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TEXAS REGISTER

TEXAS STATE COURSE

AUG 26 1980

TEXAS GOVERNMENT

In This Issue...

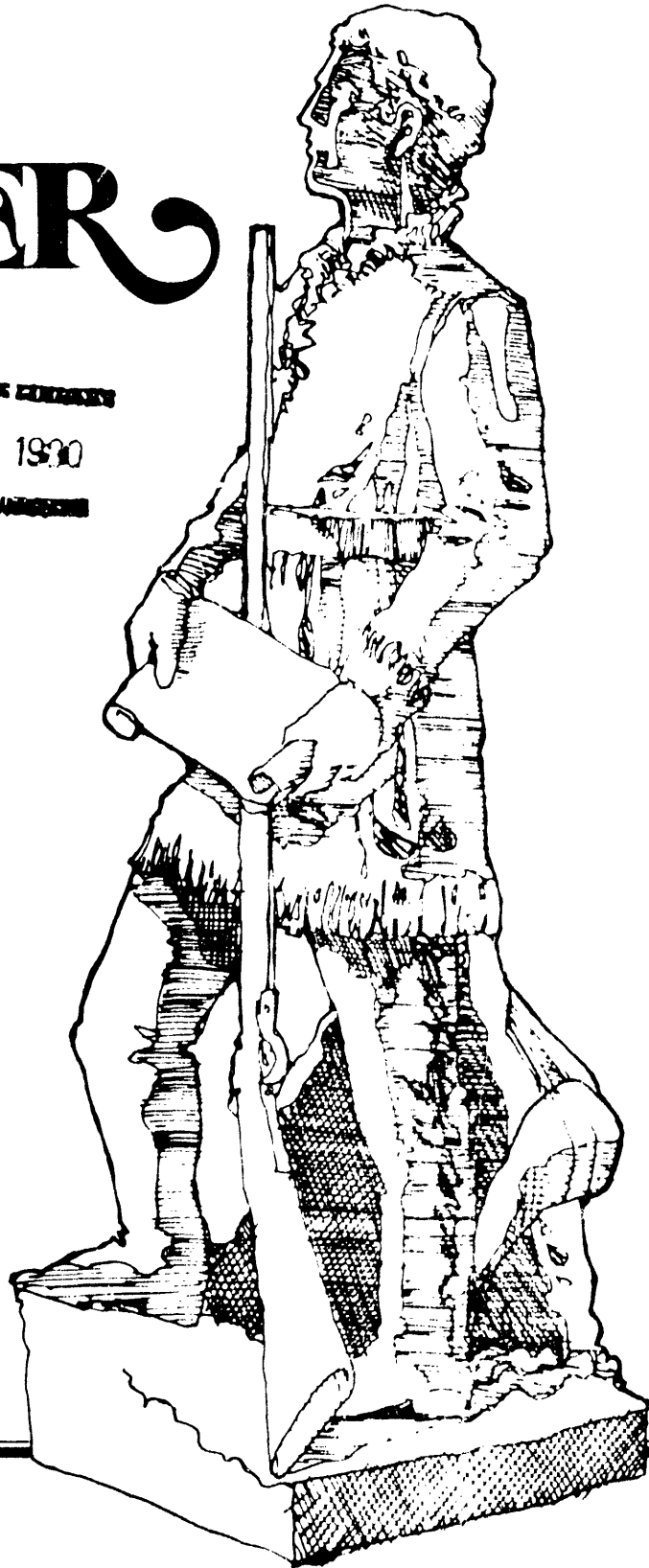
State Securities Board adopts on an emergency basis a section concerning an exemption from the registration provisions of the Securities Act regarding money market funds; effective date—August 18 3467

Texas Department of Agriculture proposes sections concerning livestock export facilities; proposed date of adoption—September 26 3468

Texas Animal Health Commission proposes amendments concerning eradication of brucellosis in cattle; proposed date of adoption—September 26 3469

Texas Board of Architectural Examiners proposes changes regarding landscape architects fees; proposed date of adoption—October 27 3471

Texas Board of Licensure for Nursing Home Administrators adopts sections relating to administrative authority, application, examination, and education, effective date—September 5 3484



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, 22, 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. 2, May 80

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Cover illustration represents Elisabet 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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Governor

Appointments

- 3466 *Interstate Oil Compact Commission*
- 3466 *Texas Board of Health*
- 3466 *Texas Planning Council for Developmental Disabilities*

Emergency Rules

State Securities Board

- 3467 *Exemptions by Rule or Order*

Proposed Rules

Texas Department of Agriculture

- 3468 *Marketing Division*

Texas Animal Health Commission

- 3469 *Brucellosis*

Credit Union Department

- 3471 *Credit Union Regulations*

Texas Board of Architectural Examiners

- 3471 *Landscape Architects Fees*

Board of Vocational Nurse Examiners

- 3472 *Administration*

Polygraph Examiners Board

- 3472 *Code of Operating Procedure for Polygraph Examiners*

Texas Commission on Jail Standards

- 3473 *New Construction*
- 3474 *Existing Facility*
- 3474 *Life Safety*
- 3475 *Discipline in County Jails*

Texas Department of Health

- 3475 *Texas Board of Health*

Texas Department of Human Resources

- 3476 *Food Stamps*
- 3477 *Early and Periodic Screening, Diagnosis, and Treatment*

State Board of Insurance

- 3479 *Powers and Duties*
- 3481 *Rating and Policy Forms*

Texas Department of Mental Health and Mental Retardation

- 3483 *Client (Patient) Care*

Adopted Rules

Credit Union Department

- 3484 *Regulatory Body*

Texas Board of Architectural Examiners

- 3484 *Landscape Architects*

Texas Board of Licensure for Nursing Home Administrators

- 3484 *Administrative Authority*
- 3485 *Application*
- 3487 *Examination*
- 3489 *Education*

Open Meetings

- 3491 *Texas Department of Agriculture*
- 3491 *Texas Commission on the Arts*
- 3491 *Texas County and District Retirement System*
- 3491 *Texas Education Agency*
- 3491 *Texas Department of Health*
- 3492 *Texas Health Facilities Commission*
- 3492 *Texas Department of Human Resources*
- 3492 *State Board of Insurance*
- 3492 *Texas Advisory Commission on Intergovernmental Relations*
- 3492 *Lamar University*
- 3493 *Pan American University*
- 3493 *Board of Pardons and Paroles*
- 3493 *Texas Parks and Wildlife Department*
- 3493 *Texas Board of Polygraph Examiners*
- 3493 *Texas State Board of Public Accountancy*
- 3494 *Public Utility Commission of Texas*
- 3494 *Sunset Advisory Commission*
- 3494 *Teacher Retirement System of Texas*
- 3494 *Texas Turnpike Authority*
- 3494 *Texas Water Commission*
- 3495 *Regional Agencies*

In Addition

Texas Air Control Board

- 3497 *Applications for Construction Permits*
- 3497 *Correction of Error*
- 3497 *Seminar on the Federal Clean Air Act Transportation Air Quality Planning Process*

Banking Department of Texas

- 3497 *Applications to Purchase Control of State Banks*

Texas Energy and Natural Resources Advisory Council

- 3498 *Consultant Contract Award*

Texas Department of Health

- 3498 *Correction of Error*

Texas Parks and Wildlife Department

- 3499 *Correction of Error*

Office of the Secretary of State

- 3499 *Correction of Error*

Texas Register

- 3499 *Notice of Schedule Variations*

Texas Water Commission

- 3499 *Applications for Waste Discharge Permits*

Texas Department of Water Resources

- 3500 *Public Meeting*

Index

- 3501 *TAC Titles Affected in This Issue (Conversion Table)*
- 3501 *Table of TAC Titles*

Appointments

Interstate Oil Compact Commission

To the Environmental Protection Committee:

Rex Alford
P.O. Box 2197
Houston, Texas 77001

Texas Board of Health

To be Vice Chairman:

Laurance N. Nickey, M.D.
El Paso
El Paso County

He will be replacing William J. Foran of Amarillo who was named chairman on July 25, 1980.

Texas Planning Council for Developmental Disabilities

For a six year term to expire July 29, 1985:

Jerry Glenn Hassell
Texas School for the Deaf
1102 South Congress Avenue
Austin, Texas 78704

Mr. Hassell will be filling the unexpired term of Gerald Dubinski, Sr., of San Antonio, Bexar County, who resigned.

For six-year terms to expire July 29, 1986:

Judy Wingard
Texas Rehabilitation Commission
105 West Riverside Drive
Austin, Texas 78704

Ms. Wingard will be replacing Jim B. Grey of Fort Worth, Tarrant County, whose term expired.

Bernie L. Cantu
City of San Antonio
P.O. Box 9066
San Antonio, Texas 78285

Mr. Cantu will be replacing W. D. O'Neill of Victoria, Victoria County, whose term expired.

Lee Kitchens
Texas Instruments
Box 10508, Station 5851
Lubbock, Texas 79408

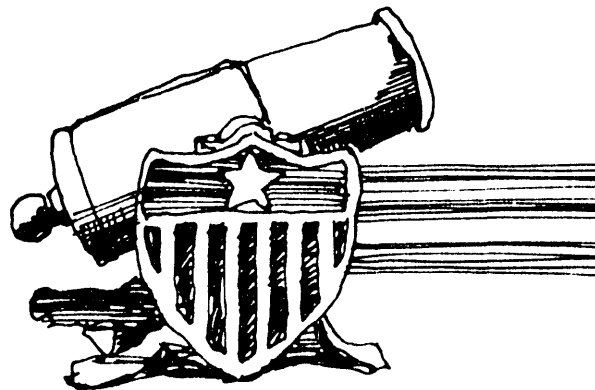
Mr. Kitchens is being appointed to a new position on the council.

Issued in Austin, Texas, on August 18, 1980.

Doc No 806346

William P. Clements, Jr.
Governor of Texas

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



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

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

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

This section is promulgated pursuant to the authority of Sections 5.T and 28-1, Article 581, Vernon's Annotated Texas Statutes.

§139.4 (065.20.00.004). Money Market Funds The issue or sale of securities by a money market fund, existing on or prior to March 14, 1980, in exchange for, or as the result of, the redemption of the securities of an essentially identical "clone" fund organized after that date and under common management, for the purpose of protecting shareholders in the existing funds from the adverse effects of the Federal Reserve System credit control regulations, is exempt from the securities registration requirements of the Act provided at the time of the issuance of the securities both money market funds are registered in Texas. This exemption will be in effect for 120 days beginning August 18, 1980.

Issued in Austin, Texas, on August 18, 1980

Doc No 808333

Richard D Latham
Securities Commissioner
State Securities Board

Effective Date: August 18, 1980

Expiration Date: December 16, 1980

For further information, please call (512) 474-2233.

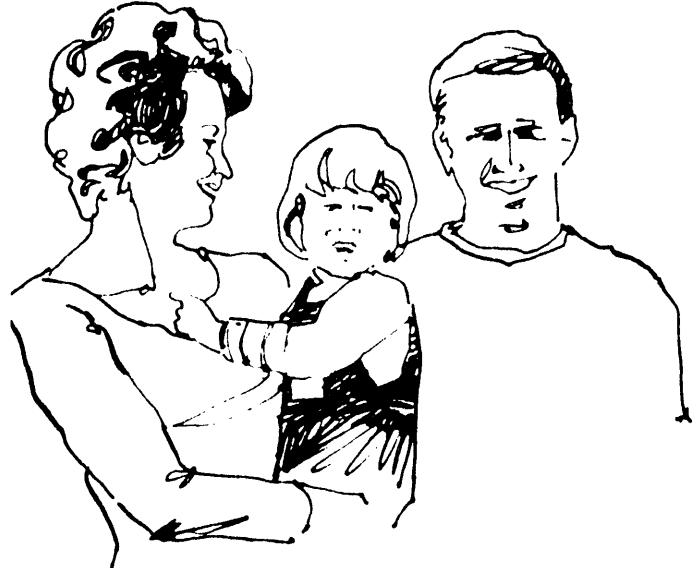
CODIFIED

TITLE 7. BANKING AND SECURITIES

Part VII. State Securities Board

Chapter 139. Exemptions by Rule or Order

The State Securities Board adopts on an emergency basis §139.4 (065.20.00.004), concerning an exemption from the registration provisions of the Securities Act for money market funds affected by the Credit Restraint Program put into effect on March 14, 1980, by the Federal Reserve Board. The rescission on July 28, 1980, by the federal government of that Credit Control Program could have adverse effects on the investors of those funds during this transition period unless temporary relief from the registration provisions of the Act is provided. The exemption shall be in effect for 120 days.



