conference in Galveston; TCMC's role in proposed Texas Energy and Natural Resources Council (TENRAC); council support of a Texas A&M University shrimp hatchery; resolution supporting protection of undeveloped barrier island area; letter to governor offering TCMC assistance to the division of disaster emergency services regarding hurricane awareness and evacuation planning; report from Navigation Risk Management Committee; past/future council business; public testimony; and location of October 16, 1981, TCMC meeting.

Information may be obtained from Charles L. Branton, P.O. Box 13407, Austin, Texas 78711.

Filed: August 13, 1981, 9:02 a.m.
Doc. No. 815479

Credit Union Department

Wednesday, August 26, 1981, 1 p.m. The Credit Union Commission of the Credit Union Department will meet at 914 East Anderson Lane, Austin. According to the agenda, the commission will consider for approval the department's proposed fiscal year 1982 budget, and discuss possible revisions to §9.02, dividends, and Chapter VI, capital, of the rules and regulations for credit unions. The commission will also meet in a closed session to review problem listed credit unions.

Information may be obtained from Harry L. Elliott, 914 East Anderson Lane, Austin, Texas 78752, (512) 837-9236.

Filed: August 12, 1981, 9:34 a.m.
Doc. No. 815457

Texas Department of Health

Wednesday, August 26, 1981, 9:30 a.m. The Texas Health Data Cooperative of the Texas Department of Health will meet in Room 2-122 of the Joe C. Thompson Conference Center, 26th and Red River, Austin. According to the summarized agenda, the cooperative will consider the following matters: minutes; health data collection guest speaker; Needs/Availability/Confidentiality Committee report; population projections; selection of House Bill 2278 Ad Hoc Committee; selection of Nominating Committee; chair's report; and selection of next meeting date.

Information may be obtained from Mike Ezzell, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7261.

Filed: August 12, 1981, 12:41 p.m.
Doc. No. 815452

Statewide Health Coordinating Council

Friday, August 28, 1981, 9:30 a.m. The Application, Budget, and Project Review Committee of the Statewide Health Coordinating Council will meet in Room 3-120 of the Joe C. Thompson Conference Center, 26th and Red River Streets, Austin. According to the agenda, the committee will discuss and review the following applications from the Texas Department of Health concerning, communicable disease services—Immunization Project and Indochinese Refugee Health Program.

Information may be obtained from Mike Ezzell, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7261.

Filed: August 12, 1981, 12:42 p.m.
Doc. No. 815453

Friday, August 28, 1981, 1:30 p.m. The Statewide Health Coordinating Council will meet in Room 3-102 of the Joe C. Thompson Conference Center, 26th and Red River Streets, Austin. According to the summarized agenda, the council will consider the following matters: minutes of June 26, 1981, meeting; Application, Budget, and Project Review Committee report on Texas Department of Health Indochinese Refugee Health Program and Texas Department of Health Statewide Immunization Program; Monitoring and Assessment Committee report; Resource Development and Implementation Committee report; State Health Plan Development Committee report, appointment of Nominating Committee; and selection of next meeting date.

Information may be obtained from Mike Ezzell, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7261.

Filed: August 12, 1981, 12:42 p.m.
Doc. No. 815454

State Board of Insurance

Friday, August 21, 1981, 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 6492—acquisition of control of FSN Life Insurance Company, Beaumont, by Robert Stanley Erwin, Jr.

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

Filed: August 13, 1981, 9:22 a.m.
Doc. No. 815474

Tuesday, August 25, 1981, 2 p.m. The State Board of Insurance will conduct a public hearing in Room 414, 1110 San Jacinto, Austin, at the request of the Texas Insurance Advisory Association, on proposed amendments to Rules 059.05.25.003, 059.05.36.001, .002, and 059.05.81.001 (6 Tex-Reg 2505) relating to elimination of the exclusion for loss due to wind-driven rain.

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

Filed: August 12, 1981, 9:02 a.m.
Doc. No. 815455

Wednesday, September 2, 1981, 9 a.m. The State Board of Insurance will conduct a public hearing in Room 414, 1110 San Jacinto, Austin, to consider adjustment of rates for Stevedoring Classifications 7309F, 7313F, 7317F, 7323F, 7327F, 7350F, 8709F, and 8726F.

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

Filed: August 11, 1981, 4:05 p.m.
Doc. No. 815432

Thursday, September 3, 1981, 10 a.m. The State Board of Insurance will meet in Room 414, 1110 San Jacinto, Austin. According to the agenda, the board will consider automobile extended service contract program filed by Central National Insurance Company and discuss meeting with Glen Pierce, Sun Bowl Bowling Alley, Round Rock, concerning flame spread test of sprayed-on cellulose insulation.

Information may be obtained from Pat Wagner, 1110 San Jacinto, Austin, Texas, (512) 475-2950.

Filed: August 12, 1981, 9:02 a.m.
Doc. No. 815456

Texas Department of Mental Health and Mental Retardation

Thursday, August 20, 1981, 3 p.m. The Business Committee of the board of the Texas Department of Mental Health and Mental Retardation will meet at 909 West 45th Street, Austin. According to the summarized agenda, the committee will consider the following matters: Austin State School Natatorium naming as "McKetta Aquadome;" fiscal year 1981 fund transfers, quarterly budget additions and revisions, and longevity payments; bid salary increases reimbursement budget additions; fiscal year 1982 fund transfers and quarterly budgets; table of organization revision—exempt positions for director of data processing and director of information services; status reports on Management Information Systems and Houston Psychiatric Hospital; architect selection for Houston Psychiatric Hospital; periodic financial reporting to board, and community MH/MR centers boards of trustees state grants-in-aid.

Information may be obtained from John J. Kavanagh, M.D., P.O. Box 12668, Austin, Texas 78711, (512) 465-4588.

Filed: August 12, 1981, 4:35 p.m.
Doc. No. 815465

Thursday, August 20, 1981, 5 p.m. The Personnel Committee of the board of the Texas Department of Mental Health and Mental Retardation will meet at 909 West 45th Street, Austin. According to the summarized agenda, the committee will consider appointment of superintendent to Big Spring State Hospital.

Information may be obtained from John J. Kavanagh, M.D., P.O. Box 12668, Austin, Texas 78711, (512) 465-4588.

Filed: August 12, 1981, 4:35 p.m.
Doc. No. 815467

Friday, August 21, 1981, 9 a.m. The board of the Texas Department of Mental Health and Mental Retardation will meet at 909 West 45th Street, Austin. According to the summarized agenda, the board will consider the following matters: development of new mental health code proposal and resolution by MH/MR advocacy coalition; assessment of TRIMS summary report by Medical Advisory Committee chairman; Public Health Services Hospital at Nassau Bay, potential use; governor's letter establishing task forces to study major issues affecting Texas and recommendations development for improvements in structure, procedures, and policies of Texas state government; ICF/MR status report; operational audits status report; citizens comments; Austin State School Natatorium naming as "McKetta Aquadome;" fiscal year 1981 fund transfers, quarterly budget additions and revisions, and longevity payments and salary increases reimbursement budget additions; fiscal year 1982 fund transfers and quarterly budgets; table of organization revision—exempt positions for director of data processing and director of information services; status reports on Management Information Services and Houston Psychiatric Hospital; architect selection for Houston Psychiatric Hospital; periodic financial reporting to board; community MH/MR centers Board of Trustees state grants-in-aid; Jim Law, Richmond State School status; procedures for review and evaluation of appointments and reappointments requiring board approval consideration; commissioner application process status; reappointment consideration of superintendents at Kerrville State Hospital; Lubbock State School, Rio Grande State Center, and San Antonio State Hospital, appointment consideration of superintendents at Big Spring State Hospital, Terrell State Hospital, and Wichita Falls State Hospital; board members facility visitation assignments; organization of Texas Department of Mental Health and Mental Retardation; and status of litigation.

Information may be obtained from John J. Kavanagh, M.D., P.O. Box 12668, Austin, Texas 78711, (512) 465-4588.

Filed: August 12, 1981, 4:35 p.m.
Doc. No. 815466

Texas Motor Vehicle Commission

Thursday, August 27, 1981, 9 a.m. The Texas Motor Vehicle Commission will meet in Suite 200, 815 Brazos, Austin. According to the agenda, the commission will consider hearing reports and final orders in the following proceedings:

- 220—application of Jim Story Chevrolet, El Paso.
- 224—William A. Langdon *vs.* Peugeot Motors of America.
- 237—Issam Sawaya *vs.* Broughton Motors, Inc., and American Motors Sales Corporation.
- 239—John M. Arrington *vs.* Ford Motor Company.

The commission will consider orders of dismissal in the following proceedings:

- 209—Searcy Bus Sales, Inc., *vs.* Ward Industries, Inc., Ward School Bus Manufacturing, Inc., and Coachette Company.
- 218—application of Reece Import Autos, Inc., Dallas.
- 236—application of Maico of Dallas, Dallas.
- 238—Curtis R. Moore *vs.* Mid-City Motors, Inc., and Cadillac Motor Car Division.

The commission will also discuss the financial report.

Information may be obtained from Russell Harding, 815 Brazos Street, Austin, Texas 78701, (512) 476-3587.

Filed: August 12, 1981, 1:54 p.m.
Doc. No. 815458

Texas State Board of Physical Therapy Examiners

Saturday, October 3, 1981, 9 a.m. The Texas State Board of Physical Therapy Examiners will meet on the third floor of the Business Economics Building, University of Texas, corner of Speedway and Martin Luther King Streets, Austin, to administer examination to candidates for Texas licensure.

Information may be obtained from Lois M. Smith, 5555 North Lamar, Building H-135, Austin, Texas 78751, (512) 475-7956.

Filed: August 12, 1981, 2:19 p.m.
Doc. No. 815446

Saturday, October 3, 1981, 11 a.m. The Texas State Board of Physical Therapy Examiners will conduct a public hearing in Room 119 of the Stephen F. Austin Building, 1700 North Congress, Austin, for proposed rules of the board.

Information may be obtained from Lois M. Smith, 5555 North Lamar, H-135, Austin, Texas 78751, (512) 475-7956.

Filed: August 12, 1981, 2:19 p.m.
Doc. No. 815445

Polygraph Examiners Board

Tuesday and Wednesday, September 8 and 9, 1981, 9 a.m., respectively. The Polygraph Examiners Board will meet at the Texas Department of Public Safety, 5805 North Lamar Boulevard, Austin. According to the agenda, the board will consider the following matters: election of officers as prescribed by the Polygraph Examiners Act; applications for internship; conduct administrative hearings; complaints

from the public or other polygraph examiners; for implementation of any changes required in board policies/procedures from recent Sunset legislation directives; and other polygraph-related business deemed appropriate by the chairman.

Information may be obtained from Ryerson D. Gates, 111 West Laurel, Suite 115, San Antonio, Texas 78211, (512) 227-6100.

Filed: August 12, 1981, 9:01 a.m.
Doc. No. 815462

Public Utility Commission of Texas

Wednesday, August 12, 1981, 1:30 p.m. The Hearings Division of the Public Utility Commission of Texas conducted an emergency prehearing in Suite 450N, 7800 Shoal Creek Boulevard, Austin, in Docket 3920—petition of Southwestern Bell Telephone Company for authority to change rates. The emergency prehearing was necessary in order to consider request of parties that certain Bell information be declassified as nonproprietary.

Information may be obtained from Philip F. Ricketts, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: August 11, 1981, 2 p.m.
Doc. No. 815436

Thursday, August 20, 1981, 9 a.m. The Public Utility Commission of Texas will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin. According to the summarized agenda, the commission will consider final orders in the following dockets: 3770, 3861, 3769, 3796, 3800, 3848, 3854, 3891, 3620, 3621, 3533, 3534, 3767, 3009, 3706, 3744, 3872, 3617, 3075, 3437, 3901, 3388, 3751, 3306, 3660, 3905, 3915, 3916, 3919, 3921, 3922, 3930, 3932, 3938, 3939, 3940, 3941, 3942, 3943, 3951, 3953, and 3961. In addition to these dockets the commission will also reconsider adoption of Substantive Rule 052.02.05.058 dealing with cogeneration.

Information may be obtained from Philip F. Ricketts, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: August 11, 1981, 2:01 p.m.
Doc. No. 815435

Thursday, August 20, 1981, 9 a.m. The Public Utility Commission of Texas is making an addition to the agenda of a meeting to be held in Suite 450N, 7800 Shoal Creek Boulevard, Austin. The addition concerns issuance of final orders in the following dockets:

Docket 3759—application of Houston County Electric Cooperative, Inc., for authority to increase rates within Houston, Leon, Trinity, Anderson, Walker, Angilina, Cherokee, Madison, and Freestone Counties.