PROPOSED RULES

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

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

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

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

CODIFIED

TITLE 4. AGRICULTURE

Part I. Texas Department of Agriculture

Chapter 17. Marketing Division

Livestock Export Facilities

The Texas Department of Agriculture proposes to adopt §17.31 (176.65.20.001) concerning policies and procedures in the operation of the Texas Department of Agriculture's livestock facilities. The department proposes to adopt this section to set up a uniform procedure for the maintenance of livestock being transported in international trade. Vernon's Civil Statutes Annotated, Article 7008a, authorized the department to receive and hold for processing livestock transported in international trade to establish and collect reasonable fees for yardage, maintenance, feed, medical care, and other necessary expenses in the course of processing. As the result of implementation, §17.31 (001) will cover the policies, services provided, restrictions, fee schedules, and limits of liability imposed for the maintenance of livestock being processed in international trade.

The total estimated revenue and estimated cost of enforcing the proposed section for a period of five years for state government is set out in detail below:

Year	Cost	Revenue	Total Cost
1980	\$235,372	\$157,533	\$77,839
1981	\$248,083	\$181,162	\$66,921
1982	\$261,493	\$199,278	\$62,215
1983	\$276,577	\$209,205	\$67,372
1984	\$291,556	\$230,125	\$61,431

In projecting the estimated revenue to be received by the state as a result of the operations of these facilities, the first two years are based upon an estimated increase of 15% over each previous year, and the next three years are based upon an estimated increase of 10% over each previous year. The revenue is dependent upon the number of livestock which will be processed through these facilities.

The fiscal implementation of this section on local governmental units depends upon the various negotiated lease agreements. The estimated revenue and estimated cost of operating these facilities are based upon the knowledge of livestock specialists employed by the Texas Department of Agriculture who have experience within this field.

Public comment is invited. Comments may be submitted by telephoning the office of Livestock Export, at (512) 475-2868 or by writing Mr. Presnal or Mr. McDonald, Marketing Division, Texas Department of Agriculture, P.O. Box 12847, Austin, Texas 78711.

This section is proposed under the authority of Article 7008a, Vernon's Civil Statutes Annotated.

§17.31 (176.65.20.001) Operation of Livestock Facilities.

(a) **Policy.** To insure that the animals are secured in quarters that meet current quarantine regulations for the U.S.A. and the receiving country. The department will insure so far as possible, within the policies and procedures described herein, that healthy, well-cared for animals will be shipped from the facilities.

(b) Procedures

(1) Any service or use of facilities not clearly or specifically stated herein shall be subject to negotiation and agreement prior to implementation.

(2) Selling, buying, bargaining, trading, or change of ownership of livestock is strictly forbidden on the premises of Texas Department of Agriculture Livestock Export Facilities.

(3) The normal hours of operation for the receiving, shipping, handling, or movement of livestock in, on, or out of the premises of the Texas Department of Agriculture Livestock Export Facilities are from 8 a.m. Monday through 5 p.m. Friday.

(A) Arrangements for receiving, shipping, handling, or feeding of livestock during times other than normal working hours must be made at least 24 hours prior to any weekend or holiday.

(B) All feeding or handling instructions must be received prior to 4 p.m. on normal work days, Monday through Friday, exclusive of holidays.

(4) The Texas Department of Agriculture Livestock Export Facilities employees are not responsible for supplying feed. The consignor or his agent is responsible for naming the supplier and for payment for the feed. It is acceptable for the seller to bring his own feed. Labor will be furnished by the Texas Department of Agriculture at no charge for the feeding of animals.

(5) The following schedule of fees includes necessary water, space, dip or spray for external parasites when required, and necessary labor for helping in conducting and carrying out any tests requested, and feeding of livestock. Bedding, hay, and feed are not included in the fee schedule below.

For Cattle, Calves,* Horses, and Mules

Size of Pens	First 36 hrs. or fraction thereof, per head	Each day thereafter, per day, per head**
Large pens (minimum 10 head)	\$2.00	\$1.00
Individual Stalls	\$5.00	\$2.50

For Hogs, Sheep, and Goats

Size of Pens	First 36 hrs. or fraction thereof, per head	Each day thereafter, per day, per head**
Large pens (minimum 25 head)	\$.50	\$.25
Small pens	\$.70	\$.35
Individual pens	\$5.00	\$2.50

For Slaughter Sheep and Goats

Size of Pens	First 36 hrs. or fraction thereof, per day	Each day thereafter, per day, per head**
	\$.10	\$.10

*No charges for suckling calves when accompanied by their dams.

**Senate Bill 1009, Section 3 of the General Special Laws passed by the 62nd Legislature, Regular Session 1971, states, livestock or other animals left by their owners in such facilities for longer than 30 calendar days may be sold at public auction to satisfy any unpaid fees or other indebtedness to the State of Texas and private suppliers.

(6) No animal will be released for shipment without receipt of proper clearance from the owner of the livestock by the Texas Department of Agriculture. Collection of fees must be made before animals may be released.

(7) If requested, assistance will be offered the consignor or his agent in coordinating the pre- and post-loading details, such as arrangements for trucking, notice to customs and/or terminal health inspections; however, the Texas Department of Agriculture assumes no liability for expenses incurred by such acts on the instructions of the consignor or his agent, whether in writing or not, as final responsibility and payment shall remain with the consignor or his agent.

(8) Only those animals in the process of being quarantined preliminary to export shipment will be accepted at the Texas Department of Agriculture Livestock Export Facilities. Animals must be accompanied by proper USDA health papers before unloading.

(9) The owner of the animals must assume all responsibility for the outcome of tests and any injuries or damages incidental to such tests and/or use of the services and quarters or grounds of the Texas Department of Agriculture Livestock Export Facilities.

Issued in Austin, Texas, on August 19, 1980.

Doc. No. 806382 Reagan V. Brown
Commissioner of Agriculture

Proposed Date of Adoption: September 26, 1980
For further information, please call (612) 475-2868

Part II. Texas Animal Health Commission

Chapter 35. Brucellosis

Subchapter A. Eradication of Brucellosis in Cattle

The Texas Animal Health Commission proposes to adopt amendments to §§35.2, 35.4, and 35.5 (177.03.01.021, .023, and .024).

Section 35.2 (.021), General Requirements, subsections (e) and (f), were amended on an emergency basis effective July 1, 1980, to expand on the existing language to show that tested animals shall be identified by an eartag and/or back tag, except that cattle returning to the country shall be identified by an official metal eartag, or other permanent identification, and further reflects that slaughter plants are exempt from testing requirements for cattle prior to slaughter if the slaughter plant chooses to sign an agreement with the commission stating that it will identify all test eligible cattle to the person or firm from whom they were secured and arrange for blood collection from the carcasses of all cows and bulls 18 months of age or older, except feedlot fed heifers up to 24 months of age, the slaughter plants will see that all manmade identification such as backtags, eartags, and bangle tags are placed with the blood samples and promptly submitted to the state federal laboratory for brucellosis testing. Additionally, there is a provision that the slaughter plants will submit daily kill sheets to the state federal laboratory showing the identification of each animal and the name of the person or firm from whom the cattle were secured. Subsection (u) will be modified so as not to specifically refer to either the Class "A" or Class "B" brucellosis control areas, and will state that area advisory committees, composed of not more than 11 cattle owners, shall be appointed by the commission.

On July 1, 1980, the counties of Clay, Coryell, Erath, Jack, and Palo Pinto were included in the Class "A" brucellosis control area by emergency action. Sufficient testimony and statistical information has now been reviewed from ranchers and producers in Bosque County and shows that this county should also be included in the Class "A" brucellosis control area. Section 35.4 (.023), Class "A" Brucellosis Control Area, Subsection (b), is proposed for amendment to reflect these changes. Each of these counties has demonstrated a willingness to rid their county of brucellosis infection by doing increased testing of animals, and a history of these counties indicates that they have a very low incidence of disease and should be included in this area.

On July 1, 1980, the counties of Clay, Coryell, Erath, Jack, and Palo Pinto were deleted by emergency action from §35.5 (.024), Class "B" Brucellosis Control Area, subsection (b), because these counties now form a part of the Class "A" brucellosis control area. Additionally, the County of Bosque is to be included in the Class "A" control area and should also be deleted from this section.

These proposed amendments have no fiscal implications for units of local government of the state, according to agency personnel.

Written comments are invited, and may be sent to **John W. Holcombe, DVM**, executive director, Texas Animal Health Commission, P.O. Box 12966, Austin, Texas 78711, within 30 days of publication in the *Texas Register*.

These sections are proposed for amendment under authority of Article 6252 13a, Texas Revised Civil Statutes, and Article 7014f 1, Vernon's Texas Civil Statutes.

§35.2 (177 03 01 021) *General Requirements.*

(a) (d) (No change.)

(e) Requirements of a market test or "S" brand. All nonexempt cattle 18 months of age and older (age determined by the loss of the central pair of temporary incisors) in each consignment to the market shall be tested unless all such cattle are "S" branded. **Such tested animals shall be identified by ear tag and/or backtag, except cattle going back to the country shall be identified by an official metal ear tag, or other permanent identification.** All cattle from the same herd shall be considered as one consignment.

(f) Requirements of a slaughter test. All cattle 18 months of age or older (age determined by the loss of the central pair of temporary incisors) except cattle from quarantined feedlots, finished fed heifers up to 24 months of age, cattle from certified free herds, cattle tested within 30 days, and steers and spayed heifers destined for slaughter to be slaughtered in Texas plants operating under provisions of the State or Federal Meat Inspection Act, shall be tested prior to slaughter by approved personnel by collecting their blood and submitting the samples to a state federal laboratory. The identification of the cattle shall be maintained so as to allow tracing of reactors or suspects to their herd of origin, including but not limited to packer's lot number, seller's name and address, and number of animals. **Slaughter plants will be exempt from the requirement of testing cattle prior to slaughter if they choose to sign an agreement with the Texas Animal Health Commission agreeing to the following provisions:**

(1) **Identify all test-eligible cattle to the person or firm from whom they were secured (complete name and address).**

(2) **Arrange for blood collection from carcass of all cows and bulls 18 months of age or older, (except feedlot-fed heifers up to 24 months of age).**

(3) **See that all manmade identification, such as backtags, ear tags, and bangle tags are put with blood samples and promptly submitted to the appropriate state-federal laboratory for brucellosis tests.**

(4) **Submit daily kill sheets to the laboratory with identification of each animal to the person or firm from which the cattle were secured (full name and address).**

(g) (t) (No change.)

(u) **Brucellosis committees committee. There shall be a committee of cattle owners in each of the 15 designated areas of the state. The committees shall be composed of not more than 11 cattle owners appointed by the commission from a list proposed by cattle owners in each area. The area committees shall be informed regularly of the general plans for surveillance, vaccination, and testing of cattle and the progress or lack of progress of the program within each area.** Upon the designation of an area as either Class "A" control area or Class "B" control area, and upon request of five cattle owners residing within the designated areas, the chairman of the commission shall appoint an area advisory committee from recommendations

made by cattle owners within the area. The area committee shall be advised at all times of the general plan for inspection and testing of cattle in the area and the progress or lack of progress in the inspection and testing of cattle within the designated area and contemplated changes in boundary area designation.)

(v) (w) (No change.)

§35.4 (177 03 01 023) *Class "A" Brucellosis Control Area.*

(a) (No change.)