Docket 3984—application of Harward Computer Systems, Inc., doing business as Lake Road Water Company for a certificate of convenience and necessity to provide water utility service within Parker County.

Information may be obtained from Philip F. Ricketts, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: August 12, 1981, 3:04 p.m.
Doc. No. 815448

Thursday, August 20, 1981, 2 p.m. The Hearings Division of the Public Utility Commission of Texas will conduct a prehearing conference in Suite 450N, 7800 Shoal Creek Boulevard, Austin, in Docket 3989—application of the City of Trinity for a certificate of convenience and necessity within Trinity County (water).

Information may be obtained from Philip F. Ricketts, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: August 11, 1981, 1:59 p.m.
Doc. No. 815437

Monday, August 24, 1981, 9 a.m. The Hearings Division of the Public Utility Commission of Texas will conduct a prehearing conference in Suite 450N, 7800 Shoal Creek Boulevard, Austin, in Docket 3964—application of Heritage Utility Company, a division of First Heritage Corporation, for authority to increase rates within Hood County.

Information may be obtained from Philip F. Ricketts, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: August 12, 1981, 9:02 a.m.
Doc. No. 815449

Monday, August 31, 1981, 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, in Docket 3874—application of G. P. Cottle, doing business as Alpha Utility Company for authority to increase rates within Harrison County.

Information may be obtained from Philip F. Ricketts, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: August 12, 9:01 a.m.
Doc. No. 815450

Wednesday, September 2, 1981, 10 a.m. The Hearings Division of the Public Utility Commission of Texas will conduct a prehearing conference in Suite 450N, 7800 Shoal Creek Boulevard, Austin, in Docket 3991—application of Yaupon Cove Water System for a rate increase within Polk County (water).

Information may be obtained from Philip F. Ricketts, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: August 12, 1981, 1:55 p.m.
Doc. No. 815459

Thursday, September 3, 1981, 10 a.m. The Hearings Division of the Public Utility Commission of Texas will conduct a prehearing in Suite 450N, 7800 Shoal Creek Boulevard, Austin, in Docket 3395—application of San Pedro Canyon Water Company for a Rate Increase within Val Verde County

Information may be obtained from Philip F. Ricketts, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: August 13, 1981, 9:05 a.m.
Doc. No. 815471

Tuesday, September 8, 1981, 9 a.m. The Hearings Division of the Public Utility Commission of Texas will conduct a hearing in Suite 450N, 7800 Shoal Creek Boulevard, Austin, in Docket 3925—appeal of Southwestern Electric Power Company from the ratemaking decisions of various cities.

Information may be obtained from Philip F. Ricketts, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: August 13, 1981, 9:02 a.m.
Doc. No. 815472

Monday, November 2, 1981, 9 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 the merits in Docket 2097—application of City of Crandall for Metro Telephone Service by Southwestern Bell with rates equal to those of other communities within Kaufman County.

Information may be obtained from Philip F. Ricketts, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: August 11, 1981, 4:02 p.m.
Doc. No. 815434

Texas State Board of Examiners in Social Psychotherapy

Saturday, August 22, 1981, 10 a.m. The Texas State Board of Examiners in Social Psychotherapy will meet in Conference Room T-507, 1100 West 49th Street, Austin. According to the summarized agenda, the board will consider the following matters: election of officers for 1981-82; minutes of June 13, 1981, meeting; executive secretary's report; results of August 1, 1981, licensure examination; Executive Committee report; Application Screening Committee report, Complaint Committee report; Public Education Committee report; actions of the 67th Texas Legislature; board rules concerning post-graduate supervised practice; matters relating to the licensure, regulation, and practice of social psychotherapists; and setting of next meeting date.

Information may be obtained from Daniel L. Boone, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7511.

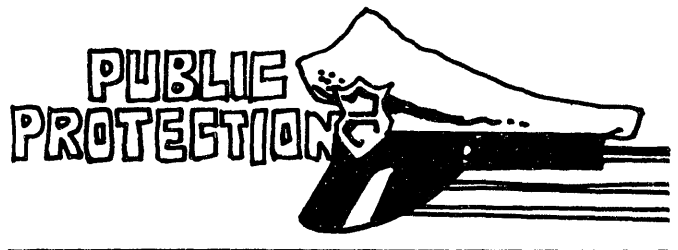
Filed: August 12, 1981, 12:41 p.m.
Doc. No. 815451

Texas Surplus Property Agency

Thursday, August 20, 1981, 1 p.m. The Governing Board of the Texas Surplus Property Agency will meet in the Statesman Room of the Hilton Inn, 6000 Middle Fiskville Road, Austin. According to the agenda, the board will consider the following matters: minutes of the last board meeting held on June 23, 1981; budget for the year beginning September 1, 1981; status of feasibility study for the acquisition of a mini-computer; and executive director's report. The board will also meet in executive session to consider personnel matters and salaries.

Information may be obtained from Robert A. Davis, Jr., Box 8120, San Antonio, Texas 78208, (512) 661-2381.

Filed: August 11, 1981, 4:06 p.m.
Doc. No. 815433



Texas Water Commission

Thursday, September 3, 1981, 10 a.m. The Texas Water Commission will meet in Room 618 of the Stephen F. Austin Building, 1700 North Congress, Austin. According to the summarized agenda, the commission will consider an application by the City of Camp Wood for Permit 12334, for domestic sewage effluent in Real County. The commission will also consider an application by Rollins Environmental Services Incorporated for an amendment to Permit 01429 regarding a landfill site in Harris County.

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

Filed: August 12, 1981, 3:09 p.m.
Doc. No. 815460

Thursday, September 17, 1981, 10 a.m. The Texas Water Commission will meet in Room 618 of the Stephen F. Austin Building, 1700 North Congress, Austin. According to the summarized agenda, the commission will consider an application by the United States Department of Agriculture for Permit 12315-01 to authorize discharge of 3,000 gallons per day of treated domestic sewage in Bell County, Brazos River Basin. The commission will also consider an application by Faust Properties, Inc., for Permit 12342-01 to authorize discharge of a monthly average of 30,000 gallons per day of treated domestic sewage effluent in Harris County, San Jacinto River Basin.

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

Filed: August 12, 1981, 3:09 p.m.
Doc. No. 815461

Regional Agencies

Meetings Filed August 11, 1981

The Texas Alcoholic Beverage Commission will meet in Suite 210 of the Jefferson Building, 1600 West 38th, Austin, on August 24, 1981, at 10:30 a.m. Information may be obtained from W. S. McBeath, P.O. Box 13127, Austin, Texas 78711, (512) 458-2500.

The Austin-Travis County MH/MR Center, Board of Trustees and Personnel Committee, met in the executive director's conference room, 1430 Collier Street, Austin, on August 14, 1981, at noon. Information may be obtained from Cynthia C. Garcia, 1430 Collier Street, Austin, Texas 78704, (512) 447-4141, ext. 49.

Doc. No. 815425

Meetings Filed August 12, 1981

The Education Service Center, Region XI, Board of Directors, will meet at 3001 North Freeway, Fort Worth, on August 25, 1981, at 7:30 p.m. Information may be obtained from R. P. Campbell, Jr., 3301 North Freeway, Fort Worth, Texas 76106, (817) 625-5311, ext. 102.

The Guadalupe-Blanco River Authority, Board of Directors, will meet in the authority's offices, 933 East Court Street, Seguin, on August 20 and 21, 1981, 10 a.m. daily. Information may be obtained from John H. Specht, P.O. Box 271, Seguin, Texas 78155, (512) 379-5822.

The Sabine Valley Regional MH/MR Center, Board of Trustees, will meet at 304 East Pine Crest Drive, Marshall, on August 20, 1981, at 7:30 p.m. Information may be obtained from Frances H. Willis, P.O. Box 6800, Longview, Texas 75608, (214) 297-2191.

The West Central Texas Council of Governments, Manpower Advisory Committee, will meet in the central office meeting room, 1025 East North 10th Street, Abilene, on August 18, 1981, at 10:30 a.m. Information may be obtained from Brad Helbert, P.O. Box 3195, Abilene, Texas, (915) 672-8544.

The Wood County Appraisal District, Board of Directors, will meet in the conference room, 217 North Main, Quitman, on August 20, 1981, at 1:30 p.m. Information may be obtained from W. Carson Wages, P.O. Box 951, Quitman, Texas 75783, (214) 763-4946.

Doc. No. 815463

Meetings Filed August 13, 1981

The Panhandle Regional Planning Commission, Project Notification and A-95 Review System Committee, will meet in the first floor conference room of the Amarillo Building, Third and Polk Streets, Amarillo, on August 20, 1981, at 1:30 p.m. The following committees will meet at the same location.

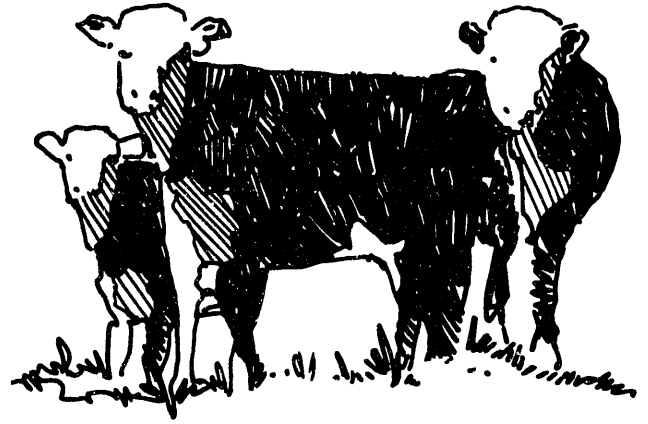
Criminal Justice Committee—August 26, 1981, 10 a.m.
CETA Advisory Committee—August 26, 1981, 2 p.m.
CETA Alliance Council—August 27, 1981, 10 a.m.

Information may be obtained from Polly Jennings, P.O. Box 9257, Amarillo, Texas 79105, (806) 372-3381.

The Region XI CETA Consortium, McLennan County Non-Urban Administrative Unit, will meet in the Heart of Texas Council of Governments meeting room, 320 Franklin, Waco, on August 27, 1981, at 10:30 a.m. Information may be obtained from Catherine Terrell, 310 Franklin, Waco, Texas 76701, (817) 756-1851.

Doc. No. 815473

The following documents are required to be published in the *Register*: applications to purchase control of state banks filed by the Banking Commissioner of Texas pursuant to Texas Civil Statutes, Article 342-401a(B)(6); changes in interest rate filed by the Savings and Loan Commissioner of Texas pursuant to Texas Civil Statutes, Article 5069-1.07; and consultant proposal requests and awards filed by state agencies, regional councils of government, and the Texas State Library pursuant to Texas Civil Statutes, Article 6252-11c. In order to allow agencies to communicate information quickly and effectively, other information of general interest to the public of Texas is published as space allows.



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 August 3-7, 1981.

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 August 7, 1981

Crop Seed, Inc., Lubbock; seed processing; 211 North-east Loop 289; 8883; new source

Texas Utilities Services, Inc., Pyote; coal-fired steam boiler, flyash handling facility, and coal handling facility; nine miles west of Pyote, 8889, 8890, and 8891; new sources

Mitchell Energy Production Corp., Bridgeport; gas processing; address unavailable, 8892; new source

Pioneer Gas Products, Amarillo; natural gas and demethanized; Fain Plant, north of Amarillo; 8893; new source

Tidwell Homes of Texas, Hillsboro; mobile home assembly; Pecos Street; 8894; new source

Issued in Austin, Texas, on August 10, 1981.

Doc. No. 815447 Ramon Dasch
 Director of Hearings
 Texas Air Control Board

Filed: August 11, 1981, 8:56 a.m.
 For further information, please call (512) 451-5711, ext. 354.

Texas Animal Health Commission Quarterly Report for the Texas Bovine Brucellosis Program

Pursuant to provisions of Proclamation 432 by the governor, the Texas Animal Health Commission is to file with the *Texas Register* a quarterly report for the Texas Bovine Brucellosis Program for each quarter of the fiscal year. The report for the quarter ending June 30, 1981, is attached as Exhibit "A."

The commission is also to file recommendations for amendments to the brucellosis regulations. These recommendations for amendments were proposed by the commission and filed with the *Texas Register* and appeared in the June 5, 1981, issue (6 TexReg 2009). A final hearing on the amendments was held on July 6, 1981, in Lubbock. The amendments were adopted and appeared in the July 17, 1981, issue of the *Texas Register* (6 TexReg 2508).

Letter to Governor William P. Clements, Jr., from John B. Armstrong, chairman, Texas Animal Health Commission:

Dear Governor Clements:

Attached is the report for the Third Quarter of Fiscal Year 1981 on the Texas Bovine Brucellosis Program. In striving to obtain the utmost efficiency in manpower and the expenditure of both state and federal funds, I along with members of the staff met with APHIS officials in Fort Worth on July 7, 1981. A review of the interrelation of the state and the federal role within the Texas Brucellosis Program was made. TAHC recommendations for improvements through increased TAHC supervision were generally accepted.

The Agency is reducing brucellosis personnel in the Class "A" control area because of a reduced incidence of the disease.

Sincerely,
 John B. Armstrong,
 Chairman
 Texas Animal Health Commission

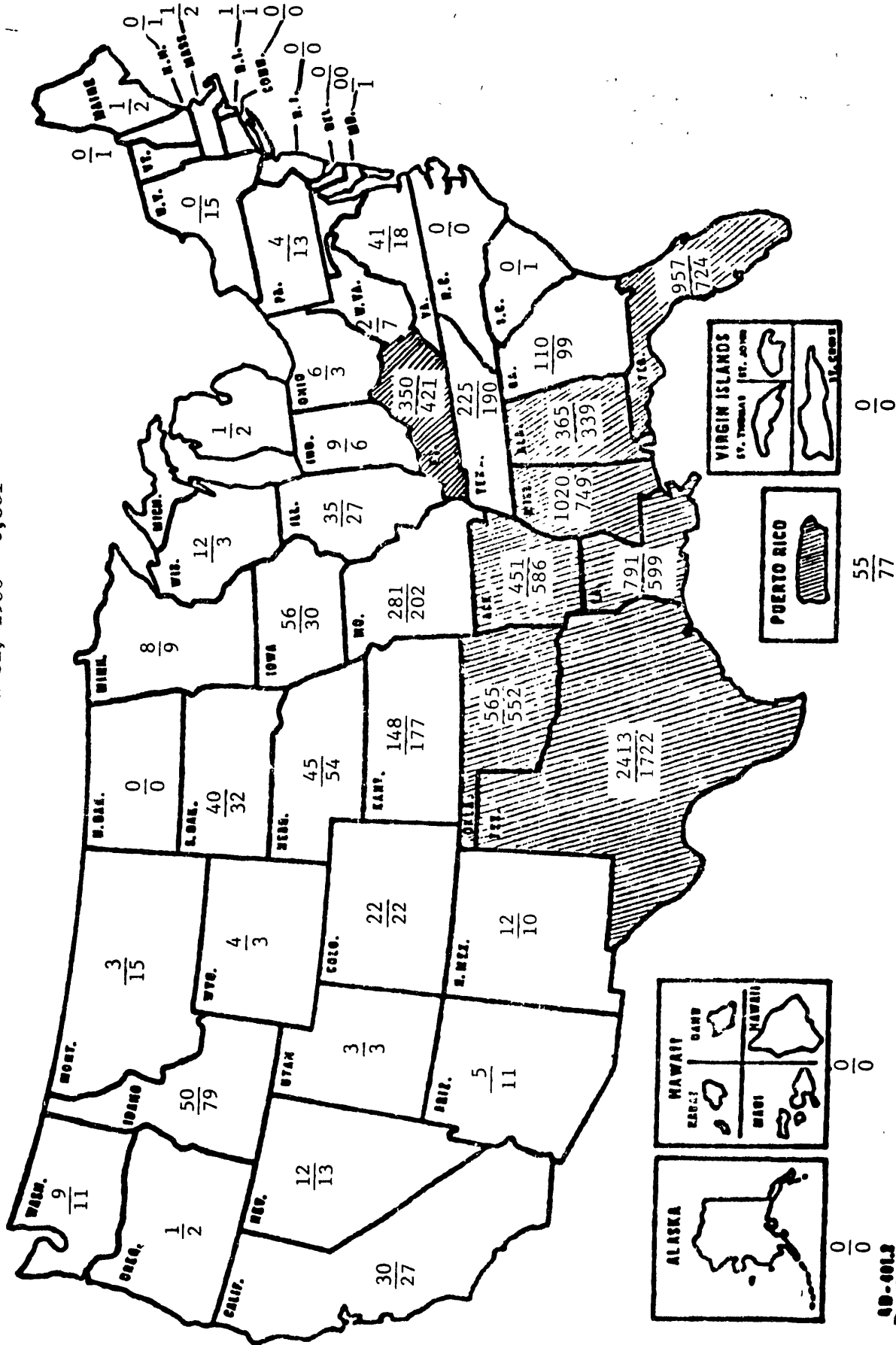
QUARANTINED HERDS BECAUSE OF BRUCELLOSIS AS OF JUNE 30, 1981

STATE	TOTAL HERD POPULATION	NUMBER OF INFECTED HERDS	INFECTED HERD RATE PER 1000
ALASKA	140	0	0.00
CONNECTICUT	2,200	0	0.00
DELAWARE	717	0	0.00
HAWAII	800	0	0.00
MARYLAND	7,800	0	0.00
NEW HAMPSHIRE	1,900	0	0.00
NEW JERSEY	2,800	0	0.00
NEW YORK	32,000	0	0.00
NORTH CAROLINA	50,000	0	0.00
NORTH DAKOTA	19,550	0	0.00
SOUTH CAROLINA	21,000	0	0.00
VERMONT	5,400	0	0.00
VIRGIN ISLANDS	72	0	0.00
MICHIGAN	30,600	1	0.03
OREGON	30,500	1	0.03
PENNSYLVANIA	42,000	4	0.09
WEST VIRGINIA	18,000	2	0.11
OHIO	43,200	6	0.13
MINNESOTA	56,625	8	0.14
ARIZONA	33,989	5	0.14
MONTANA	16,426	3	0.18
WISCONSIN	64,200	12	0.18
INDIANA	36,300	9	0.24
UTAH	10,000	3	0.30
MASSACHUSETTS	2,632	1	0.37

WASHINGTON	20,875	9	0.43
MAINE	2,100	1	0.47
WYOMING	5,900	4	0.67
CALIFORNIA	42,945	30	0.69
IOWA	60,500	56	0.92
ILLINOIS	37,500	35	0.93
NEBRASKA	43,000	45	1.04
VIRGINIA	39,000	41	1.05
COLORADO	17,600	22	1.25
NEW MEXICO	8,069	12	1.48
SOUTH DAKOTA	23,000	40	1.73
PUERTO RICO	22,421	55	2.45
RHODE ISLAND	400	1	2.50
GEORGIA	42,000	110	2.61
KANSAS	51,791	148	2.85
IDAHO	16,910	50	2.95
MISSOURI	94,500	281	2.97
NEVADA	3,951	12	3.03
TENNESSEE	74,000	225	3.04
KENTUCKY	69,802	350	5.01
OKLAHOMA	65,685	565	8.60
ALABAMA	42,000	365	8.69
ARKANSAS	51,000	451	8.84
TEXAS	155,903	2,413	15.47
MISSISSIPPI	43,000	1,020	23.72
LOUISIANA	30,000	791	26.36
FLORIDA	21,000	957	45.57
TOTAL	1,613,703	8,144	5.04

QUARANTINED HERDS BECAUSE OF BRUCELLOSIS

AS OF JUNE 30, 1981 - 8,144
 AS OF JUNE 30, 1980 - 6,861



High infected herd rate/1000

AD-6013
 2-82

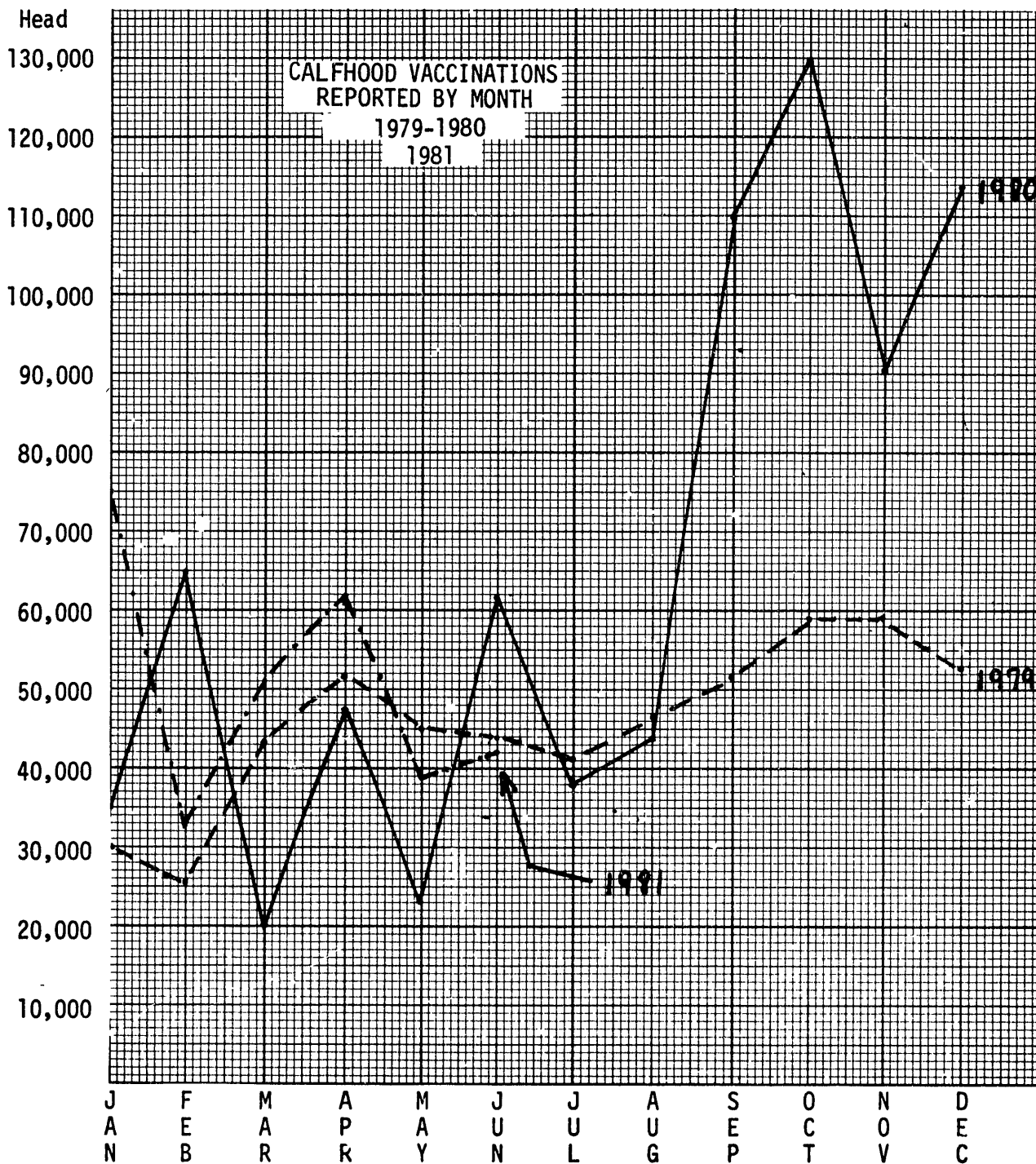
I. Major Elements of the Program

(a) Calftood vaccination is conducted to immunize the breeding cattle population and is considered to be a cornerstone of the Texas Brucellosis Program. An all out campaign is required to assure that all heifers of vaccination age

are vaccinated. Historically, calftood vaccinations have increased during the last half of the calendar year.

On a percentage basis, this amounts to a 7.9% increase over third quarter, fiscal year 1980, compared to third quarter, fiscal year 1981.

	Calves Vaccinated 3rd Qtr. FY 1980 4/80-6/80	Calves Vaccinated 3rd Qtr. FY 1981 4/81-6/81
Federal Employees	448	769
Fee Basis Vets.	104,118	131,177
State Employees	13,709	8,905
Owner's Expense	14,908	2,853
	<hr/>	<hr/>
Totals	133,183	143,704



Calfhood vaccinations for calendar year 1979 - 552,930 head
 Calfhood vaccinations for calendar year 1980 - 778,069 head
 Calfhood vaccinations through June calendar year 1981 - 301,850 head

Target - To vaccinate 70% (1,734,600 heifers) of the available heifers based on available information from the Texas Crop and Livestock Reporting Service.

The preceding graph, Calfhood Vaccinations Reported By Month, demonstrates a monthly comparison of calves vaccinated during calendar years 1979 and 1980, as well as the months of January through June 1981.

Experts have judged that in order to control the spread and reduce the incidence of the disease, 70% of the adult female population will have to have a significant immunity. This will have to be achieved through vaccination.

A major educational campaign involving mass media, the Texas Agricultural Extension Service, Vocational Agriculture Teachers Association, Young Farmers of Texas, Texas Veterinary Medical Association, and others is in place to provide information to adult and young cattle producers

about the Texas plan for brucellosis control with emphasis on the reduced dose of Strain 19. The campaign is a continuous one.