(b) Area to include the following counties: Andrews, Archer, Armstrong, Bailey, Bandera, Baylor, Blanco, **Bosque**, Borden, Brewster, Briscoe, Brown, Burnet, Callahan, Carson, Castro, Childress, **Clay**, Cochran, Coke, Coleman, Collingsworth, Comal, Comanche, Concho, **Coryell**, Cottle, Crane, Crockett, Crosby, Culberson, Dallam, Dawson, Deaf Smith, Dickens, Donley, Eastland, Ector, Edwards, El Paso, **Erath**, Fisher, Floyd, Foard, Gaines, Garza, Gillespie, Glasscock, Gray, Hale, Hall, Hamilton, Hansford, Hardeman, Hartley, Haskell, Hays, Hemphill, Howard, Hudspeth, Hutchinson, Irion, **Jack**, Jeff Davis, Jones, Kendall, Kerr, Kimble, Kinney, King, Knox, Lamb, Lampasas, Lipscomb, Llano, Loving, Lubbock, Lynn, McCulloch, Martin, Mason, Maverick, Menard, Midland, Mills, Mitchell, Moore, Motley, Nolan, Ochiltree, Oldham, **Palo Pinto**, Parmer, Pecos, Potter, Presidio, Randall, Reagan, Real, Reeves, Roberts, Runnels, San Saba, Schleicher, Scurry, Shackelford, Sherman, Sterling, Stephens, Stonewall, Sutton, Swisher, Taylor, Terrell, Terry, Throckmorton, Tom Green, Travis, Upton, Uvalde, Val Verde, Ward, Wheeler, Wichita, Wilbarger, Winkler, Yoakum, Young, and Zavala.

(c) (d) (No change.)

§35.5 (177 03 01 024) *Class "B" Brucellosis Control Area.*

(a) (No change.)

(b) Area to include the following counties: Anderson, Angelina, Aransas, Atascosa, Austin, Bastrop, Bee, Bell, Bexar, [Bosque,] Bowie, Brazoria, Brazos, Brooks, Burleson, Caldwell, Calhoun, Cameron, Camp, Cass, Chambers, Cherokee, [Clay,] Collin, Colorado, Cooke, [Coryell,] Dallas, Delta, Denton, DeWitt, Dimmit, Duval, Ellis, [Erath,] Falls, Fannin, Fayette, Fort Bend, Franklin, Freestone, Frio, Galveston, Goliad, Gonzales, Grayson, Gregg, Grimes, Guadalupe, Hardin, Harris, Harrison, Henderson, Hidalgo, Hill, Hood, Hopkins, Houston, Hunt, [Jack,] Jackson, Jasper, Jefferson, Jim Hogg, Jim Wells, Johnson, Karnes, Kaufman, Kenedy, Kleberg, Lamar, LaSalle, Lavaca, Lee, Leon, Liberty, Limestone, Live Oak, McLennan, McMullen, Madison, Marion, Matagorda, Medina, Milam, Montague, Montgomery, Morris, Nacogdoches, Navarro, Newton, Nueces, Orange, [Palo Pinto,] Panola, Parker, Polk, Rains, Red River, Refugio, Robertson, Rockwall, Rusk, Sabine, San Augustine, San Jacinto, San Patricio, Shelby, Smith, Somervell, Starr, Tarrant, Titus, Trinity, Tyler, Upshur, Van Zandt, Victoria, Walker, Waller, Washington, Webb, Wharton, Willacy, Williamson, Wilson, Wise, Wood, and Zapata.

(c) (d) (No change.)

Issued in Austin, Texas, on August 20, 1980.

Doc No 806393 John W. Holcombe, DVM
Executive Director
Texas Animal Health Commission

Proposed Date of Adoption: September 26, 1980
For further information, please call (512) 475-4111.

TITLE 7. BANKING AND SECURITIES

Part VI. Credit Union Department

Chapter 91. Credit Union Regulations

Regulatory Body

The Credit Union Department is proposing to amend §91.84 (058.01.11.004), which applies to the annual payment of supervision fees by state chartered credit unions based upon their asset size. These amendments will not change the amounts of the fees as shown on the current supervision fee schedule, it will only change the date that these supervision fees are to be paid. It is proposed that the payment of these fees is to coincide with the beginning of the Credit Union Department's fiscal year, September 1, 1980.

The adoption of these proposed amendments will not produce any fiscal implications for either state or local governments as determined by the Credit Union Department staff.

Public comment should be submitted in writing to John P. Parsons, commissioner, Credit Union Department, 914 East Anderson Lane, Austin, Texas 78752.

The following amendments are proposed under the authority of the Texas Credit Union Act, Article 2461, Chapters 1 et seq., Vernon's Texas Civil Statutes:

§91.84 (058.01.11.004) Powers of Commissioner—Supervision Fees

- (a) (No change.)
- (b) Supervision fees shall be paid on or before **October** (February) 1st of each year, based on the total assets of the credit union as of the close of business the preceding **August** (December) 31st, **except that the fee due for the fiscal year beginning September 1, 1980, shall be paid on or before December 1, 1980** (along with the filing fee required under Section 2.09 of the Credit Union Act).
- (c) If a credit union fails to pay the supervision fee (along with the annual report and filing fee) by **December 15, 1980, and October 15th** (February 15th) of any year **thereafter**, the commissioner may assess a late fee of \$5.00 for each day that the supervision fee is in arrears.
- (d) (e) (No change.)

Doc. No. 806386

The Credit Union Department is proposing to amend §91.85 (058.01.11.005), which applies to the fees to be charged by the Credit Union Department for the examination of a state-chartered credit union. These amendments when adopted will more realistically align the costs of the examinations being conducted with the examination fee that is being charged. Under the current examination fee schedule, the cost of conducting the examination far exceeds the income derived from the examination fee.

The adoption of these proposed amendments will not produce any fiscal implications for either state or local governments as determined by the Credit Union Department staff.

Public comment should be submitted in writing to John P. Parsons, commissioner, Credit Union Department, 914 East Anderson Lane, Austin, Texas 78752.

The following amendments are proposed under the authority of the Texas Credit Union Act, Article 2461, Chapters 1 et seq., Vernon's Texas Civil Statutes:

§91.85 (058.01.11.005) Examination Fees.

(a) Effective **October 20, 1980** (September 1, 1979), the fee for examination of a state chartered credit union shall be as follows:

(1) **\$192 per examiner day (\$24 per examiner hour).**

(1) Credit unions with total assets of \$250,000 or more: \$144 per examiner day (\$18 per examiner hour).

(2) Credit unions with total assets of \$100,000 to \$250,000: \$98 per examiner day (\$12.25 per examiner hour).

(3) Credit unions with total assets under \$100,000: \$80 per examiner day (\$10 per examiner hour).

(2)(4) Special examinations. If the commissioner or deputy commissioner schedules a special examination in addition to the regular annual examination, the examination fee shall be as scheduled, except the commissioner may waive the examination fee or reduce the fee as he deems appropriate. Such waivers or reductions shall be in writing and signed by the commissioner.

(5) There shall be no examination fee for the initial examination of a newly organized and chartered credit union.

(3)(6) The fee for the final examination of credit unions in liquidation shall be as set above in this section except that the commissioner may waive or reduce the fee, as he deems appropriate.

(b) Method of application of examination fee:

(1) (No change.)

(2) A minimum of two hours shall be charged for the preparation of each examination report by the home office on each examination, except those subject to subsection (a)(3) (a)(5) and (a)(6) of this section. **Where** (When) special problems exist requiring extensive extra preparation and typing, additional fees may be billed with explanation from the commissioner or deputy commissioner, but in no event shall report preparation fee assessment exceed a charge of four hours.

(3) (No change.)

Issued in Austin, Texas, on August 18, 1980.

Doc. No. 806387

John P. Parsons
Commissioner
Credit Union Department

Proposed Date of Adoption: September 26, 1980.

For further information, please call (512) 837-9236.

TITLE 22. EXAMINING BOARDS

Part I. Texas Board of Architectural Examiners

Chapter 3. Landscape Architects Fees

The proposed change is necessary because prior procedures required no provision as licensees grow older and retire and desire some kind of status for verification.

The proposed section change has no fiscal implication for the state or units of local government (source: executive director of Texas Board of Architectural Examiners).

Comments on the proposed change are invited and should be sent to the board offices at 5555 North Lamar, Building H-106, Austin, Texas 78751.

The Texas Board of Architectural Examiners proposes the following new section under the authority of Article 249c, Vernon's Texas Civil Statutes.

§387 (376.02.05.507) *Emeritus Fee* Registrants 65 years of age or older, who have retired from active practice and/or other related professional activities, may request emeritus status. The annual renewal fee for approved emeritus registrants will be \$5.00. Failure to pay the renewal fee will result in revocation.

Issued in Austin, Texas, on August 18, 1980.

Doc No 806353 Philip D Greer, FAIA
Executive Director
Texas Board of Architectural
Examiners

Proposed Date of Adoption October 27, 1980
For further information, please call (512) 458-4126.

Part XII. Board of Vocational Nurse Examiners

Chapter 231. Administration

General Practice and Procedure

Pursuant to the authority of Vernon's Civil Statutes, Article 4528c, the Board of Vocational Nurse Examiners is proposing amendments to §231.37 (390.01.02.027) to clarify executive responsibility in the organizational structure of the agency.

The Board of Vocational Nurse Examiners has determined the proposed amendments will create no fiscal change.

Public comment on the proposed amendments is invited. Comments may be submitted by telephoning Waldeen D. Wilson (512) 458-1203, or by writing to the Board of Vocational Nurse Examiners, 5555 North Lamar Boulevard, Commerce Park, Building H, Suite 131, Austin, Texas 78751.

The amendments are made pursuant to Vernon's Civil Statutes, Article 4528c.

§231.37 (390.01.02.027) *Director of Education (Education Division)* The director of training, as provided in Section 4 Subsection (c) of the Act, shall be henceforth known as the director of education. The director of education is appointed by the board and is responsible to the [board] **executive secretary**. The Vocational Nurse Act provided that this position be filled by a registered nurse or licensed vocational nurse having at least five years' experience in teaching nursing in an accredited school of nursing or an accredited training program. The director of education shall direct the activities of the Division of Education and the development of the Minimum Standards Manual for Schools of Vocational Nursing and shall present same to the board for review and approval. In addition, **the director of education** shall ascertain that standards are met in the schools; make consultations and survey visits to schools desiring to begin a new program; make annual survey visits to existing training programs; prepare and present reports of school visits stating conditions;

make recommendations regarding the schools; maintain adequate files on all programs; ascertain that applicants for licensure have met all requirements; and perform such other duties and responsibilities as may be assigned or delegated by the board not otherwise prescribed by law. **The director of education shall comply** [complies] with working conditions set [out] for state employees in the general provisions of the Appropriations Act.

Issued in Austin, Texas, on August 18, 1980.

Doc. No. 806347 Waldeen D. Wilson, R.N.
Executive Secretary
Board of Vocational Nurse
Examiners

Proposed Date of Adoption September 26, 1980
For further information, please call (512) 458-1203.

TITLE 22. EXAMINING BOARDS

Part XIX. Polygraph Examiners Board

Chapter 395. Code of Operating Procedure for Polygraph Examiners

The Texas Board of Polygraph Examiners proposes to amend §395.8 (397.03.00.008) which restricts an examiner from rendering an adverse opinion based on chart analysis until the same relevant questions have been asked the subject a minimum of two separate times.

These amendments are proposed in order to clarify §397.8 (397.03.00.008) by requiring an examiner who renders an adverse opinion based on chart analysis to complete two separate charts asking all of the relevant questions with the same or similar wording on both charts.

The Board of Polygraph Examiners has determined that there will be no fiscal implications involved in adopting these amendments.

Public comment on these proposed amendments is invited. Comments may be submitted to the board office by telephone, (512) 227-6100, or by writing Texas Board of Polygraph Examiners, 111 West Laurel, Suite 115, San Antonio, Texas 78212.

These amendments are proposed under Section 6(a), Article 4413(cc), Vernon's Civil Statutes (Polygraph Examiners Act).

§395.8 (397.03.00.008) *Questions Asked Two Separate Times* The examiner shall not render a **final** verbal or a **final** written [adverse] opinion, based on chart analysis, until [the same pertinent or] **all of the** relevant questions have been asked **of** the subject a minimum of two separate times **on two separate charts with the same or similar wording**.

Doc. No. 806312

The Texas Board of Polygraph Examiners proposes to adopt §395.17 (397.03.00.017) that relates to the confidentiality of polygraph examinations.

The board proposes this section in order to protect the privacy of every examinee and to control the unrestricted release of

information deemed not relevant by an examiner, and at the same time, not precluding the release of pertinent information to specific agencies, persons, firms, or other authorized entities.