(b) The laboratory support system includes a central laboratory and five regional laboratories. This system provides modern equipment and trained personnel to accurately conduct tests and rapidly report results in response to the needs of the livestock industry. The central laboratory has automated systems and special facilities for culturing specimens for the brucellosis organism. A review of the central laboratory was completed this quarter by Dr. Garry Adams, Dr. Fred Heck, Texas A&M University, and Dr. Brian Espe, USDA epidemiologist. The review is part of the continuing effort to improve the Texas Brucellosis effort.

Laboratory Analyses of Samples for Brucellosis

	<u>Apr-May-Jun</u>
*Blood Samples Tested	749,625
*Blood Samples Not Tested (Hemolyzed)	113,046
Supplemental Tests: Rivanol	28,313
Insufficient Serum for Rivanol	783
CF Manual	11,451
CF Automated	50,276
*Milk Samples for BRT	4,681
*Samples for <u>Brucella</u> Culture	460
(1) Positive Field Strain <u>Brucella</u>	80
(2) Positive Strain 19 <u>Brucella</u>	10
*Total Samples Received	867,812

The predominant field strain Brucella isolated by culture was Type I, with 59 isolates. There were 20 Type II isolates and one Type IV. The milk sample figure includes duplicate samples and samples from out of state dairies that deliver milk to Texas plants. Duplicate samples result from dairies delivering milk to more than one plant.

(c) Surveillance testing of cattle at livestock markets, slaughter plants and on premises as well as the collection and testing of milk samples at milk plants is performed to identify infection and assist the herd owner in the process of rid-

ding infection from his herd. Screening cattle (testing of cattle, removing reactors, and selling the exposed cattle to unsuspecting buyers as "clean" cattle) is a growing problem to accurate surveillance and is becoming a major factor in the transmission of disease from infected herds. Screening is a fraudulent practice under the Texas statutes. Evidence is difficult to establish and makes prosecution difficult.

(1) BRT Program (Brucellosis ring test). Collecting and testing of samples from bulk milk tanks of dairies provides timely evidence of herd infection.

<u>For Quarters Ending</u>	<u>Total Number of Texas Dairies</u>	<u>Number of Texas Dairies Sampled</u>	<u>Number Samples Suspicious</u>
Sept. 30, 1980	2,692	2,623	62
Dec. 31, 1980	2,579	2,545	31
Mar. 31, 1981	2,564	4,924*	51
Jun. 30, 1981	2,605	2,739	38

*This figure reflects 2 rounds of milk collection since milk is being collected once every two months.

(2) MCI Program (Market Cattle Identification Program). This program provides for the identification and testing of eligible cattle to locate herds that are infected or suspected of being infected. Tracebacks are initiated on reactor and suspect cattle with an epidemiological investigation

to determine the actual presence of the disease and the extent of spread.

(A) Blood samples collected at slaughter. Slaughter plant blood collection for October 1980 through March 1981:

<u>Quarter</u>	<u>*Slaughter Plants</u>	<u>Number of Samples Collected</u>
Oct.-Dec. 1980	159	262,800
Jan.-Mar. 1981	144	203,639
Apr.-Jun. 1981	141	237,123

*The number of plants submitting blood will fluctuate because some months smaller plants do not kill test eligible cattle; therefore, no blood will be submitted by them.

(B) Testing at markets and stockyards. There are 157 livestock markets operating in the State of Texas at this time and of these, 145, or 92.9% are testing all eligible cattle prior to sale. The increased surveillance of this first point of concentration testing more rapidly identifies infected and suspect herds and has shown an initial increase in the in-

fectured herd numbers as was predicted and will continue to do so for some time until the disease can be brought under control.

(C) Incidence of disease. Initial herd tests following surveillance tracebacks for first, second, and third quarters, federal fiscal year 1981:

c. Incidence of Disease

(1) Initial Herd Tests Following Surveillance
Tracebacks for 1st, 2nd and 3rd Quarters, Federal FY 1981:

Total Herds Tested

Infected Herds Disclosed

Reason For Test	Total Herds Tested		Infected Herds Disclosed			%Infection	
	Herds	Cattle	Herds	Cattle	Reactors	Herd	Animal
<u>BRT</u>							
1st Qtr.	38	2,874	28	2,564	215	73.7	8.4
2nd Qtr.	30	2,702	19	2,067	71	63.3	3.4
3rd Qtr.	27	2,841	16	2,521	80	59.3	3.2
<u>Slaughter</u>							
1st Qtr.	519	26,082	245	13,235	2,109	47.2	15.9
2nd Qtr.	290	20,015	134	8,754	1,409	46.2	16.1
3rd Qtr.	198	9,306	82	3,974	777	41.4	19.6
<u>Livestock Market</u>							
1st Qtr.	968	32,503	469	18,835	3,239	48.5	17.2
2nd Qtr.	1,042	38,367	492	20,480	3,423	47.2	16.7
3rd Qtr.	902	30,953	409	17,259	3,056	45.3	17.7
<u>Private</u>							
1st Qtr.	88	2,469	54	1,632	376	61.4	23.0
2nd Qtr.	154	5,426	76	3,626	638	49.4	17.6
3rd Qtr.	91	2,562	46	1,298	257	50.5	19.8
<u>Totals</u>							
1st Qtr.	1,613	63,928	796	36,266	5,939	49.3	16.4
2nd Qtr.	1,516	66,510	721	34,927	5,541	47.6	15.9
3rd Qtr.	1,218	45,662	553	25,052	4,170	45.4	16.6

In addition to the number of affected herds under quarantine, the MCI reactor rate on surveillance samples is the best

indicator we have to incidence of disease. The following table gives historic data for comparison purposes:

MCI DATA FOR FY SHOWN

FY (Federal)	Cattle Tested	Reactors Disclosed	Texas Reactor Rate %	USA Reactor Rate %
1973	434,523	8,768	2.018	.628
1974	950,644	17,712	1.863	.696
1975	1,414,521	23,095	1.633	.716
1976	1,519,269	27,628	1.819	.660
1977	1,557,560	22,597	1.450	.532
1978	1,940,284	27,783	1.432	.535
1979	1,347,672	18,505	1.373	.501
1980	1,337,047	15,104	1.130	.470
1981				
1st Qtr.	534,092	4,226	.791	-
2nd Qtr.	442,039	5,242	1.185	-
3rd Qtr.	457,630	4,263	.931	-

(D) Testing on farm or ranch. This includes change of ownership, abortion investigations, entry into shows and fairs, high risk herds, herd certification, and post movement testing.

(E) Increased compliance activities. These reduce

the movement of diseased or exposed cattle into and within the state. Roadblocks are set up on major highways entering the state and the Class "A" control area. Inspections are made to be sure that all required tests have been made and permits accompany the movement.

Vehicles Stopped for Compliance - FY 1981

	<u>No. Vehicles</u>	<u>Breeding Cattle Inspected</u>	<u>Total Cattle Inspected</u>
Oct-Nov-Dec	1,271	3,281	42,325
Jan-Feb-Mar	1,308	2,499	17,781
Apr-May-Jun	1,703	3,921	33,838

Entry Permits Issued on Out-of-State Cattle

	<u>No. Permits</u>	<u>No. Cattle</u>
Oct-Nov-Dec	456	12,303
Jan-Feb-Mar	459	7,985
Apr-May-Jun	427	6,693

(d) Epidemiological investigations are routinely used in conjunction with available market test results to classify a herd as suspicious, requiring additional testing or as one that does not require additional testing. By conducting an epidemiological investigation of the infected herds, the management of the herd and other factors involved in the spread of the disease within the herd can be determined for future use in preparing the herd plan. Epidemiologists conduct these investigations or review those made by others. In addition,

epidemiologists also investigate chronically infected herds and newly infected herds with a high incidence of disease for consultation with herd owners in developing herd plans. They further advise veterinary practitioners and regulatory personnel on recommended solutions for specific problems. There are currently two epidemiologists and three positions to be filled in the agency. The program requires additional epidemiologists to give professional support to other veterinarians and to allow more personal work with cattle owners in diseased herds.

**Epidemiological Investigations
(Federal FY)**

FY 1980	0
1st Qtr. FY 1981	362
2nd Qtr. FY 1981	1,100
3rd Qtr. FY 1981	796

(e) Individual herd plans leading to certified free herds are being developed for affected and high risk herds. The

plan is developed between the herd owner, his veterinarian, if requested by the owner, and an epidemiologist of the program. The developed plan is to control and eliminate brucellosis within the herd to prevent spread to other herds, and to minimize reintroduction of brucellosis after the herd has become free of the disease. The herd plan will take into account the normal management schedule for working cattle. Adult vaccination is an option within an individual herd plan, which gives immunity to brucellosis negative adult females in affected herds, in herds of unknown status, and in herds of high risk.

Herd Plans Developed

(Federal FY)	Herd Plans	Adult Vaccination Agreements
FY 1980	0	215
1st Qtr. FY 1981	459	58
2nd Qtr. FY 1981	355	41
3rd Qtr. FY 1981	285	78

Certified free herds provide a recognized source of brucellosis-free replacement cattle which offer an incentive to both buyer and seller.

The following table shows the number of herds certified during the period October 1980 through June 1981:

	<u>Herds Certified During Period</u>		<u>Cumulative Certified Free Herds</u>		<u>Signed Agreements Awaiting 2nd Test</u>
	<u>Herds</u>	<u>Head</u>	<u>Herds</u>	<u>Cattle</u>	<u>Herds</u>
Oct-Nov-Dec	22	4,265	62	11,501	163
Jan-Feb-Mar	21	1,944	79	13,614	194
Apr-May-Jun	33	4,246	112	17,860	315

II. Supporting Elements of the Brucellosis Program

(a) Industry participation.

(1) On February 29, 1980, the Texas Animal Health Commission adopted Texas bovine brucellosis regulations which called for the selection of producer committees to be established in each of the 15 TAHC areas.

On May 21, 1981, the commission appointed a brucellosis committee for each of the 15 TAHC areas. Each committee is

composed of 12 members from the livestock industry that were recommended by organizations or individuals. The chairmen were also appointed by the chairman of TAHC at same time.

The purpose of the Area Brucellosis Committee is to establish better communication between the TAHC and the Texas livestock industry as pertains to brucellosis and the brucellosis regulations. These committees should serve as a vehicle for the TAHC to communicate directly with members of the livestock industry regarding the regulations and pro-

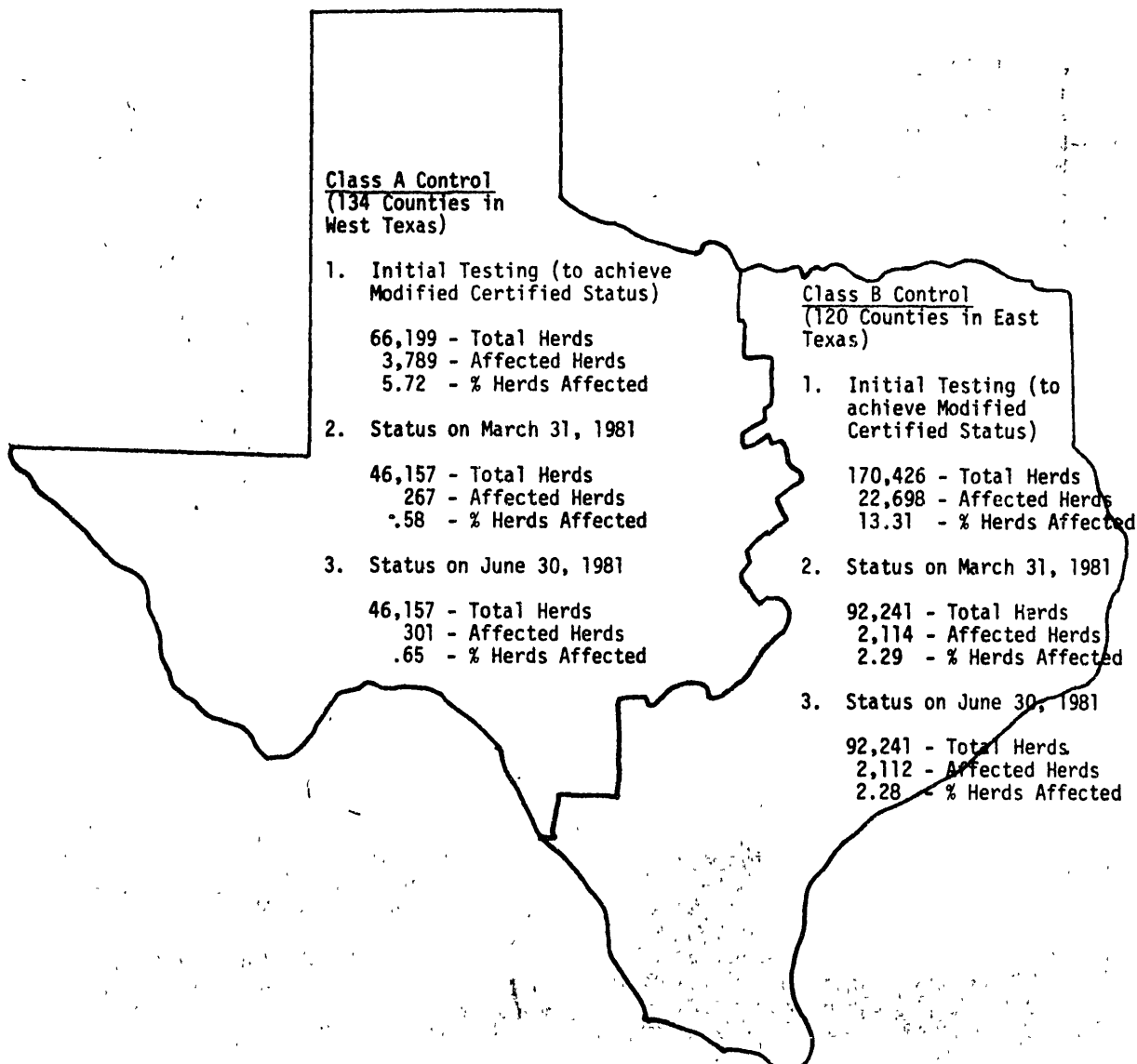
posed regulations. Each committee is encouraged to serve as a forum for developing better understanding of the disease and the program, and to air grievances and make constructive suggestions for better effectiveness while keeping the program affordable to the livestock owner.