The Board of Polygraph Examiners has determined that there will be no fiscal implications involved in adopting this section.

Public comment on the proposed section is invited. Comments may be submitted by telephone to the board office, (512) 227-6100, or by writing Texas Board of Polygraph Examiners, 111 West Laurel, Suite 115, San Antonio, Texas 78212.

This section is proposed under the authority of Section 6(a), Article 4413(cc), Vernon's Civil Statutes (Polygraph Examiners Act).

§395.17 (397.03.00.017). Confidentiality. To protect the privacy of each examinee, no polygraph examiner shall release information obtained during a polygraph examination to any unauthorized person. Authorized persons shall consist of the following:

- (1) the examinee and other persons specifically designated in writing by the examinee;
- (2) the person, firm, corporation, partnership, or business entity or the governmental agency which requested the examination;
- (3) members or their agents of governmental bodies such as federal, state, county, or municipal agencies which license, supervise, or control the activities of polygraph examiners;
- (4) other polygraph examiners in private consultation, all of whom will adhere to this section;
- (5) others as may be required by due process of law.

Issued in San Antonio, Texas, on August 14, 1980.

Doc. No. 806313 Ryerson D. Gates
System Administrator
Board of Polygraph Examiners

Proposed Date of Adoption: Upon final approval of Board of
Polygraph Examiners

For further information, please call (512) 227-6100.

TITLE 37. PUBLIC SAFETY AND CORRECTIONS

Part IX. Texas Commission on Jail Standards

Chapter 259. New Construction

New Jail Design, Construction, and Furnishing Requirements

The Texas Commission on Jail Standards proposes to amend §259.83 (217.05.02.073) which discusses the capability to evacuate an inmate from a multistory facility. The wording is being changed to clarify the intended requirement for evacuation of inmates.

The Texas Commission on Jail Standards has determined that this amendment should not increase expenditures by state, county, or local government.

Public comment on the proposed amendment is invited. Comment may be submitted by telephoning the agency at (512) 475-2716, or by writing to the commission at P.O. Box 12985, Austin, Texas 78711.

The amendment is proposed under the authority of Article 5115.1, Texas Civil Statutes.

§259.83 (217.05.02.073). Emergency, Access. Multistory facilities shall have an elevator or other passageway large enough to accommodate *the passage of patient evacuation equipment* [an ambulance cot].

Doc. No. 806334

New Lock-Up Design, Construction, and Furnishing Requirements

The Texas Commission on Jail Standards proposes to amend §259.154 (217.05.03.044) which provides for safety vestibules at inmate living area and dayroom. This will correct a typographical discrepancy and update existing requirements.

The Texas Commission on Jail Standards has determined that this amendment should not increase expenditures by state, county, or local government.

Public comment on the proposed amendment is invited. Comment may be submitted by telephoning the agency at (512) 475-2716, or by writing to the commission at P.O. Box 12985, Austin, Texas 78711.

The amendment is proposed under the authority of Article 5115.1, Texas Civil Statutes.

§259.154 (217.05.03.044). Safety Vestibules. Safety vestibules *shall* [may] be provided for each inmate living area and dayroom used for confinement of three or more inmates within the security perimeter.

(1) Safety vestibules shall have one or more interior doors and a main entrance door.

(2) All doors shall be arranged to be locked, unlocked, opened, or closed by control means located outside the inmate living area and safety vestibule.

Doc. No. 806335

The Texas Commission on Jail Standards proposes to amend sections which discuss the capability to evacuate an inmate from a multistory facility. The wording is being changed to clarify the intended requirement for evacuation of inmates.

The Texas Commission on Jail Standards has determined that these amendments should not increase expenditures by state, county, or local governments.

Public comment on the proposed amendments is invited. Comment may be submitted by telephoning the agency at (512) 475-2716, or by writing to the commission at P.O. Box 12985, Austin, Texas 78711.

The amendment is proposed under the authority of Article 5115.1, Texas Civil Statutes.

§259.178 (217.05.03.068). Emergency Access. Multistory facilities shall have an elevator or other passageway large enough to accommodate *the passage of patient evacuation equipment* [an ambulance cot].

Doc. No. 806336

New Low-Risk Design, Construction, and Furnishing Requirements

The amendment is proposed under the authority of Article 5115.1, Texas Civil Statutes.

§259.262 (217.05.04.062). *Emergency Access.* Multistory facilities shall have an elevator or other passageway large enough to accommodate *the passage of patient evacuation equipment* [an ambulance cot].

Doc. No. 806337

Chapter 261. Existing Facility

Existing Jail Design, Construction, and Furnishing Requirements

The amendment is proposed under the authority of Article 5115.1, Texas Civil Statutes.

§261.72 (217.07.01.072). *Emergency Access.* Multistory facilities shall have an elevator or other passageway large enough to accommodate *the passage of patient evacuation equipment* [an ambulance cot].

Doc. No. 806338

Existing Lock-Up Design, Construction, and Furnishing Requirements

The Texas Commission on Jail Standards proposes to amend §261.143 (217.07.02.043) which provides for safety vestibules at inmate living area and dayroom. This will correct a typographical discrepancy and update existing requirements.

The Texas Commission on Jail Standards has determined that this amendment should not increase expenditures by state, county, or local government.

Public comment on the proposed amendment is invited. Comment may be submitted by telephoning the agency at (512) 475-2716, or by writing to the commission at P.O. Box 12985, Austin, Texas 78711.

The amendment is proposed under the authority of Article 5115.1, Texas Civil Statutes.

§261.143 (217.07.02.043). *Safety Vestibules.* Safety vestibules *should* [shall] be provided for each inmate living area and dayroom used for confinement of three or more inmates within the security perimeter.

(1) Safety vestibules shall have one or more interior doors and a main entrance door.

(2) All doors shall be arranged to be locked, unlocked, opened, or closed by control means located outside of the inmate living area and safety vestibule.

Doc. No. 806339

The Texas Commission on Jail Standards proposes to amend sections which discuss the capability to evacuate an inmate from a multistory facility. The wording is being changed to clarify the intended requirement for evacuation of inmates.

The Texas Commission on Jail Standards has determined that these amendments should not increase expenditures by state, county, or local governments.

Public comment on the proposed amendments is invited. Comment may be submitted by telephoning the agency at (512) 475-2716, or by writing to the commission at P.O. Box 12985, Austin, Texas 78711.

The amendment is proposed under the authority of Article 5115.1, Texas Civil Statutes.

§261.167 (217.07.02.067). *Emergency Access.* Multistory facilities shall have an elevator or other passageway large enough to accommodate *the passage of patient evacuation equipment* [an ambulance cot].

Doc. No. 806340

Existing Low-Risk Design, Construction, and Furnishing Requirements

The amendment is proposed under the authority of Article 5115.1, Texas Civil Statutes.

§261.251 (217.07.03.061). *Emergency Access.* Multistory facilities shall have an elevator or other passageway large enough to accommodate *the passage of patient evacuation equipment* [an ambulance cot].

Doc. No. 806341

Chapter 263. Life Safety

Design and Materials

The Texas Commission on Jail Standards proposes to amend §263.24 (217.08.02.014) to specifically prohibit flammable mattresses within detention facilities. This proposal will establish a time for detention facilities to comply with the requirement for fire resistive furnishings.

The Texas Commission on Jail Standards has determined that this amendment should not increase expenditures by state, county, or local government.

Public comment on the proposed amendment is invited. Comment may be submitted by telephoning the agency at (512) 475-2716 or by writing to the commission at P.O. Box 12985, Austin, Texas 78711.

The amendment is proposed under the authority of Article 5115.1, Texas Civil Statutes.

§263.24 (217.08.02.014). *Construction Materials and Furnishings.* Construction material as well as furnishings and fittings shall consist of noncombustible or low-hazard content material only. *Fire resistant and nontoxic mattresses only (pillows where furnished), to include the core and ticking, shall be used. Ticking should be antibacterial, stain resistant, and easily cleaned. Facilities shall replace existing mattresses that are not fire resistant and nontoxic when they become unserviceable but in all cases no later than August 31, 1981.*

Doc. No. 806342

Chapter 283. Discipline in County Jails

Texas Commission on Jail Standards proposes to amend §283.1 (217.18.00.001) which provides for an inmate grievance procedure. This will provide a procedure for inmate grievance and alleviate a possible legal problem.

The Texas Commission on Jail Standards has determined that this amendment should not increase expenditures by state, county, or local government.

Public comment on the proposed amendment is invited. Comment may be submitted by telephoning the agency at (512) 475-2716, or by writing to the commission at P.O. Box 12985, Austin, Texas 78711.

The amendment is proposed under the authority of Article 5115.1, Texas Civil Statutes.

§283.1 (217.18.00.001). *Inmate Discipline Plan.* Every sheriff shall have and implement a written plan, approved by the commission, for inmate disciplinary procedures prescribing rules governing inmate conduct and staff handling of inmate discipline problems. The plan and rules shall be available for commission review and approval and shall:

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

(10) *Provide for an inmate grievance procedure. Procedures shall provide for a grievance officer(s), conditions of participation, and review authority.*

Issued in Austin, Texas, on August 15, 1980.

Doc. No. 806343 Steve H. Suttle
Chairman
Texas Commission on Jail Standards

Proposed Date of Adoption: September 26, 1980
For further information, please call (512) 475-2716.

NONCODIFIED



Texas Department of Health

Texas Board of Health

Public Employee Organizations—Use of Department Facilities 301.01.04

The department proposes to adopt Rules 301.01.04.001-.004 on making department facilities available to public employee organizations. More specifically, the purpose of these proposed rules is to prescribe uniform procedures in making buildings, structures, and grounds of department facilities available to public employee organizations.

The major provisions of the proposed rules cover definitions of "facilities," "public employee organizations or associations," "working hours" and "nonworking hours;" when department facilities may be used; the procedure for obtaining permission to use the facilities; and when department facilities may not be used.

There are no fiscal implications of these proposed rules to the State of Texas and units of local government (source: department's Bureau of Supporting Services).

Written comments are invited on these proposed rules and should be submitted in writing no later than 30 days after these rules are published in the *Register* to Hal Nelson, chief, Legal and Claims Services, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756.

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

.001. *Purpose.* The purpose of these rules is to prescribe uniform procedures in making buildings, structures, and grounds of department facilities available to public employee organizations.

.002. *Application.* These rules apply to all facilities of the Texas Department of Health.

.003. *Definitions.* As used in these rules.

(a) "Department" means the Texas Department of Health.

(b) "Commissioner" means the commissioner of the Texas Department of Health.

(c) "Facilities" means an institution or physical plant under the control and management of the department. This term encompasses both real and personal property and includes specifically but is not limited to all meeting rooms, cafeterias, parking lots, outdoor grounds, and bulletin boards.

(d) "Public employee organization or association" means an organization or association of public employees acting as a representative of such employees to present grievances concerning wages, hours of work, or conditions of work which organization or association and its parent organization or association do not claim or exercise the right to strike or bargain collectively.

(e) "Working hours" means those hours from 8 a.m. to 5 p.m., Monday through Friday of each week, excluding all legal state holidays; however, as to any employees who are specifically assigned to be on duty at times other than the foregoing, the term "working hours" shall also cover other such duty times as to such employees.

(f) "Nonworking hours" means all those hours not defined as department "working hours" above; however, noon to 1 p.m., Monday through Friday of each week, shall be

considered a "nonworking hour" as to those employees who are not specifically assigned or otherwise required to be on duty at such time.

.004. Use of Facilities.

(a) Department facilities shall be used only for official department business or other valid state purposes during both working and nonworking hours.

(b) A public employee organization or association which represents employees of this department may hold meetings in departmental facilities during nonworking hours upon obtaining advance approval. The following process must be followed before approval can be considered:

(1) A written request for permission to use the facilities for meeting purposes must be made to the commissioner two weeks before the date of the requested use of the facilities; however, the commissioner may waive or shorten such two-week period upon being shown good cause for such action. The request must contain the following information:

- (A) name of public employee organization;
- (B) address of principal office of the organization;
- (C) number of facility employees who are members

of the organization;

(D) names, addresses, and titles of the organization's principal officers;

(E) schedule of proposed meetings;

(F) statement that the organization agrees to abide by all rules and regulations established with regard to the use of the facility;

(G) statement that the organization agrees to leave the facility in the same condition as it was delivered and to assume responsibility for any damage which might occur to the facility;

(H) copy of the organization's constitution and bylaws and those of the local chapter of such organization;

(I) a certification by the president of the parent organization that the public employee organization or association complies with the provisions of Article 5154c, Vernon's Annotated Civil Statutes.