(b) Information and education. Special display cartons for brucellosis brochures are being distributed through TAHC area offices and other outlets. They are being used in area TAHC offices, livestock auction markets, county agent offices, farm bureau offices, and feed stores. About 250 cartons have been distributed. Brochures displayed in the cartons include those on the Texas plan, regulations, reduced dose of Strain 19, and brucellosis prevention. A special mail-in card has also been included so that producers may request additional copies. Approximately 100 news stories and other feature stories have been disseminated statewide relating activities of the TAHC during this quarter.

(c) Development and use of an automated data based management system. The processing of fee basis calftlood vaccination claims by computer has been fully implemented. Most claims are now processed within two weeks.

(d) Indemnity system. On March 1, 1981, a new federal indemnification system for registered brucellosis reactors was instituted. The rate of indemnity payment for registered reactors is based on a formula involving the appraised value versus the salvage value of the animal. The indemnity system for grade animals remains on a flat rate.

(e) Separation of the state into Class "A" and Class "B" control areas. For program purposes, Texas is divided into two areas: Class "A" and Class "B" control areas. The plan is to provide that a portion of Texas may qualify as a Class "A" area under national regulations which become effective January 1, 1982. This provides for minimum testing in the Class "A" area. There are now 134 counties in Class "A" control area with the remainder in Class "B" control area.



(f) **Research.** Cooperative research to provide additional answers and information leading to control and eventual eradication of brucellosis is being conducted. Major efforts are being directed toward development of better diagnostic tools, an improved vaccination program, and the host-organism relationship in the disease process.

(g) **Cost benefit study.** A cost/benefit study is being conducted using the Texas bovine brucellosis policy simulator (TBBPS) which simulates the estimated effect of the Texas program on physical losses in weaner calf weights and milk as a result of abortions, reduced milk production, delayed conception, and premature marketing of calves. The herd will be the basic unit of the TBBPS; herds will be categorized by species, region, herd size, and herd status (quarantined, clean, or undetected infected). In addition, it projects the number of quarantined herds, undetected infected herds and producer costs associated with vaccination and roundups under a given program.

Basic input data is being developed by close cooperation of TAHC, Texas Agricultural Experiment Station (TAES) personnel and epidemiologists from the College of Veterinary Medicine to assure maximum accuracy and timeliness. The number of infected herds, infection rates, and clean-up rates have been provided by TAHC for both beef and dairy herds for each region of the state. Survey questionnaires have been sent to 162 livestock market operators, 2,000 beef herd owners, and 600 dairy herd owners; the herds represent both quarantined herds and herds not known to be affected. TAHC has completed and sent to TAES approximately 1,320 herd jacket surveys which represent herd history of all herds released from quarantine during the past 12 months.

(h) **Litigation.** Presently there are several court actions in the district courts of Texas which affect the Texas Animal Health Commission.

The first suit was filed in the district court of Castro County, 67th Judicial District, with an order issued on January 28, 1976; this order has been amended twice, the last time being April 4, 1980, and it required the commission to enforce the Texas bovine brucellosis regulations dated February 29, 1980.

The second suit was filed in the district court of Uvalde County, 38th Judicial District, on September 9, 1979. The court held that the old brucellosis regulations as well as Texas Civil Statutes, Article 7014f-1, §23A, which authorized the brucellosis program, were unconstitutional as applied to R. J. Nunley and enjoined the commission from in any manner en-

forcing the brucellosis regulations against Mr. Nunley. Whether the new program is covered by this injunction is currently before the San Antonio Court of Civil Appeals.

The third suit is pending in the 53rd Judicial District of Travis County, styled Pan American Livestock Exposition et al vs. Texas Animal Health Commission, Tom East, and Red Nunley. The purpose of this lawsuit is for the Texas Animal Health Commission to enforce the brucellosis regulations against all persons, including Mr. East and Mr. Nunley.

Additionally, a petition for temporary injunction was filed in the district court of Harris County, 234th Judicial District, styled Texas Animal Health Commission vs. R. L. Lipsey. Mr. Lipsey was served June 19, 1981. The commission alleged that Mr. Lipsey is in violation of Texas Civil Statutes, Article 7014f-1, as found in the *Texas Register* at 177.03.01.020 et seq., (Texas bovine brucellosis regulations) in that he has refused to brand and dispose of brucellosis infected cattle and has moved exposed and diseased cattle without the proper permits in violation of a quarantine.

Also a petition for mandatory injunction was filed in the district court of Kaufman County, 86th Judicial District, styled Texas Animal Health Commission vs. Glen Cain. Mr. Cain was served June 8, 1981. The Texas Animal Health Commission alleges that Mr. Cain is in violation of Texas Civil Statutes, Article 7014f-1, as found in the *Texas Register* at 177.03.01.020 et seq., (Texas bovine brucellosis regulations) in that he has moved cattle without proper permits, moved cattle without conducting all tests for brucellosis, moved cattle in violation of a quarantine, and failed to keep proper records of his cattle dealings.

A petition for mandatory injunction was filed in the district court of Van Zandt County, 86th Judicial District, styled Texas Animal Health Commission vs. D. Priest. Mr. Priest was served June 3, 1981. The Texas Animal Health Commission alleges that Mr. Priest is in violation of Texas Civil Statutes, Article 7014f-1, as found in the *Texas Register* at 177.03.01.020 et seq., (Texas bovine brucellosis regulations) in that he has failed to maintain required records of his cattle dealings sufficient to show the herds from which his cattle originated.

III. Personnel

The brucellosis budget allows for the projected manpower requirement in meeting objectives of the elements of this program. The following is a current accounting of the progress in meeting the gubernatorial guidelines for a 5.0% employee reduction exclusive of brucellosis program employees:

Number of FTEs <u>1-31-79</u>		Number of FTEs <u>6-30-81</u>
104.6	Brucellosis - Field	111.80
17.0	Brucellosis - Laboratory	42.00
	Brucellosis Related:	
-0-	Second Clerk in Field Office	11.00
-0-	Purchasing Clerks	3.00
-0-	Statistical Services Clerks	2.00
-0-	Automated Data Processing	2.00
-0-	Epidemiologist	2.00
-0-	Information Specialist	1.00
<u>121.6</u>	Total Brucellosis and Related	<u>174.80</u>
<u>213.0</u>	Other	<u>207.84</u>
<u><u>334.6</u></u>		<u><u>382.64</u></u>

Overall employment has increased because of the expanded brucellosis program. However, the TAHC has realized a 2.42% reduction in other employees as of June 30, 1981.

IV. Financing

The following paragraphs indicate the support provided for each element of the program by the fiscal year 1981 TAHC budget. Exhibit "A," statement of expenditures, provides a detailed summary by object of expense for the brucellosis program and related line items. Exhibit "B" financial overview, illustrates the projected balances for the brucellosis program and related line items as compared to budgeted fiscal year 1982. Federal contracts for fiscal year 1982 are currently projected to be the same as fiscal year 1981. Exhibit "C" represents the agency's appropriation as passed by the 67th Legislature.

(a) Surveillance. Resources provided for this subitem will support three activities under the element surveillance, as follows:

- (1) collection, identification, and submission of slaughter blood samples for testing;
- (2) testing nonexempt cattle at auction markets and stockyards;
- (3) BRT Program (collection and submission of milk samples from dairy herds).

(b) Adult vaccination and individual herd testing. Resources provided from this subitem will support the following elements:

- (1) establishing certified free herds (this will be for previously affected quarantined herds only). Other certified free herds will be established at owner's expense;
- (2) Infected and high risk herd procedures including adult vaccinations;
- (3) epidemiological investigations;
- (4) compliance.

(c) Calfhood vaccination. Resources from this subitem will support the activity calfhood vaccination and partially supports the MCI Program and field laboratories.

(d) Other elements. The other elements which require agency resources receive support from other budget items.

- (1) Programs of information and education receive support from Item 1.c, other general administration.
- (2) Laboratory system receives support from Item 2.c, laboratory support.
- (3) Development and use of an automated data based management system receives support from Item 1.c, other general administration and when automated programs are initiated, support will be from Item 2.b, statistical services.
- (4) Indemnity system—Paid directly by the United States Department of Agriculture, Animal and Plant Health Inspection Service, Veterinary Services with federal funds.

STATEMENT OF EXPENDITURES
June 30, 1981

EXHIBIT "A"

	EXPENDITURES 3/31/81	APRIL	MAY	JUNE	YTD 6/30/81
<u>OTHER GENERAL ADMINISTRATION</u>					
Classified Salaries	\$140,550.24	\$18,763.00	\$18,961.00	\$19,223.00	\$197,497.24
Exempt Salaries	43,262.98	6,402.34	6,402.34	6,402.34	62,470.00
Travel	14,672.52	1,549.32	2,762.05	1,200.72	20,184.61
Capital Outlay	7,428.66		280.00	1,798.14	9,506.80
Other Operating Expense	31,319.63	4,609.25	2,576.66	4,339.30	42,844.84
<u>Total</u>	<u>\$237,234.03</u>	<u>\$31,323.91</u>	<u>\$30,982.05</u>	<u>\$32,963.50</u>	<u>\$332,503.49</u>
<u>FISCAL AND PERSONNEL MANAGEMENT</u>					
Classified Salaries	\$126,742.01	\$19,269.50	\$19,269.50	\$19,269.50	\$184,550.51
Travel	876.20	387.80		242.55	1,506.55
Capital Outlay	4,771.00	239.00	689.00	544.65	6,243.65
Other Operating Expense	19,201.28	1,200.22	1,538.94	3,540.56	25,481.00
<u>Total</u>	<u>\$151,590.49</u>	<u>\$21,096.52</u>	<u>\$21,497.44</u>	<u>\$23,597.26</u>	<u>\$217,781.71</u>
<u>STATISTICAL SERVICES</u>					
Classified Salaries	\$301,235.32	\$50,757.82	\$49,059.71	\$48,971.63	\$450,024.48
Travel	408.60	388.60	121.00	400.90	1,319.10
Capital Outlay	159.00	1,551.00			1,710.00
Other Operating Expense	9,056.12	730.39	1,247.47	2,394.44	13,428.42
<u>Total</u>	<u>\$310,859.04</u>	<u>\$53,427.81</u>	<u>\$50,428.18</u>	<u>\$51,766.97</u>	<u>\$466,482.00</u>

STATEMENT OF EXPENDITURES (continued)