(2) While each written request for permission to use the department's facilities must be separately made, the information hereinabove required may be provided at the time of the first such request and, except for the name of the requesting organization, all such information may be incorporated by reference in each subsequent request and need not be duplicated each time a request is filed. It is, however, specifically required that the information hereinabove required, after being filed with the department, must be continuously updated by the filing of amendments to same each time any information herein required is changed.

(c) Any organization or association that is not a public employee organization or association, as defined herein, because such organization or association and/or its parent organization or association claims or exercises the right to strike and/or to collectively bargain on behalf of its members, shall be prohibited from using department facilities during all working or nonworking hours.

Issued in Austin, Texas, on August 19, 1980

Doc. No. 806384 A. M. Donnell, Jr., M.D.
Deputy Commissioner
Texas Department of Health

Proposed Date of Adoption, September 26, 1980
For further information, please call (512) 458-7236.

Texas Department of Human Resources

Food Stamps

The Department of Human Resources proposes to amend several of its rules in the Food Stamp Program. The changes are proposed as a result of employee suggestions and necessary clarifications in language. These amendments include an expansion of the list of persons or agencies with whom food stamp information may be shared; provisions for aliens who are given conditional entry for a limited time as parolees to receive food stamps; and clarification that in certain situations a household is not entitled to an unlimited excess shelter deduction even though it receives a medical deduction. Also with these amendments, the new medical and unlimited excess shelter deductions must be applied to the taxpayer household in a tax dependency situation.

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

Written comments are invited and may be sent to Susan L. Johnson, administrator, Handbook and Procedures Development Division—130, Department of Human Resources, P.O. Box 2960, Austin, Texas 78769, within 30 days of publication in this *Register*.

Responsibilities 326.15.12

This amendment is proposed under the authority of the Human Resources Code, Title II.

.014. Disclosure of Information.

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

(1) Food stamp case information is available routinely only to those persons or agencies directly connected with the administration or enforcement of the Food Stamp Program; *with food distribution programs for households on Indian reservations; or with other federally aided, means-tested assistance programs.*

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

(b)-(f) (No change.)

Doc. No. 806376

Citizenship 326.15.32

This amendment is proposed under the authority of the Human Resources Code, Title II.

.004. Citizens and Eligible Aliens. Individuals in the following classifications are eligible to receive program benefits.

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

(6) Parolees—Section 212(d)(5), Immigration and Nationality Act. This section provides for an alien lawfully present in the United States at the discretion of the attorney general for emergency reasons or reasons deemed strictly in the public interest pursuant to Section 212(d)(5) of the Immigration and Nationality Act. A majority of the Vietnamese and Cuban refugees were admitted under this provision. (Only parolees admitted for an indefinite period are considered permanent residents.)

Doc. No. 806377

Definition of Income 326.15.41

These amendments are proposed under the authority of the Human Resources Code, Title II.

.056. Standard Deduction. A standard deduction a month for each household is allowed. The amount of the standard deduction will be adjusted *periodically* (every January 1 and July 1) to reflect changes in the Consumer Price Index.

.057. Earned Income Deduction. A deduction of 20% of gross earned income [as defined in Rule 326.15.41.039] is allowed. Excluded earned income is not subject to this deduction.

.059. Shelter Costs. Monthly shelter costs in excess of 50% of net income after all other deductions have been allowed are deductible. The shelter deduction alone, or in combination with the dependent care deduction cannot exceed the maximum allowed, unless the household includes a member who is age 60 or over, or who receives SSI or social security disability income. These households must receive an excess shelter deduction for the full monthly amount that exceeds 50% of the household's monthly income after all other applicable deductions. **Households which receive a medical deduction for a former member, but which do not currently include a member who is at least age 60, or who receives SSI or social security disability income, are not exempt from the limit on combined dependent care/excess shelter costs.** The shelter [This] deduction applies only to continuing charges for shelter currently occupied by the household, except as provided in Rule 326.15.41.060. The combined shelter/dependent care deduction will be adjusted *periodically* (every July 1) to reflect changes in the Consumer Price Index.

(b) Allowable shelter costs include:

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

(4) The **mandatory standard allowance** [basic fee] for [one] telephone **expenses**, including tax).

(5) (No change.)

(c)-(d) (No change.)

Doc. No. 806378

Student Households 326.15.52

This amendment is proposed under the authority of the Human Resources Code, Title II.

.011. Eligibility of the Parent or Guardian Household.

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

(d) Taxpayer households which are entitled to a medical or unlimited excess shelter costs deduction must have these deductions included in their eligibility determinations.

Doc. No. 806379

Claims against Households 326.15.75

This amendment is proposed under the authority of the Human Resources Code, Title II.

.010. Criteria for Establishing a Nonfraud Claim. If more than 12 months have elapsed between the month the non-fraud overissuance occurred and the month the overissuance is discovered, a claim is not established. **The date of discovery is the date the worker becomes aware that an overissuance occurred.** In addition, a nonfraud claim is not established as a result of the following procedural errors:

(1)-(4) (No change.)

Doc. No. 806380

Early and Periodic Screening, Diagnosis, and Treatment

EPSDT Screening 326.39.33

The Texas Department of Human Resources proposes new agency rules concerning the screening standards for providers of screening services in its Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) Program.

For several years, the department has contracted with the Texas Department of Health to provide medical screening services for the EPSDT Program. This program is now being expanded to promote the single provider concept whereby a child can receive screening, diagnosis, and treatment from the same health care provider. In the expansion of the provider base, screening services can be delivered by such health care providers as physicians, hospital outpatient services, residency training programs, family planning agencies, rural health clinics, migrant health clinics, and any other approved provider.

Participating providers will be reimbursed on a set fee basis for completing the screening services. Screening providers will be required to comply with the proposed rules in performing an EPSDT screen. Required blood work will be sent to the Texas Department of Health for analysis with the exception of some procedures that the physician may elect to do immediately.

The proposed rules specify the screening procedures that are required for a completed screen, the ages at which certain procedures must be performed, the tests which must be used, and the norms against which screening findings must be compared. The screening standards are listed under the categories of (1) health and developmental history, (2) unclothed physical examination, (3) developmental assessment, (4) immunizations, (5) assessment of nutritional status, (6) vision testing, (7) hearing testing, (8) laboratory procedures and other tests, and (9) optional laboratory procedures.

Physicians, hospitals, local health units, migrant health centers, and family planning centers were recently sent information about the expanded provider base and were invited to participate. Not all health care providers could be contacted by direct mail. Providers who were not contacted directly by the department and who are interested in enrolling or obtaining additional information about becoming a participating EPSDT provider should contact Lorenzo Fitzpatrick, program specialist for EPSDT and medical transportation, Texas Department of Human Resources, P.O. Box 2960, Austin, Texas 78769.

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

Written comments are invited and may be sent to Susan L. Johnson, administrator, Handbook and Procedures Development Division—280, Department of Human Resources, P.O. Box 2960, Austin, Texas 78769, within 30 days of publication in this *Register*.

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

.001. Health and Developmental History.

(a) The initial history must include the family medical history, the child's health and developmental history, immunization history, feeding or nutrition problems, and review of systems.

(b) The history must be completed prior to the unclothed physical and should be elicited from a responsible adult familiar with the child and the child's past health history.

(c) Subsequent histories may be specific for the child's age and past health history.

.002 Unclothed Physical Examination.

(a) The physical examination must include the following measurements (the measurements must be compared to National Center for Health Statistics growth charts to identify significant deviations from norms.):

- (1) frontal-occipital circumference, for children under two years of age;
- (2) length, for children 0-2 years (approximately);
- (3) height, for children approximately 3-20 years;
- (4) weight, for children 0-20 years;
- (5) blood pressure, for children four years of age and over, using appropriate cuff size. Compare the reading to the following norms:

3-5 years	95-100/60-65
6-8 years	93-100/65-70
9-11 years	108-115/70-75
12-15 years	115-120/74-76
16-18 years	120-130/76-80

(b) The physical includes assessment of the following systems:

- (1) skin;
- (2) HEENT;
- (3) heart;
- (4) chest/lungs (includes breast exam for females past menses);
- (5) abdomen (including hernia);
- (6) skeletal;
- (7) neurological (includes evaluation of cerebral, cranial nerve and cerebellar function, motor and sensory systems, and reflexes);
- (8) genitalia (includes observation for appropriate sexual development). Adolescent females who are sexually active should be encouraged to have a pelvic exam, Pap smear, and gonorrhea culture. A referral to Family Planning Services should be made.

(c) The physical must include anticipatory guidance and instruction on:

- (1) sleep;
- (2) feeding and nutrition;
- (3) elimination;
- (4) accident prevention;
- (5) dental health;
- (6) breast self-examination.

.003. Developmental Assessment.

(a) Children 0-3 months must be assessed with the Denver Developmental Screening Test (DDST).

(b) Children four months to six years must be assessed with the Denver Prescreening Developmental Questionnaire (PDQ) or the DDST. DDST must be completed for any child who fails the PDQ.

(c) Children 7-20 years must be assessed by observation (especially during neurological assessment) and school progress.

(d) Anticipatory guidance on normal growth and development must be included whenever possible.

.004. Immunizations.

(a) Children must be completely immunized for age and history according to the schedule of the Texas Department of Health (TDH), as appropriate, during screening. Two additional screens are allowed under two years of age to coincide with the basic series completion.

(b) Children not previously immunized may be given basic immunizations at any age.

(c) Instruction on adverse reactions must be given.

.005. Assessment of Nutritional Status.

(a) Nutritional status must be obtained from the health history, growth patterns, observations during the physical, and hemoglobin or hematocrit values.

(b) Dietary history should be taken when nutritional problems are suspected.

.006. Vision Testing.

(a) For children 0-2 years, vision must be assessed by:

(1) review of responses to PDQ and DDST requiring use of vision;

(2) observation of the retinal reflex, EOM, pupillary reaction to light and accommodation;

(3) screening for heterophoria with the corneal light reflex and cover test for children six months of age through two years.

(b) For children 3-20 years:

(1) Visual acuity is assessed and referrals made according to the rules of the Texas Children's Vision Screening Act of 1979, Article 4419F, Texas Revised Civil Statutes. The following tests are required:

(A) Tests for ages three and four: "Tumbling E"; or H:O:T:V: Test. Referral standards: all children should be screened through the 20/20 line; must read a majority (one more than half) of the 20/40 line, or four out of six HOTV symbols. Children with a two-line difference between the two eyes should be referred.

(B) Tests for age five: (same as for ages three and four). Referral standards: must read majority of 20/30 line, or four out of six HOTV symbols.

(C) Tests for ages six and up: Letter chart; "Tumbling E"; or H:O:T:V: Test. Referral standards: must read majority of 20/30 line, or four out of six HOTV symbols.

(2) Screening for heterophoria is required with the corneal light reflex and cover test for children 3-5 years.

.007. Hearing Testing.

(a) Children 0-4 years must be assessed by reviewing responses on the PDQ and DDST that require hearing.

(b) Children five years and above must be assessed using clinical tests such as the hand-clap, coin-click, watch-tick, or whispered voice test. If the Puretone Audiometer-sweep check test is utilized, children who do not respond to

the 25dB tone at any two frequencies for either or both ears should be referred for further diagnosis.

(c) Some children will receive audiometric testing as part of a school screening program. These results are acceptable and need not be duplicated.

.008. Laboratory Procedures and Other Tests. All lab work is to be performed by the Texas Department of Health (TDH), except hemoglobin/hematocrit if an immediate answer is necessary. Necessary forms, instructions, and supplies are available through TDH. The tests require the submission of only one sample, except for neonatal screening.