<u>LABORATORY</u>	<u>EXPENDITURES 3/31/81</u>	<u>APRIL</u>	<u>MAY</u>	<u>JUNE</u>	<u>YTD 6/30/81</u>
Classified Salaries	\$228,941.09	\$41,587.75	\$42,500.86	\$43,303.31	\$356,333.01
Professional Fees			2,395.53		2,395.53
Travel	3,091.73	226.20	212.60	942.80	4,473.33
Rental-Office/Warehouse	56,962.57	8,137.51	8,307.11	8,171.43	81,578.62
Capital Outlay	35.00	36,310.00	3,420.00		39,765.00
Other Operating Expense	12,006.15	2,619.10	9,254.38	12,629.23	36,508.86
Total	<u>\$301,036.54</u>	<u>\$88,880.56</u>	<u>\$66,090.48</u>	<u>\$65,046.77</u>	<u>\$521,054.35</u>
<u>SURVEILLANCE</u>					
Classified Salaries	\$ 4,029.00				\$ 4,029.00
First Point Testing	1,045,004.00	\$ 149,530.00	211,418.00	\$ 151,638.00	\$ 1,557,590.00
Other Operating Expense	871.97	6.70	278.90	484.65	1,642.22
Total	<u>\$1,049,904.97</u>	<u>\$149,536.70</u>	<u>\$211,696.90</u>	<u>\$152,122.65</u>	<u>\$1,563,261.22</u>
<u>A.V. AND INDIVIDUAL HERD TESTING-STATE</u>					
Classified Salaries	\$687,283.39	\$113,097.81	\$102,009.72	\$105,672.70	\$1,008,063.62
Travel	163,380.38	30,417.10	28,923.94	25,382.40	248,103.82
Capital Outlay			7,692.30		7,692.30
Other Operating Expense	45,258.63	6,204.96	7,144.87	11,173.52	69,781.98
Total	<u>\$895,922.40</u>	<u>\$149,719.87</u>	<u>\$145,770.83</u>	<u>\$142,228.62</u>	<u>\$1,333,641.72</u>
<u>A.V. AND INDIVIDUAL HERD TESTING-FEDERAL</u>					
Classified Salaries	\$263,680.54	\$37,754.08	\$35,780.17	\$36,761.49	\$373,976.28
Travel	60,504.77	9,799.60	8,981.80	8,357.00	87,643.17
Other Operating Expense	12,259.49	19.94	3,618.11	5.95	15,903.49
Total	<u>\$336,444.80</u>	<u>\$47,573.62</u>	<u>\$48,380.08</u>	<u>\$45,124.44</u>	<u>\$477,522.94</u>

STATEMENT OF EXPENDITURES
(continued)

CALFHOOD VACCINATION STATE	EXPENDITURES		APRIL		MAY		JUNE		YTD	
	3/31/81								6/30/81	
Classified Salaries	\$	136,507.07	\$	14,872.11	\$	14,338.00	\$	13,859.50	\$	179,576.68
Professional Fees		922,429.50		99,485.75		143,954.50		162,422.50		1,328,292.25
Travel		25,626.24		3,556.60		2,632.40		2,960.20		34,775.44
Capital Outlay				3,884.40		3,575.00				7,459.40
Other Operating Expense		49,182.49		516.99		794.90		1,495.51		51,989.89
Total		<u>\$1,133,745.30</u>		<u>\$122,315.85</u>		<u>\$165,294.80</u>		<u>\$180,737.71</u>		<u>\$1,602,093.66</u>
CALFHOOD VACCINATION FEDERAL CONTRACT										
Classified Salaries		\$12,316.30		\$1,228.13		\$523.84		\$2,109.23		\$16,177.50
Travel		<u>3,243.36</u>		<u>411.00</u>		<u>409.00</u>				<u>4,063.36</u>
Total		<u>\$15,559.66</u>		<u>\$1,639.13</u>		<u>\$932.84</u>		<u>\$2,109.23</u>		<u>\$20,240.86</u>

EXHIBIT "B" Financial Overview

TEXAS ANIMAL HEALTH COMMISSION
FINANCIAL OVERVIEW
June 30, 1981

LINE ITEM	Expended Through 6/30/81	Projected Expenditures July & Aug.	Estimated Expenditures FY-81	Budgeted FY-81			Total
				State Funds	1980 Unexpended Balance Funds	Federal Funds	
Administration:							
General Adm.	\$ 332,503.49	\$ 84,773.03	\$ 417,276.52	\$ 331,248.00		\$ 76,839.00	\$ 408,087.00
Fis. & Pers. Mgmt.	217,781.71	83,151.02	<u>300,932.73</u>	<u>327,400.00</u>		<u>10,662.00</u>	<u>338,062.00</u>
Total Administration			\$ <u>718,209.25</u>	\$ <u>658,648.00</u>		\$ <u>87,501.00</u>	\$ <u>746,149.00</u>
Prevention, Control & Eradication:							
Inspection & Comp.	\$1,372,176.11	\$330,979.91	\$1,703,156.02	\$1,688,471.00			\$1,688,471.00
Stat. Services-State	\$ 363,698.44	\$ 82,320.78	\$ 446,019.22	\$ 477,002.00			\$ 477,002.00
Stat. Services-Fed.	102,783.56	21,213.16	<u>123,996.72</u>			\$107,571.00	<u>107,571.00</u>
Total, Stat. Services			\$ <u>570,015.94</u>				\$ <u>584,573.00</u>
Lab. Support-State	\$ 330,101.19	\$ 92,402.09	\$ 422,503.28	\$ 469,522.00			\$ 469,522.00
Lab. Support-Federal	190,952.96	55,421.52	<u>246,374.48</u>			\$210,937.00	<u>210,937.00</u>
Total, Lab. Support			\$ <u>668,877.76</u>				\$ <u>680,459.00</u>
Indemnity	\$ 1,250.00	-0-	\$ 1,250.00	\$ 50,000.00			\$ 50,000.00
Pesticide	\$ 2,388.45	-0-	\$ 2,388.45			\$ 9,000.00	\$ 9,000.00
Brucellosis:							
Surveillance	\$1,585,225.22	\$407,384.44	\$ 1,992,609.66	\$ 545,441.00	\$ 306,738.80	\$1,335,000.00	\$ 2,187,179.80
A.V. & Ind. Herd Testing-State	\$1,333,641.72	\$459,839.64	\$ 1,793,481.36	\$1,286,897.00	\$ 562,670.00		\$ 1,849,567.00
A. V. & Ind. Herd Testing-Federal	477,522.94	100,294.82	<u>577,817.76</u>			\$ 557,812.00	<u>557,812.00</u>
Subtotal A.V. & I.H.T.			\$ <u>2,371,299.12</u>				\$ <u>2,407,379.00</u>
C.V.- State	\$1,602,093.66	\$494,020.29	\$ 2,096,113.95	\$1,913,084.00	\$ 481,375.00		\$ 2,394,459.00
C.V.-Federal	20,240.86	251.44	<u>20,492.30</u>			\$ 24,728.00	<u>24,728.00</u>
Total, Brucellosis			\$ <u>6,480,515.03</u>	\$3,745,422.00	\$1,350,783.80	\$1,917,540.00	\$ 7,013,745.80
Tuberculosis	\$ 19,080.50	\$ 2,173.82	\$ 21,254.32	\$ 25,259.00			\$ 25,259.00
Hog Cholera	\$ 137,153.37	\$ 40,315.13	\$ 177,468.50	\$ 185,490.00			\$ 185,490.00
Pseudorabies (PRV)	\$ 8,772.69	\$ 2,553.58	\$ 11,326.27	\$ 16,460.00			\$ 16,460.00
Pullorum Typhoid	\$ 10,448.49	\$ 2,954.99	\$ 13,403.48	\$ 34,378.00			\$ 34,378.00
Fever Tick	\$ 277,636.86	\$ 93,904.35	\$ 371,541.21	\$ 541,032.00			\$ 541,032.00
Scabies	\$ 286,239.59	\$ 67,528.68	\$ 353,768.27	\$ 361,921.00			\$ 361,921.00
Screwworm Flies	\$ 117,739.79	\$ 17,612.79	\$ 135,352.58	\$ 157,642.00			\$ 157,642.00
Total, P. C. & E.			\$10,510,317.83	\$7,752,599.00	\$1,350,783.80	\$2,245,048.00	\$11,348,430.80
Emergency Fund	-0-	-0-	-0-	\$ 140,000.00			\$ 140,000.00
GRAND TOTAL TEXAS ANIMAL HEALTH COMMISSION			\$11,228,527.08	\$8,551,247.00	\$1,350,783.80	\$2,332,549.00	\$12,234,579.80

Surplus or (Deficit)	Budgeted FY-82		
	State Funds	Projected Federal Funds(1)	Total
\$ (9,189.52)	\$ 319,948	\$101,328	\$ 421,276
<u>37,129.27</u>	<u>329,177</u>		<u>329,177</u>
\$ <u>27,939.75</u>	\$ <u>649,125</u>	\$ <u>101,328</u>	\$ <u>750,453</u>
\$(14,685.02)	\$1,929,901		\$1,929,901
\$ 30,982.78	\$ 417,549		\$ 417,549
<u>(16,425.72)</u>		\$118,058	<u>118,058</u>
\$ <u>14,557.06</u>			\$ <u>535,607</u>
\$ 47,018.72	\$ 245,207		\$ 245,207
<u>(35,437.48)</u>		\$210,937	<u>210,937</u>
\$ <u>11,581.24</u>			\$ <u>456,144</u>
\$ 48,750.00	\$ 13,475		\$ 13,475
\$ 6,611.55		\$ 9,904	\$ 9,904(2)
\$ 194,570.14(3)	\$ 959,909	\$1,335,000	\$ 2,294,909
\$ 56,085.64	\$ 862,445		\$ 862,445
<u>(20,005.76)</u>		\$ 582,090	\$ <u>582,090</u>
\$ <u>36,079.88</u>			\$ <u>1,444,535</u>
\$ 298,345.05	\$2,589,462		\$ 2,589,462
<u>4,235.70</u>			<u>-0-</u>
\$ <u>533,230.77</u>	\$ <u>4,411,816</u>	\$ <u>1,917,090</u>	\$ <u>6,328,906</u>
\$ 4,004.68	\$ 43,324		\$ 43,324
\$ 8,021.50	\$ 291,622		\$ 291,622
\$ 5,133.73	\$ 57,346		\$ 57,346
\$ 20,974.52	\$ 24,266		\$ 24,266
\$ 169,490.79	\$ 569,622		\$ 569,622
\$ 8,152.73	\$ 574,698		\$ 574,698
\$ <u>22,289.42</u>	\$ <u>212,494</u>		\$ <u>212,494</u>
\$ <u>838,112.97</u>	\$ <u>8,791,320</u>	\$ <u>2,255,989</u>	\$ <u>11,047,309</u>
\$ <u>140,000.00</u>	\$ <u>150,000</u>		\$ <u>150,000</u>
\$ <u>1,006,052.72</u>	\$ <u>9,590,445</u>	\$ <u>2,357,317</u>	\$ <u>11,947,762</u>

(1) Federal Funds for FY-82 are currently projected to be the same as FY-81.
 (2) With the passage of Senate Bill 602 of the 67th Legislature, pesticide authority will be transferred to the Texas Department of Agriculture on September 1, 1981.
 (3) \$75,997.14 of this surplus is General Revenue funds. \$118,573 are Federal Funds which are dedicated to support First Point Testing during the month of September.
 (4) Budgeted FY-81 figures include the following fund transfers:

Transfers into	
Laboratory Support	\$280,000
Statistical Services	100,000
Transfers from	
Scabies	\$220,000
Hog Cholera	80,000
Pseudorabies	35,000
Screwworm	30,000
Tuberculosis	15,000
Total	\$380,000

EXHIBIT "C"
Appropriations

ANIMAL HEALTH COMMISSION

	For the Years Ending	
	August 31,	August 31,
	<u>1982</u>	<u>1983</u>
1. Administration:		
a. Per Diem of Commission Members	\$ 3,750	\$ 3,750
b. Executive Director	44,400	48,300
c. Assistant Executive Director	38,200	41,500
d. Other General Administration	284,262	304,646
e. Fiscal and Personnel Management	<u>379,841</u>	<u>401,948</u>
Total, Administration	\$ 750,453	\$ 800,144
2. Prevention, Control and Eradication:		
<u>General Operations:</u>		
a. Inspection and Compliance	\$ 1,929,901	\$ 2,060,358
b. Statistical Services	547,626	594,172
c. Laboratory Support	505,030	538,876
d. Indemnity	13,475	13,475
e. Pesticide Control	9,904	10,754
<u>Specific Operations:</u>		
f. Brucellosis		
(1) Increased Surveillance	2,519,846	2,549,979
(2) Adult Vaccination and Individual Herd Testing	2,151,089	2,262,521
(3) Calftlood Vaccination	<u>2,146,504</u>	<u>2,181,013</u>
Total, Brucellosis	\$ 7,817,439	\$ 8,993,513
g. Tuberculosis	43,324	45,596
h. Hog Cholera	291,622	310,806
i. Pseudorabies (PRV)	57,346	61,345
j. Pullorum Typhoid	24,266	25,763
k. Fever Ticks	572,274	596,031
l. Scabies Mites	574,698	612,895
m. Screworm Flies and Buffalo Gnats	<u>212,494</u>	<u>224,195</u>
Total, Prevention, Control and Eradication	\$ 11,599,399	\$ 12,087,779
3. Emergency Fund	<u>\$ 150,000</u>	<u>\$ 150,000</u>
4. Brucellosis Contingency Fund		
a. Statistical Services	19,794	29,037
b. Laboratory Support	39,313	51,228
c. Calftlood Vaccination	<u>572,356</u>	<u>1,085,155</u>
Total, Brucellosis Contingency Fund	\$ 630,463	\$ 1,165,420
GRAND TOTAL, ANIMAL HEALTH COMMISSION	\$ 13,130,315	\$ 14,203,343
Method of Financing:		
General Revenue Fund:	\$ 9,590,445	\$ 10,538,842
Federal Funds, estimated	<u>3,539,870</u>	<u>3,664,501</u>
Total, Method of Financing	\$ 13,130,315	\$ 14,203,343