(1) Neonatal screening. Texas law requires testing for PKU, galactosemia, hypothyroidism, and homocystinuria. Neonatal screening is usually done prior to the infant's discharge from the newborn nursery; however, not all infants have been tested at the proper time. The infant may have been born at home or may not have been in the hospital long enough to ingest sufficient amount of phenylalanine. Therefore, a two-four week recheck is recommended for every infant. If there is any doubt that a child under 12 months was properly tested, the provider should submit the blood sample on the appropriate form.

(2) Hemoglobin or hematocrit. Hemoglobin or hematocrit levels are required as a screening procedure to indicate anemia resulting from poor diet or other diseases. The test is required for children six months through three years and once during the adolescent years.

(3) Lead screening. Required for children six months to three years, for possible lead poisoning.

(4) Erythrocyte protoporphyrin (EP) and if indicated, blood lead. The EP is used for initial lead screening followed by a blood lead on positive individuals. The EP is more sensitive than the blood lead, costs less to perform, and in addition, will identify early iron depletion states even before an anemia develops. A blood lead determination will be made routinely by the Texas Department of Health laboratory on all blood samples with an EP level of 50 ug/dl and above for children under six.

(5) Rubella titer. A rubella titer is required once for females in the adolescent years if there is no history of the vaccine having been received or if the vaccine was administered prior to 15 months of age. If the titer indicates the need for immunization, the vaccine must be prescribed for the individual adolescent by the physician. Pregnancy is a contraindication to the administration of the vaccine. Following vaccine administration, the adolescent must prevent pregnancy for three months.

(6) VDRL or rapid plasma reagin (RPR) card test. VDRL or RPR circle card test for syphilis is required once during the adolescent years.

(7) Tuberculin screening. A PPD-Mantoux is required for children with no previous skin test for tuberculosis. The earliest age at which the test can be administered is nine months. A repeat skin test is required once during the adolescent years. The tuberculin skin-testing required for child-care facilities or school entry may be given at other ages to comply with state or local requirements.

.009. Optional Laboratory Procedures (Included in the Fee for Service).

(a) Hemoglobin electrophoresis. Hemoglobin type by electrophoresis is done at the discretion of the provider as appropriate for age and population groups. Certain children

will need this procedure to screen for sickle cell disease or trait.

(b) Additional tests for screening purposes deemed medically appropriate under individual circumstances.

Issued in Austin, Texas, on August 19, 1980.

Doc. No. 806375 Jerome Chapman
Commissioner
Texas Department of Human Resources

Proposed Date of Adoption: September 26, 1980
For further information, please call (512) 441-3355.

State Board of Insurance

Powers and Duties

Transfer of Securities under Certain Agreements 059.01.18

The State Board of Insurance is proposing to adopt Rules 059.01.18.001, .003, .005, .007, .009, .011, .013, .015, and .017, which authorize and set forth the requirements and limitations relating to participation by an insurance company in the investment practice known in the financial and banking industry as "securities lending." These rules provide for the transfer of securities from an insurance company to a qualified broker pursuant to a written agreement. The broker is required to deposit collateral with the insurance company at the time the securities are transferred. The insurance company receives all income from both the investment of the deposited collateral and the securities that have been transferred to the broker. The same securities are then returned to the insurance company within a one-year period.

Public comment is invited. Persons should submit their comments in writing to J. W. Arendall, State Board of Insurance, 1110 San Jacinto, Austin, Texas 78701.

The proposed rules have no fiscal implication for the State of Texas. The State Board of Insurance relied upon its Examination Division in making this fiscal evaluation.

These rules are proposed under the authority of the Texas Insurance Code Annotated, Article 1.04.

.001. Purpose. Notwithstanding Official Orders of the State Board of Insurance 22910, as amended, dated November 7, 1975, and 32941, dated November 21, 1977, an insurance company may enter into a written agreement with a registered securities broker for the purpose of transferring securities owned by the insurance company to such broker in accordance with the terms of this rule.

.003. Definitions. The terminology as defined by this board order has a limited application to this rule.

(1) "Deposits" or "collateral" means cash, or United States government obligations in definitive (certificate) form, which obligations are valued at market, not face.

(2) "Registered securities broker" or "broker" means a securities broker registered under the Securities Exchange Act of 1934 and is a member of the New York Stock Exchange or American Stock Exchange with a net worth of not less than \$10 million.

(3) "Same securities" or "similar securities" or "securities similar to those originally transferred" means securities identical in all respects to those originally transferred, but not necessarily as to certificate number.

(4) "Securities lending" or "loaned securities" means the practice whereby an insurance company, pursuant to a written agreement, transfers ownership and possession of securities to a registered broker with the agreement providing for a return of ownership and possession of the same securities to the insurance company at a specified date or upon demand.

.005. *Agreement.* The agreement between the insurance company and the broker is reduced to writing and provides for all of the following:

(1) All loans terminate no more than one year from the date of the original transfer.

(2) The insurance company has the unqualified right to demand from the broker the return of the securities similar to those originally transferred, with delivery to be made by the broker to the insurance company within five business days of the insurance company's giving notice to the broker. The return securities are accompanied by duly executed stock or bond transfer powers endorsed to the insurance company, its nominee, in compliance with Official Order of the State Board of Insurance 22910, as amended, dated November 7, 1975, or as it otherwise designates. Such certificates are not subject to any restrictions on transfer to which the original certificates evidencing the securities originally transferred by the insurance company were not subject.

(3) The insurance company is entitled to receive and the broker obligated to pay to the insurance company all distributions made by the issuer of the loaned securities during the duration of the loan, including cash dividends, stock dividends, stock splits, and interest distributions, and the broker is obligated to inform the insurance company of any offering of securities by the issuer, and the company shall be given the opportunity to purchase or subscribe for such additional securities.

(4) Simultaneously with the transfer of securities, the broker deposits with the insurance company collateral in the form of cash or United States government obligations in definitive (certificate) form by giving the insurance company physical possession of such items. At the time of the transfer of the securities to the broker, the value of such collateral received for each loaned equity security shall exceed the current market value of such security by 5.0%, and the value of such collateral received for each loaned fixed income security shall exceed the current market value of such security by 2.0%.

(5) The insurance company has the right to unrestricted use of the collateral at all times during the loan period. Upon the return to the insurance company of loaned securities from the broker, the insurance company is obligated to return to the broker collateral in an amount equal to the value of the collateral previously transferred from the broker to the insurance company, valued at the date of the original transfer from the broker.

(6) The insurance company has the right to exercise any of the following remedies in the event of default of the broker:

(A) immediate return of the securities loaned;

(B) retention of the collateral to cover the market value of the securities and costs related to the default, with any excess to be returned to the broker;

(C) purchase of similar securities with recovery from the broker of the difference between:

(i) the sum of the cost of purchase plus other costs of default, and

(ii) the collateral if such costs are greater than the collateral, or with the return to the broker of the excess of the collateral over the sum of the cost of purchase and other costs of default.

(7) The broker is obligated to provide the insurance company with copies of such financial statements as are furnished to Securities and Exchange Commission or to any exchange of which it is a member.

.007. *Investment of Collateral.* The collateral received by the insurance company under a "securities lending" agreement shall be invested in accordance with statutory provisions relating to permitted investments for insurance companies. Additionally, if the insurance company loans securities which represent statutory reserve investments, the insurance company shall invest the collateral in statutory reserve investments.

.009. *Maintenance of the Collateral (Marking to Market).* For each security loaned, the insurance company monitors on a daily basis the total amount of the collateral received and the market value of each loaned security to insure that the total amount of the collateral received for each loaned security at all times exceeds the market value of such loaned security. If, at any time the total value of the collateral received (measured at fair market value on the date the collateral was originally received) for each loaned security does not exceed the current market value of such security, the insurance company shall immediately require the broker to deposit additional cash or United States government obligations in definitive (certificate) form with the insurance company so that the total amount of the collateral received for each loaned equity security exceeds the market value of such security by 5.0%, and the total amount of the collateral received for each loaned fixed income security exceeds the market value of such security by 2.0%.

.011. *Reporting of Loaned Securities.*

(a) An insurance company presents as a separately identified asset in the annual statement the collateral or any reinvestment of such collateral. If not reinvested, the collateral consisting of cash is presented at face amount and the collateral consisting of United States government securities is reflected at fair market value at the date of the transaction. If the insurance company has reinvested the collateral, the assets representing such reinvestment shall be presented in accordance with the principles of statutory accounting approved by the Texas Insurance Board for similar assets.

(b) The insurance company presents the difference between the fair market values of the collateral and the securities loaned as a separate item on the asset side of the annual statement, which values are determined as of the date the securities and collateral are originally transferred. The difference between the fair market values of the collateral and securities loaned is shown as a deduction from the asset as described in subsection (a) above.

(c) The book value of the securities loaned to the broker is treated as a nonadmitted asset in exhibits relating to assets in the annual statement.

(d) Income received during the year on the collateral or received on any reinvestment of the collateral is reported in

the investment income exhibit as a separate item specifically identified as such. Amounts remitted to the broker as compensation are reported as an investment expense in the appropriate exhibit.

(e) The entries in the annual statement referring to the items described in subsections (a)-(d) above are identified with a mark and described in a footnote referring to the schedules providing detailed information concerning securities loaned to brokers and not returned before year end. An illustrative example of these schedules is available at the offices of the State Board of Insurance.

(f) Upon return to the insurance company of the loaned securities, such securities are presented in the annual statement in the same form and at the same values as such securities would have been presented prior to the transaction.

(g) An illustration of a sample annual statement reflecting the accounting procedures required by this rule for "securities lending" is available at the offices of the State Board of Insurance. A comparable "prior year" annual statement identical in every way to Exhibit "B-1" except for the recording of the securities loans is available at the offices of the State Board of Insurance.

.013. Availability of Records. A copy of each executed agreement relating to "securities lending," as well as all amendments, exhibits, attachments, side agreements, and understanding, all records relating thereto, and a current inventory of all loaned securities, including the identity and location, and a current inventory of all collateral, including the identity, location, and the loaned securities for which the collateral is deposited, shall be retained by the insurance company and made available to the commissioner or his appointed examiner during any examination of the company conducted by this agency.

.015. Noncompliance with This Rule. In the event that any insurance company fails to comply with the terms and conditions of this rule, the commissioner of insurance or the State Board of Insurance, if appropriate, may require the company to terminate the "securities lending" agreement and immediately take possession of the securities, and any other funds to which the company may be entitled, or require the company to take prescribed steps as deemed necessary by the commissioner to fully comply with this rule.

.017. Severance Clause. If a part of this rule is declared to be invalid by a court of competent jurisdiction, all valid parts that are severable from the invalid part remain in effect. If a part of this rule is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Issued in Austin, Texas, on August 18, 1980.

Doc. No. 806383 Pat Wagner
 Chief Clerk
 State Board of Insurance

Proposed Date of Adoption: September 26, 1980
For further information, please call (512) 475-4509.

Rating and Policy Forms

Fixing Rates of Automobile Insurance 059.05.01

The State Board of Insurance proposes to amend effective November 1, 1980, Rule 059.05.01.005, which adopted by

reference the rules governing the Insuring of Automobiles and Standard Endorsements II (Texas Automobile Manual).

The State Board of Insurance proposes to amend Rule 38, which starts on page 21 of the Texas Automobile Manual to add a new Section L. to read as follows:

L. Aetna Program for Driver Improvement credit.

(1) This rule does not apply to automobiles that are:

(a) subject to experience rating;

(b) part of a fleet rated under the collision fleet rating plan; or

(c) subject to any driver training or driver improvement course credits under Rule 38.

Note: The driver training or driver improvement course credits under Rule 38 shall not be cumulative on the same automobile, but application of one of these credits to one automobile on a policy will not preclude application of other credits to the other automobiles on the policy provided the necessary qualifications are met.

(2) Automobiles classified and rated as private passenger automobiles and afforded family automobile coverages shall be subject to a credit of 10% applied to the rate otherwise applicable, provided satisfactory evidence (certificate of completion or photostat thereof issued by Driver Training Associates, Inc.) is presented to the company that the principal operator of such automobiles has successfully completed the Aetna Program for Driver Improvement.

(3) If the policy insures two or more automobiles, the credit shall apply only to the automobiles principally operated by the person awarded the Aetna Program for Driver Improvement certificate of completion.

(4) The credit shall apply for a period of 36 months subsequent to the date of issuance of the certificate of completion. Following such 36-month period, in order to again qualify for such credit, the course must be successfully completed and evidence again presented to the company. The credit shall only apply if the certificate of completion is issued on or after November 1, 1980.

(5) With respect to medical payments and personal injury protection coverages, the premium shall be determined in accordance with exception under Note 3 on Rate Sheet 2.

The purpose of the amendment is to allow a 10% credit on the premiums for certain automobile insurance coverages purchased by individuals that have successfully completed the Aetna Program for Driver Improvement.

The proposed amendment has no known fiscal effects for the state or for units of local government (source: State Board of Insurance staff).

Public comment on the proposed amendment is invited and may be submitted in writing to D. E. O'Brien, director, State Board of Insurance, 1110 San Jacinto, Austin, Texas 78786.

This amendment is proposed under the authority of Article 5.01 of the Texas Insurance Code.

.005. Insuring of Automobiles and Standard Endorsements II. The State Board of Insurance adopts by reference the rules contained in the Insuring of Automobiles and Standard Endorsements II as amended **November** [September] 1,

1980. This document is published by and available from the Texas Automobile Insurance Service Office, Suite 350, American Bank Tower, 221 West 6th Street, Austin, Texas 78701, or the State Board of Insurance, 1110 San Jacinto, Austin, Texas 78786.

Issued in Austin, Texas, on August 15, 1980.

Doc. No. 806349 Pat Wagner
Chief Clerk
State Board of Insurance

Proposed Date of Adoption: September 26, 1980
For further information, please call (512) 475-3486.

Board Shall Fix Rates 059.05.25

(Editor's note: Rule 059.05.25.003 has previously been amended to reflect the August 1, 1980, date set forth in the rule. The following revisions to the manual were adopted on an emergency basis effective August 1, 1980. The revisions are to the manual adopted by reference in Rule .003.)

The State Board of Insurance proposes to amend Rule 059.05.25.003 which adopted by reference the Texas General Basis Schedules, as follows:

(1) Amending the rules to allow deductible amount of \$100,000 on a dwelling and \$100,000 on dwelling contents for excess of loss coverage under Form 66, thereby allowing such deductible amounts to be covered as two items under the Texas Catastrophe Property Insurance Association policy.

(2) Editorial amendments to rules to provide when the value exceeds the maximum association limit or the deductible amount, the association may waive the co-insurance requirements and charge a premium in accordance with the first loss scale formula.

These amendments are attached hereto and incorporated herein by reference.

The staff of the State Board of Insurance has determined that there are no fiscal implications for the state or any unit of local government that would result from the proposed amendments.

Public comment on these amendments is invited and may be submitted in writing to G. J. Jones, property actuary, State Board of Insurance, 1110 San Jacinto, Austin, Texas 78786.

These amendments are proposed pursuant to the authority of Article 5.25 of the Texas Insurance Code.

.003. *Texas General Basis Schedules.* The State Board of Insurance adopts by reference the attached Texas General Basis Schedules as amended August 1, 1980. The Texas General Basis Schedules is published by and available from the State Board of Insurance, 1110 San Jacinto, Austin, Texas 78786.

Issued in Austin, Texas, on August 18, 1980.

Doc. No. 806350 Pat Wagner
Chief Clerk
State Board of Insurance

Proposed Date of Adoption: September 26, 1980
For further information, please call (512) 475-6664.

Workers' Compensation 059.05.55

The State Board of Insurance proposes to amend Rule 059.05.55.001, which adopted by reference the Texas Workers' Compensation and Employers' Liability Insurance Manual.

The amendment replaces the 1936 edition of the Texas Basic Manual of Rules, Classifications, and Rates for Workers' Compensation Insurance with the 1980 edition similarly labeled. Thus far, however, only the general rules, the classification section, the table of contents, and the index have been restructured, while the remainder of the manual has merely been reprinted to reflect the graphic improvements in type size, type face and design, not to mention the improvement in readability brought about by use of the larger 8-1/2 by 11 page size.

The basic manual has been in use for over 40 years without a general revision. Over the years, as issues arose, the rules have been amended and expanded on numerous occasions to provide needed changes to solve such problems. The result was a set of rules in which some were obsolete, some ambiguous, and others no longer suitable for modern day operations in the insurance field.

The new rules generally are correlated with items in the policy declarations and with premium determination procedures. The rules are presented in a fresh style and simplified language and utilize plain, ordinary words adapted to workers' compensation insurance operations. Although a number of incidental changes were made to produce the proposed rules, the same reasonable intent inherent in the current manual has been contained in the new manual; however, a simpler, more modern approach has been used.

The new rules also contain advantages to the insurance buyer in terms of increased accuracy with which the rules and classifications will be applied because of simplification.

In the classification section, the two changes are the clarification of the scope and intended application by making classifications more self contained through expanded phraseology instead of references and by removal of references to gender in classification language, as far as practicable.

Both the table of contents and the index have been expanded considerably for easier reference and have been revised to coincide with the new material printed in the manual.

The proposed amendments have no known fiscal effect for the state or any unit of local government as determined by the staff of the State Board of Insurance.

Public comment on these proposed amendments is invited and may be submitted in writing to Edward O. Kasper, Workers' Compensation Unit, State Board of Insurance, 1110 San Jacinto, Austin, Texas 78786.

These amendment are proposed pursuant to Articles 1.04, 5.55, and 5.62 of the Texas Insurance Code.

.001. *Texas Workers' Compensation and Employers' Liability Insurance Manual.* The State Board of Insurance adopts by reference the Texas Workers' Compensation and Employers' Liability Insurance Manual as amended in **December** [September 1,] 1980, which contains rules, classifications, rates, and endorsement forms for workers'

compensation and employers' liability insurance. This document, *when adopted, will be* [is] published by and [is] available from the National Council on Compensation Insurance, One Penn Plaza, New York, New York 10119, or from the State Board of Insurance, 1110 San Jacinto, Austin, Texas 78786, where it is available for inspection. Purchase price is *yet to be determined* [\\$15.75].

Issued in Austin, Texas, on August 18, 1980.

Doc. No. 806391 Pat Wagner
Chief Clerk
State Board of Insurance

Proposed Date of Adoption: September 26, 1980
For further information, please call (512) 475-2136.

Texas Department of Mental Health and Mental Retardation

Client (Patient) Care

Employment of Independent Contractors (Consultants) 302.04.01

The Texas Department of Mental Health and Mental Retardation proposes to amend Rule 302.04.01.006, which governs the compensation to be paid to independent contractors and consultants.

The proposed amendment would amend subsection (a)(1) of Rule .006 to change from \$50 to \$65 the amount which a fee for services which consume less than one hour of time may not exceed. The proposed amendment would also amend subsection (a)(2) of Rule .006 to provide that for services which consume more than one hour of time, a fee shall not exceed \$65 rather than the present \$50 per hour, or \$400 rather than the present \$250 in any 24-hour period. The department is of the opinion that the proposed amendment is necessary in order to acquire and retain qualified and capable professionals to help care for patients in state mental hospitals and for clients of the state schools for the retarded and that the proposed maximum fees are consistent with the fees normally charged for such services.

The proposed amendments to Rule .006 will have no known fiscal implications for the state or for units of local government. There are no fiscal implications for the state even though the hourly and daily maximum fees are being raised because subsection (b) of the rule, which is not affected by the proposed amendment, allows the payment of fees in excess of the state maximum fees if prior approval is obtained from the appropriate deputy commissioner, and approval by the appropriate deputy commissioner has been granted routinely since it is impossible to obtain medical consultants paying the maximum fees presently specified in the rule. Therefore, the effect of the proposed amendment will probably be a reduction in paperwork associated with obtaining the appropriate deputy commissioner's approval to pay more than the maximum fees stated in the rule (source: Central Office Mental Health Division).

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

These amendments are proposed under the authority contained in Section 2.11(b) of Article 5547-202, Texas Civil Statutes.

.006. Compensation of an Independent Contractor (Consultant).

(a) Except in cases of emergency medical treatment procedures performed off campus or on campus, the amount paid an independent contractor (consultant) shall be as follows:

(1) For services which consume less than one hour of time, the fee shall not exceed **\$65** [\\$50].

(2) For services which consume more than one hour of time, the fee shall not exceed **\$65** [\\$50] per hour or **\$400** [\\$250] in any 24-hour period.

(3) Fees paid shall not exceed those normally charged for the services in the area in which the services are provided.

(b) (No change.)

Issued in Austin, Texas, on August 15, 1980.

Doc. No. 806321 John J. Kavanagh, M.D.
Commissioner
Texas Department of Mental Health
and Mental Retardation

Proposed Date of Adoption: September 26, 1980
For further information, please call (512) 454-3761, ext. 241.



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

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

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

CODIFIED

TITLE 7. BANKING AND SECURITIES

Part VI. Credit Union Department

Chapter 91. Regulatory Body

The Credit Union Department has withdrawn from consideration for adoption proposed §91.85 (058.01.11.005), Examination Fees. The text of the amended rule as proposed was published in the July 8, 1980, issue of the *Texas Register* (5 TexReg 2693).

Issued in Austin, Texas, on August 18, 1980.

Doc. No. 806324 Harry L. Elliott
Staff Services Officer
Credit Union Department

Filed: August 18, 1980, 10:54 a.m.
For further information, please call (512) 837-9236.

TITLE 22. EXAMINING BOARDS

Part I. Texas Board of Architectural Examiners

Chapter 3. Landscape Architects

Subchapter E. Fees

The Texas Board of Architectural Examiners has amended §3.85 (376.02.05.505) with a change in text requiring that an application fee is necessary to cover the administrative expense of verifying the candidate's qualifications for licensing in his base state and the current status of that license.

The Texas Board of Architectural Examiners has amended this section under the authority of Article 249c, Vernon's Texas Civil Statutes.

§3.85 (376.02.05.505). *Reciprocity.* Applicants requesting registration in Texas by reciprocity from other states must remit an application fee in the amount of \$25. This fee is not returnable. If the application is approved, a certificate of registration will be issued upon receipt of a registration fee in the amount of \$100.

Issued in Austin, Texas, on August 18, 1980.

Doc. No. 806354 Philip D. Creer, FAIA
Executive Director
Texas Board of Architectural Examiners

Effective Date: September 9, 1980

Proposal Publication Date: July 18, 1980

For further information, please call (512) 458-4126.

Part XIII. Texas Board of Licensure for Nursing Home Administrators

Chapter 241. Administrative Authority

Under the authority of Article 4442d, Texas Revised Civil Statutes, the Texas Board of Licensure for Nursing Home Administrators has adopted §241.1 (391.01.00.001), General Definitions, as follows:

§241.1 (391.01.00.001). *General Definitions.* Whenever used in these rules and regulations, unless expressly stated otherwise, or unless the context or subject matter requires a different meaning, the following terms shall have the meanings as defined by Section 2 of the Act:

(1) "Board" means the Texas Board of Licensure for Nursing Home Administrators.

(2) "Nursing home administrator" means the person who administers, manages, supervises, or is in general administrative charge of a nursing home, whether or not his functions and duties are shared with one or more persons. Any owner who in fact actually participates in the administration, management, and supervision of a nursing home is practicing nursing home administration even though those duties may be shared with and customarily performed by an employee who is designated "administrator of record."

(3) "Nursing home" means any institution or facility now or hereafter licensed as a nursing home or custodial care home by the Texas Department of Health under the provisions of Article 4442c, Vernon's Texas Civil Statutes, or any amendment thereto.

(4) "Practice of nursing home administration" means the performance of acts by any person which amounts to the administration, management, supervision, and general administrative charge of a nursing home, whether or not such functions and duties are shared with one or more individuals.

(5) "Nursing home administrator-in-training (AIT)" means an individual registered as such with the board, under and pursuant to the Act and to these rules and regulations.

(6) "Person" means an individual and does not include the terms firm, corporation, association, partnership, institution, public body, joint stock association, or any other group of individuals.

Doc. No. 806302

Chapter 243. Application

Under the authority of Article 4442d, Texas Revised Civil Statutes, the Texas Board of Licensure for Nursing Home Administrators has adopted §243.1 (391.02.00.001), Application Procedures, as follows:

§243.1 (391.02.00.001). Application Procedures.