Schedule of Exempt Positions

Executive Director	8	44,400 8	48,300
Assistant Executive Director		38,200	41,500
Epidemiologist, 5 NTE		38,000	41,300

SCHEDULE OF CLASSIFIED POSITIONS (UL), ANIMAL HEALTH COMMISSION

GROUP 21

1559 Director, Special Programs
 1755 Director, Personnel and Staff Development
 4127 Veterinarian III

GROUP 19

0274 Director of ADP I
 1551 Staff Services Officer I
 1555 Administrator of Technical Programs II
 4125 Veterinarian II

GROUP 18

4229 Entomologist III

GROUP 17

1552 Administrator of Technical Programs I
 4124 Veterinarian I

GROUP 16

1163 Accountant III
 1732 Personnel Officer II
 7655 Animal Health Area Supervisor

GROUP 15

4228 Entomologist II

GROUP 14

1862 Information Specialist I
 7654 Animal Health Inspector V

GROUP 13

1162 Accountant II
 1503 Administrative Technician III

GROUP 12

4227 Entomologist I
 7653 Animal Health Inspector IV

GROUP 11

1161 Accountant I
 1502 Administrative Technician II

GROUP 10

7652 Animal Health Inspector III

GROUP 9

4207 Laboratory Technician II

GROUP 8

0308 Duplicating Machine Operator II
 1003 Accounting Clerk III
 1501 Administrative Technician I
 7651 Animal Health Inspector II

Group 7

0135 Secretary III
4206 Laboratory Technician I

Group 6

0055 Clerk III
1002 Accounting Clerk II
7650 Animal Health Inspector I

Group 5

0133 Secretary II

Group 4

0053 Clerk II
0106 Clerk Typist II
0126 Stenographer I
0131 Secretary I
1001 Accounting Clerk I

Group 3

0103 Clerk Typist I

Group 2

0051 Clerk I
4201 Laboratory Worker

Any grants or gifts of money received by the Animal Health Commission for the Screwworm Eradication Program shall be deposited in the General Revenue Fund and are hereby appropriated for the purposes intended by the donors.

It is the intent of the Legislature that sterile flies shall be distributed to any area of the state upon verification of a screwworm case by a state official when such case constitutes a serious threat of screwworm infestation for that area.

Funds appropriated above may be expended to provide an allowance of not to exceed One Hundred and Fifty Dollars (\$150) per man per month for each Commission employee whose duties require the maintenance of a personally owned horse.

No indemnity payment for hog cholera may be expended to indemnify producers who are operating illegally.

Funds appropriated above for the Emergency Fund shall be expended only after submission to the Governor for determination of the following facts in accordance with provisions of House Bill No. 50, Acts of the Sixty-second Legislature, Fourth Called Session:

That an emergency need exists in any aspect of programs of prevention, control and eradication of any insect or disease under the responsibility of the Animal Health Commission. The determination shall be conditioned upon such facts as unforeseen infestation or expanded infestation of insects or diseases which involves loss or the threat of economic loss to producers, unforeseen or expanded infestation which adversely affects progress of planned programs of prevention, control and eradication, or unforeseen increases in elemental cost factors of administering authorized programs of the Commission.

The Animal Health Commission is hereby authorized to transfer such amounts as may be necessary from one sub-item to another sub-item within program appropriation items numbered (1.) Administration and (2.) Prevention, Control and Eradication. However, no transfer may be made from or to the sub-item Brucellosis, or from one program item to another program item.

Funds appropriated above for items 1.e., 2.b., 2.c., and 2.f., include amounts to be used during the biennium for paying the salaries, professional fees, travel expenses, and other costs of an expanded bovine brucellosis vaccination program. The Animal Health Commission is authorized to expend the amount included in item 2.f., Brucellosis, as it deems necessary for different objects of expense. Further, the Animal Health Commission is authorized to transfer such amounts as may be necessary from sub-item 2.f. (1) or 2.f.(2) to sub-item 2.f. (3) and between sub-items 2.f.(1) and 2.f.(2). However, no transfer may be made from sub-item 2.f.(3).

The Commission shall submit a report at the close of each fiscal year detailing the activities related to brucellosis during the 1982-83 biennium. The report shall include progress made toward the reduction of the incidence of brucellosis, the techniques employed to control and eradicate brucellosis; the estimated costs and benefits of the program, the special problems that arose during the biennium, and plans for the 1984-85 biennium. The report shall be filed with the Legislative Budget Board and the appropriate standing committees of the House and Senate.

In the event the Commission acts to quarantine individual herds, it shall not expend funds to quarantine herds on adjacent ranches unless there has been testing to determine that such cattle are actually infected with brucellosis.

Private veterinarians violating Animal Health Commission brucellosis prevention, control and eradication policies will be prohibited from any future contract work for the Animal Health Commission.

The Commission shall not impose the branding and slaughtering provisions of the brucellosis program solely on the basis of the card test.

In the event the Federal Government fails to provide pesticide dip for the Fever Ticks activity, One Hundred Eighty Thousand Dollars (\$180,000) may be expended each year of the biennium from the amount appropriated for item 2.k. for the purchase of such dip. Any portion of this amount not expended for pesticide dip by the end of each fiscal year of the biennium shall be returned to the General Revenue Fund.

In the event the Commission's authority relating to pesticide control is transferred to another state agency, funds appropriated for item 2.e., Pesticide Control shall be hereby appropriated to such agency.

In the event that federal funds become available for the item Scabies Mites above, the appropriation for this item from the General Revenue Fund shall be decreased each year of the biennium by the amount of federal funds received.

In the event that federal funds become available for the item 2.f.(3), Calfood Vaccination, above, the appropriation for this item from the General Revenue Fund shall be decreased each year of the biennium by the amount of federal funds expended for calfood vaccination.

Funds appropriated above for item 4, Brucellosis Contingency Fund may not be expended unless and until there has been a finding of fact by the Animal Health Commission each year of the biennium and a report to the Governor by the Animal Health Commission that the brucellosis program is making progress toward a vaccination-only program and away from test and slaughter; that the program is in conformity with the Uniform Methods and Rules and other appropriate federal regulations, and is in accordance with the provisions of Article 7014f-1, Sections 1, 23A, and 23B, V.A.C.S. It is the intent of the Legislature that to the extent test and slaughter requirements, regulations, and activities are reduced for each year of the biennium that concomitant funds for activities associated with test and slaughter included in items 1.e., 2.b., 2.c., and 2.f., (1), (2), and (3) shall not be encumbered or expended for these purposes and shall lapse or they shall be appropriately redirected toward a vaccination-only program. For purposes of determining the required criteria of progress toward a vaccination-only program and away from test and slaughter, the following indicators shall be among those criteria used to define such progress: the number of calves vaccinated, the percent of eligible heifers being vaccinated, the number of adult herds vaccinated, the number of laboratory samples received and tested, the number of supplemental tests conducted, the number of certified free herds, and the Texas reactor rate. The Commission's quarterly reports to the Governor and any request for affirmative fact-finding by the Governor shall document actual or projected trends in these criteria as partial satisfaction of this requirement.

Letter to Governor William P. Clements Jr., from John W. Holcombe, DVM, executive director, Texas Animal Health Commission

Dear Governor Clements:

The following is a summary of information received by the commissioners during the commission meeting and public hearing held in Lubbock on July 6, 1981:

A report was presented by Commissioner Jimmy Owen concerning the Brucellosis Quarterly Report. The report encompassed the brucellosis advisory committees, calfhood vaccination, educational campaign, lab support system, herd plans, and certified brucellosis free herds. It was noted that the brucellosis advisory committees represent a major step in the Texas plan. There are 15 area committees made up of 12 members each, all of whom are actively engaged in the livestock business in Texas. A meeting of these committees is planned for Austin in the near future.

Calfhood vaccination is on the increase in Texas; it is up 33.4% compared to a comparable time a year ago (the first three months of 1981 compared with the first three months of 1980).

An educational campaign is underway involving mass media and livestock organizations with emphasis on the reduced dosage of Strain 19 vaccine.

The laboratory system is showing improvement and testing at markets is continuing; 91.6% of Texas auction markets are testing eligible cattle prior to sale.

Individual herd plans are being utilized to make the Texas plan more affordable and practical for the producer. This is a change from the program which involved issuing only a quarantine. The individual herd plan keeps the producer in business while he is ridding his herd of brucellosis.

Adult vaccination also is getting more attention, a vehicle which particularly the "B" control area needs. Adult vaccination results in cleaning up herds with a high rate of infection much faster.

Certified brucellosis-free herds is a major component; it will provide a source of clean cattle for replacement, and it will provide the livestock industry a great service.

The 15 brucellosis advisory committees made up of 12 members is a major step in the Texas brucellosis program.

Basically, the advisory committees should provide information to the commissioners and TAHC for their use in developing the Texas brucellosis program. The committees will not be responsible for administering the program. Each committee can function as a forum, and come up with constructive suggestions on how to solve various problems in conjunction with brucellosis in Texas.

Next, a report was presented by Chairman John Armstrong concerning the United States Animal Health Association (USAHA). His report stated that the United States Animal Health Association is a group composed of all persuasions. The Executive Committee numbers more than eighty, and includes 50 state veterinarians, two USDA officials, and representatives of about 25 national livestock organizations. USAHA has been in existence for about 85 years; it serves as a clearing house for nationwide input on disease matters, domestic, and foreign. USDA usually carries out what the USAHA recommends.

The National Cattlemen's Association brucellosis committee, of which John B. Armstrong is chairman, recently approved a statement of philosophy and resolu-

tions relating to the overall brucellosis program. It noted the cornerstones of a successful brucellosis program are:

- (1) an extensive vaccination program;
- (2) laboratory capability;
- (3) surveillance; and
- (4) individual herd plans leading to a certified free herd.

Resolutions were offered which would modify the federal regulations set to take effect January 1, 1981. If the January 1, 1982, regulations go into effect as now set, they will mean an intolerable amount of hardship on the Texas livestock producer, and there needs to be some modification in them. It is believed that USDA will be very responsive to any state that is trying to work with the federal program.

Several comments were made during the public hearing, most of which were directed at the federal brucellosis program and how it will affect Texas. Statements from those in the audience were of the opinion that the federal regulations as now proposed to go in effect January 1, 1982, will result in an intolerable situation for Texas livestock producers. Phrases used to describe the impending situation included "an intolerable situation" and "an impossible hump to get over."

After listening to the comments, a resolution was unanimously passed by commissioners directing Dr. John Holcombe, Texas Animal Health Commission executive director, to use "whatever influence he might have to get these requirements reduced to a livable level."

Federal regulations to go in effect January 1, 1982, would involve additional testing on the part of Texas Livestock producers. Speakers warned that cattlemen will not go along with that kind of program.

Calfhood vaccination, research, interstate and intrastate movement of cattle, cooperation, and education were among other items most often mentioned.

All of those who spoke were in favor of calfhood vaccination, adult vaccination, and the reduced dosage of Strain 19 vaccine. "We are very much in favor of the calfhood vaccination program with the reduced dosage of vaccine;" and "Calfhood and adult vaccination are the greatest things that have happened in the last five years" were among comments in this regard.

Several comments were also made suggesting that as much movement of cattle as possible be allowed under the program, but a comment was also made not to "free up" the movement to the extent that brucellosis infection could be allowed to go unchecked.

More education for producers, more cooperation between states, and more cooperation with the commission were among other suggestions.

Another speaker stated he was concerned about a neighbor of his putting cattle just across the fence that have a record of being infected since 1976.

Proposed amendments to the Texas Bovine Brucellosis regulations were adopted by the commissioners which would provide for freer movement of vaccinated heifers and also include adding the counties of Bell, William-

son, and Tarrant counties to the Class "A" brucellosis control area. Montague County has been proposed for inclusion in the Class "A" brucellosis control area. A hearing to consider this county for adoption into the "A" brucellosis control area will be considered at the next commission meeting.

A verbatim transcript of the minutes from the July 6 commission meeting held in Lubbock is on file in the office of the Texas Animal Health Commission.

Respectfully submitted,
John W. Holcombe, DVM
Executive Director
Texas Animal Health Commission

Issued in Austin, Texas, on August 10, 1981

Doc. No. 815359 John W. Holcombe, DVM
Executive Director
Texas Animal Health Commission

Filed: August 10, 1981, 11:28 a.m.
For further information, please call (512) 475-4111.



Texas Department of Health Public Hearing

The Bureau of Radiation Control of the Texas Department of Health will hold a public hearing on proposed amendments to the department's rules covering control of radiation. These rules are contained in a department publication entitled "Texas Regulations for Control of Radiation" and notice of the proposed amendments was published in the August 7, 1981, issue of the *Texas Register* (6 TexReg 2890).

Information about the hearing can be obtained from David K. Lacker, chief, Bureau of Radiation Control, Texas Department of Health, 1100 West 49th Street, Austin, Texas (512) 458-7341.

Issued in Austin, Texas, on August 10, 1981.

Doc. No. 815428 Dan LaFleur
Liaison Officer
Texas Department of Health

Filed: August 11, 1981, 4:05 p.m.
For further information, please call (512) 458-7341.

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 August 6-10, 1981.

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 §511.5 (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 Texas Civil Statutes, Article 4418(h), §3.02 or §3.03, and §505.81 and §505.82 (315.17.04.010 and .030), §§505.91-505.93 (315.17.05.010, .020, and .030), §§507.81-507.83 (315.18.04.010, .020, and .030), and §§507.91-507.93 (315.18.05.010, .020, and .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.

Clayton Terrace Manor, Tyler (8/10/81)
AN77-0222-002a (080681)

AMD/CN—Request to extend the completion deadline in Certificate of Need AN77-0222-002 which authorized the construction of a new 120-bed skilled nursing home in Tyler

Issued in Austin, Texas, on August 12, 1981.

Doc. No. 815443 Linda E. Zatopek
Assistant General Counsel
Texas Health Facilities Commission

Filed: August 12, 1981, 9:49 a.m.
For further information, please call (512) 475-6940.

Texas Industrial Commission

Consultant Proposal Request

Notice of Acceptance of Applications. The Texas Industrial Commission (TIC) under authority of its enabling act, Texas Civil Statutes, Article 5183, is requesting consultant services be filed under Texas Civil Statutes, Article 6252-11c. The services intended to be contracted for are those of consultant, Texas State Office, Mexico City, D.F. Applicants interested in making application to fill this position may do so by following the instructions outlined herein. Before TIC can consider any submitted application from a potential consultant, the consultant must meet the requirements outlined under general information.

General Information. Applicants should demonstrate ability to provide assistance to the manager of the Texas State Office with Mexican business contacts, and the development of operating policies and procedures to fully develop contacts into actual sales of Texas products. Consultant must have a working knowledge of the various Mexican government agencies dealing with imports and exports. Must have working knowledge with but not limited to American Chamber of Commerce; the United States Trade Center; the United States Embassy, commercial section; Texas state agencies; and Mexican and U.S. businessmen. The following are responsibilities and requirements of the manager and shall include but not be limited to:

- (1) Must be a U.S. citizen, preferably a Texan.
- (2) Must be fluent in Spanish.
- (3) Possess Mexican working papers with FM-2 visa status for self, personal property, and automobile.
- (4) Have an in-depth knowledge of organization and function of the Mexican government and its agencies, functioning of the U.S. Embassy and its sections, and be knowledgeable with regard to conducting business in Mexico and Latin America.
- (5) Must have a working knowledge of international finance, reverse investment, joint venture, acquisition, trade missions, trade fair activities, and an overall knowledge of industrial development activities.
- (6) Advise and assist Texas manufacturers and businessmen in making contacts and appointments with Mexican government officials; U.S. Embassy officials; and Mexican and Central and South American industry importers who may be interested in their products when appropriate.
- (7) Conduct a public relations program within Mexico and Central and South America to aggressively promote the sale of Texas products and materials.
- (8) Advise and assist Texas manufacturers and businessmen in displaying their products in such a manner as to enhance their possibility and probability of sale in Mexico City and Central and South America.
- (9) Locate Mexican and Central and South American suppliers of products and materials, on request, for Texas businessmen.
- (10) Assist Mexican and Central and South American manufacturers and exporters in making contact with Texas industries and importers who may be interested in buying their products.
- (11) Advise and assist State of Texas officials in the conduct of their duties in Mexico and Central and South America when requested, to include making and monitoring of appointments.

The TIC reserves the right to accept or reject any or all applications submitted under this announcement and to negotiate modifications to improve the quality or cost effectiveness of any application. The TIC is under no legal requirement to execute a resulting contract, if any, on the basis of this announcement and intends any material provided herein only as a means of identifying the services sought by TIC. This announcement does not obligate the TIC to pay for any costs incurred prior to the execution of a contract and is subject to the availability of appropriated funds and a 30-day cancellation notice by either party.

Deadline for Submission of Applications. The deadline for receipt of applications to the Texas Industrial Commission's mail room is August 21, 1981, at 5 p.m.

Contact. Further information regarding the interest or scope of work related to this announcement may be obtained by contacting the International Development Department, Texas Industrial Commission, P.O. Box 12728, Austin, Texas 78711, (512) 472-5059.

Issued in Austin, Texas, on August 3, 1981.

Doc. No. 815442 Gerald R. Brown
Executive Director
Texas Industrial Commission

Filed: August 12, 1981, 9 a.m.

For further information, please call (512) 472-5059.

State Purchasing and General Services Commission

Uniform General Conditions for All State of Texas Building Construction Contracts

Texas Civil Statutes, Article 601b, §5.26, requires the State Purchasing and General Services Commission to adopt and maintain uniform general conditions "to be incorporated into all building construction contracts executed by the State of Texas." These were published in the *Texas Register* after being revised according to law in May of 1979 (4 TexReg 1191).

Pursuant to House Bill 1815, Acts of the 67th Texas Legislature, Regular Session, 1981, the uniform general conditions of the State of Texas building construction contracts are amended as follows, to be effective for all such contracts executed after August 31, 1981:

(1) Amend Subsection 7.2.1, of §7.2 relating to progress payments to read as follows:

7.2.1. Once each calendar month, the owner shall make a progress payment to the contractor on the basis of a duly certified and approved estimate of the work performed during the preceding calendar month under this contract; but, to ensure the proper performance of this contract, the owner shall retain *not less than 5.0%* [10%] of the amount of each estimate until final completion and acceptance of all work covered by this contract, provided that the owner, at any time after 50% of the work has been completed, finds that satisfactory progress is being made, may make any of the remaining

progress payments in full; and provided further that, upon completion and acceptance of each separate building, public work, or other division of the contract on which the price is stated separately in the contract, payment may be made in full including retained percentages thereon less authorized deductions. After substantial completion of the work the owner shall, upon application by the contractor, and without terminating the contract, make payment of the balance due for that portion of the work fully completed and accepted. If the remaining balance for work not fully completed or corrected is less than the retainage stipulated in the contract documents and if bonds have been furnished as provided in Article III, such payment shall be made under the terms and conditions governing final payment and shall not constitute a waiver of claims. Final payment shall be made after completion of the work by the contractor in accordance with the contract documents.

(2) Amend §7.2 relating to progress payments by adding a new Subsection 7.2.6 to read as follows:

7.2.6. On any contract where the total contract price estimated at the time of execution will be \$400,000 or more, all retainage withheld at a rate in excess of 5.0% shall be deposited by the owner in an interest bearing account and the interest earned on this investment, together with the principal, paid to the contractor upon completion of the contract.

These amendments are applicable to all state building construction contracts which will be executed after August 31, 1981, the effective date of the Act.

Issued in Austin, Texas, on August 12, 1981.

Doc. No. 815444 Homer A. Foerster
Executive Director
State Purchasing and General
Services Commission

Filed: August 12, 1981, 9:30 a.m.

For further information, please call (512) 475-5966.

Office of the Secretary of State

Texas Register

Workshop

To assist agencies in complying with new rulemaking procedures effected by the passage of House Bill 959, 67th Legislative Session, the Texas Register Division is conducting workshops on August 24-26, 1981, from 10 a.m. to 11 a.m. There will be no charge for attending the workshop, which will be held in Room 503G of the Sam Houston Building, Austin.

The workshop will address the new requirements set out in the house bill and introduce new Texas Register Division filing requirements resulting from the bill. Each agency is urged to send at least one representative to the workshop in order for the agency to become familiar with these new provisions which take effect on September 1, 1981.

For additional information please contact Dee Wright, 503E Sam Houston Building, Austin, Texas 78701, (512) 475-7886.

Each issue of the *Register* includes a conversion table of *Texas Administrative Code* titles affected for that issue. Once a month a guide to agency activity for the previous month is published, as well as a cumulation of TAC titles affected for the previous month. Quarterly and annual indexes to the *Texas Register* are published separately and bound in light blue for distinction.

TAC Titles Affected in This Issue

The following is a list of the chapters of each title of the *Texas Administrative Code* affected by documents published in this issue of the *Register*. The listings are arranged in the same order as the table of contents of the *Texas Administrative Code*.

TITLE 16. ECONOMIC REGULATION

Part II. Public Utility Commission of Texas

16 TAC §23.36 (052.02.04.046) 3001, 3002

TITLE 22. EXAMINING BOARDS

Part XX. Texas Board of Private Investigators and Private Security Agencies

22 TAC §429.3 (399.15.00.003) 3004
 22 TAC §433.5 (399.19.00.005) 3004
 22 TAC §435.3 (399.20.00.003) 3002
 22 TAC §§435.12, 435.13 (399.20.00.012, .013) 3004
 22 TAC §§439.1, 439.4 (399.24.00.001, .004) 3004
 22 TAC §§455.1, 455.2 (399.17.00.001, .002) 3004
 22 TAC §457.1 (399.47.00.001) 3004

Part XXIII. Texas Real Estate Commission

22 TAC §535.63 (402.03.07.003) 3005
 22 TAC §§535.63, 535.64, 535.66
 (402.03.07.003, .004, .005) 3005

TITLE 25. HEALTH SERVICES

Part I. Texas Department of Health

25 TAC §§97.63, 97.64, 97.67
 (301.41.04.003, .004, .007) 3007
 25 TAC §§97.68, 97.69 (301.41.04.008, .009) 3007

TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part II. Texas Parks and Wildlife Department

31 TAC §65.72 3007
 31 TAC §§65.191, 65.194-65.197, 65.202, 65.204,
 65.205, 65.207-65.211, 65.213, 65.214
 (127.70.19.134, .136-.139, .144, .146, .147
 .149-.153, .155, .156, .158, .160) 3008

TITLE 34. PUBLIC FINANCE

Part I. Comptroller of Public Accounts

34 TAC §3.110 (026.02.07.010) 3003
 34 TAC §3.111 (026.02.07.011) 3003
 34 TAC §3.112 (026.02.07.012) 3003

TITLE 37. PUBLIC SAFETY AND CORRECTIONS

Part I. Texas Department of Public Safety

37 TAC §15.6 (201.08.01.006) 3011
 37 TAC §15.53 (201.08.03.003) 3011
 37 TAC §15.91 (201.08.05.001) 3011
 37 TAC §23.3 (201.12.01.003) 3011
 37 TAC §27.1 (201.14.01.001) 3011

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Resources

Noncodified (326.35.03.004) 3012
 Noncodified (326.35.99.200, .204) 3012
 Noncodified (326.35.99.201, .025, .206) 3016

Part III. Texas Commission on Alcoholism

Noncodified (303.04.00.001) 3012

TITLE 43. TRANSPORTATION

Part I. State Department of Highways and Public Transportation

43 TAC §25.1 (101.18.01.001) 3011

Table of TAC Titles

TITLE 1. ADMINISTRATION
 TITLE 4. AGRICULTURE
 TITLE 7. BANKING AND SECURITIES
 TITLE 10. COMMUNITY DEVELOPMENT
 TITLE 13. CULTURAL RESOURCES
 TITLE 16. ECONOMIC REGULATION
 TITLE 19. EDUCATION
 TITLE 22. EXAMINING BOARDS
 TITLE 25. HEALTH SERVICES
 TITLE 28. INSURANCE
 TITLE 31. NATURAL RESOURCES AND CONSERVATION
 TITLE 34. PUBLIC FINANCE
 TITLE 37. PUBLIC SAFETY AND CORRECTIONS
 TITLE 40. SOCIAL SERVICES AND ASSISTANCE
 TITLE 43. TRANSPORTATION

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