(a) An applicant for examination and qualification for a license as a nursing home administrator shall make application in writing on forms provided by the board and shall furnish evidence satisfactory to the board that he has met the pre-examination requirements as provided for in the state licensing statutes.

(b) Application procedures shall be as follows:

(1) application for nursing home administrators license;

(2) application for examination;

(3) application fee not to exceed \$100;

(4) personal data sheet which shall have attached a finished unmounted photograph being not less than 2-1/2 inches nor more than three inches and shall have been taken within three months prior to date of application;

(5) a written narrative which shall reflect the applicant's interest and experience as it relates to the field of nursing home administration;

(6) a statement from the applicant's physician certifying that the applicant is of sound mental and physical health as required under §243.1(e)(1) and (2) (.001(e)(1) and (2));

(7) copy of college transcripts or if the applicant has no college credit, copy of high school diploma or G.E.D. certificate.

(c) An applicant who has been convicted of a felony by any court in this state or by any court in the United States or by any court of any state of the United States shall not be admitted to or be permitted to take the examination provided for herein, unless he shall first submit to and file with the board a certificate of good conduct granted by the Board of Parole, or in the case of a conviction in any jurisdiction wherein the laws do not provide for the issuance of a certificate of good conduct, an equivalent written statement or document.

(d) An applicant who has been convicted of a misdemeanor involving moral turpitude shall not be admitted to or permitted to take the examination provided for herein unless he shall first submit to and file with the board a certificate or letter of good conduct from the proper parole, probation, court, or police authorities wherein such conviction was had, or submit an equivalent written statement or document.

(e) To establish suitability and fitness to qualify for a license as a nursing home administrator as required by the state licensing statute, prior to being permitted to take the examination for license as a nursing home administrator, the applicant shall furnish evidence satisfactory to the board of the following:

(1) absence of physical impairment to perform the duties of a nursing home administrator, including evidence of good health and freedom from contagious disease;

(2) absence of any mental impairment that would appear to the board to be likely to interfere with the performance of the duties of a nursing home administrator;

(3) the ability to understand and communicate general and technical information necessary to the adminis-

tration and operation of a nursing home (i.e., applicable health and safety regulations);

(4) ability to assume responsibilities for the administration of a nursing home as evidenced by prior accredited activities and evaluation of prior services and;

(5) ability to relate the physical, psychological, spiritual, emotional, and social needs of ill and/or aged individuals to the administration of a nursing home, including executives of the nursing home, and the ability to create the compassionate climate necessary to meet the needs of the patients therein.

(f) The board shall evaluate qualifications of the applicant by soliciting letters from previous employers. These letters shall request those employers to evaluate the applicants' job performances, communication ability, responsiveness, and general administrative ability.

(g) The basic requirements for suitability set forth herein are to be considered minimal and may not be waived.

(h) The board may designate a time and place at which an applicant may be required to present himself for inquiry as to his suitability.

Doc. No. 806303

Under the authority of Article 4442d, Texas Revised Civil Statutes, the Texas Board of Licensure for Nursing Home Administrators has adopted §243.2 (391.02.00.002), Administrators-In-Training, as follows:

§243.2 (391.02.00.002). Administrators-In-Training.

(a) Purpose. The rules set forth in this part have been promulgated by the Texas Board of Licensure for Nursing Home Administrators in order to establish certification requirements for administrators-in-training. AITs under the auspices of an approved college are bound by the college rules.

(b) Administrators-in-training certificates to be granted by the board to any nursing home administrator-in-training who fulfills the requirements of the rules of this agency. During the time in which the administrator-in-training possesses such a certificate, he shall be known as an "administrator-in-training," referred to sometimes in these rules as "trainee." Administrator-in-training certificates will be issued only after receipt by the board of each item listed under subsection (d).

(c) Application forms. Applications shall be filed with the board on forms provided by the board.

(d) Requirement for applicants.

(1) Such applicant shall follow the application procedures as outlined under §243.1 (391.02.00.001). In addition to the items outlined under §243.1 (391.02.00.001), the administrator-in-training should submit the Preceptor-AIT Training Agreement and the AIT Training Plan.

(2) An administrator-in-training certificate may be issued to any qualified person who meets the requirements for licensure as outlined under §243.3(b)(1)-(11) (391.03.00.003)(b)(1)-(11).

(A) An AIT certificate will not be issued until the Preceptor-Training Agreement, the AIT Training Plan, and all items referred to under §243.1(b)(1)-(7) (391.02.00.001)(b)(1)-(7) are received in the board office.

(B) All AIT certificates will be effective the first day of the month.

(c) In order for training to begin on the first day of the month, a completed application must be received by the last day of the previous month.

(3) The board at its discretion may require the applicant to submit more extensive information bearing on his qualifications and may conduct a personal interview or interviews with the applicant in order to determine whether the application should be granted.

(e) Preceptors to train and supervise administrators-in-training. Each administrator-in-training shall receive supervision and training from a certified preceptor approved by the board.

(f) Training requirements and procedures.

(1) Internship for administrators-in-training.

Trainees as administrators-in-training shall serve an internship for a period of 26 weeks in a nursing home licensed by the Texas Department of Health. The quality of such internship training shall be of a grade and character acceptable to the board.

(2) The administrator-in-training and the certified preceptor shall sign and have properly notarized the Preceptor-AIT Training Agreement form and the AIT Training Plan on forms provided by the board, and shall submit these forms to the board for approval.

(A) The Preceptor-AIT Training Agreement shall reflect the address and telephone number of the nursing home in which training will be rendered and shall give the number of beds in the training facility.

(B) The AIT Training Plan will be tailored to the individual needs of the AIT and shall reflect a training schedule.

(g) Ratio of preceptors to administrators-in-training. A preceptor may be responsible for the training and supervision of two administrators-in-training. Special permission from the board will be required for the concurrent supervision and training of more than two AITs.

(h) Change in preceptors. The board shall be notified in writing within 10 days if:

(1) the trainee leaves the program;

(2) there is a change of preceptor;

(3) there is any change in the amount or kind of training provided.

(i) Minimum hourly training requirements.

(1) A minimum of 20 hours weekly, at the rate of not less than four hours per day, five working days per week, of supervised training in all operative and administrative functions in a nursing home shall be provided.

(2) A minimum of four hours per week of direct instruction, orientation, and planning by a certified preceptor.

(j) Performance evaluation reports to be filed. Performance evaluation reports shall be filed monthly. These shall be forwarded to the board by the 10th day of each month. These reports should be signed by the preceptor and the AIT and be properly notarized. The final report shall be submitted after completion of the 26-week internship. This report shall be forwarded to the board office 10 days after the internship is completed. This report should be signed by the preceptor and the AIT and be properly notarized.

(k) Failure to report.

(1) If the internship is not initiated for a period of one year from the date the AIT application is received in the board office, the application becomes void and the application will be required to register as a new applicant and meet the application requirements that exist at such time.

(2) If the internship training program is interrupted for any reason, the AIT will have a period of one year from the date of filing the last performance evaluation report to resume training, otherwise the application becomes void and the AIT will be required to register as a new applicant and meet the application requirements that exist at such time.

(l) Fees. Each applicant for an administrator-in-training shall be required to submit a cashier's check or money order payable to the Texas Board of Licensure for Nursing Home Administrators in an amount not to exceed \$100. This application fee is not refundable.

Doc. No 806304

Under the authority of Article 4442d, Texas Revised Civil Statutes, the Texas Board of Licensure for Nursing Home Administrators has adopted §243.3 (391.02.00.003), Preceptorial Qualifications, as follows:

§243.3 (391.02.00.003). *Preceptorial Qualifications and Control.* Preceptor certificates shall be issued by the board to qualified nursing home administrators meeting the requirements set forth below:

(1) In order to continually strengthen the profession of nursing home administrators, the board shall only issue preceptor certificates to nursing home administrators who have outstanding professional records.

(A) Repeated complaints lodged with this board against a nursing home administrator may be grounds for the board's refusal to grant a preceptor's certificate, refusal to renew a preceptor's certificate, or refusal to approve AITs serving under that preceptor, unless such complaints have been resolved to the satisfaction of the board.

(B) Past suspensions or revocations of a nursing home administrator's license may be grounds for the board's determination that such applicant does not possess the necessary qualifications to become an applicant for a preceptor's certificate.

(C) All applicants for preceptor certificates shall have a current nursing home administrator's license and shall maintain that license on active status. The failure to maintain an active nursing home administrator's license or the loss of the nursing home administrator's license by suspension or revocation by this board shall result in automatic withdrawal of the individual's status as a preceptor. Once terminated, the status of the preceptor may only be regained by a new application to the board for a preceptor's certificate.

(D) The board may refuse to renew preceptor certificates and/or may refuse to approve preceptors for training AITs if it has good cause to believe that said preceptor has failed to provide proper training for AITs previously assigned to that preceptor.

(2) An administrator desiring to obtain a preceptor certificate must have at least three years experience as a nursing home administrator in the State of Texas; however, such experience may include the six months or 26 weeks of experience as an administrator-in-training prior to the issuance of his administrator's license. If such administrator has obtained an administrator's license in Texas through reciprocity from a state which has a signed reciprocity agreement with the State of Texas, that administrator must have three years experience as a licensed nursing home administrator; the most recent one year must have been as an active licensed administrator in the State of Texas.

(3) Qualified applicants shall be authorized by the board to attend a two-day seminar consisting of 7-1/2 hours each day.

(A) This two-day seminar shall be known as the basic preceptor seminar for new preceptors.

(B) The basic preceptor seminar shall include a review of rules for preceptors and subject areas relating to AIT training, weighing skills, and reality orientation.

(C) Enrollment at such seminar shall be limited to 100 administrators per seminar.

(D) Preceptor certificates shall be awarded upon completion of the seminar.

(4) A one-day, seven-hour seminar will be required for the renewal of an expired preceptor certificate.

(A) This one-day seminar shall be known as the advanced preceptor seminar.

(B) The advanced preceptor seminar shall include a review of rules for preceptors and subject areas relating to management.

(C) Enrollment shall be limited to 100 administrators per seminar.

(D) Preceptor certificates will be issued upon completion of the seminar.

(5) Preceptor certificates shall be issued for a two-year period and shall expire two years from the date of issue.

(6) Preceptors shall administer training in a nursing home licensed by the Texas Department of Health which nursing home shall participate as an ICF-III or skilled or a combination of each and shall have a minimum bed capacity of 60 beds.

(7) The board shall have the discretion to waive strict compliance with these requirements for good cause.

Doc. No. 806305

Under the authority of Article 4442d, Texas Revised Civil Statutes, the Texas Board of Licensure for Nursing Home Administrators has adopted §243.4 (391.02.00.004), Withdrawal of Preceptor Certificates, and §243.5 (391.02.00.005), Procedure for Withdrawal of a Preceptor Certificate, as follows:

§243.4 (391.02.00.004). *Withdrawal of Preceptor Certificates.*

(a) A preceptor's certificate is automatically withdrawn when the nursing home administrator's license is suspended, revoked, or not renewed.

(b) A preceptor certificate will be subject to withdrawal under the following conditions:

(1) when the preceptor fails to provide the AIT the opportunity to receive training under proper supervision in all administrative and operating activities and functions of a nursing home;

(2) when the AIT under the supervision of the preceptor consistently fails the written examination administered by the board, a preceptor may be required to furnish in writing to the board his or her assessment of the reason for any of his or her AITs failing the nursing home administrator's licensing examination;

(3) when the preceptor submits reports which are inconsistent with the actual training provided.

§243.5 (391.02.00.005). *Procedure for Withdrawal of Preceptor Certificates.*

(a) Written notice of proposed withdrawal stating in detail the reasons shall be sent by certified mail, return

receipt requested at least 20 days prior to the date on which such action is proposed to be taken. Such notice shall advise the preceptor that he has the right to respond and to make written demand for a hearing.

(b) In the event that a written demand for a hearing is made and received in the board office within 20 days after receipt of notice of proposed action, the board shall hear the case at the next regularly scheduled meeting. At such hearing it shall be the responsibility of the preceptor to show cause why the board should not withdraw the preceptor's certificate.

(c) In the event that written demand for a hearing from the preceptor is not received in the board office within 20 days subsequent to the receipt of notice of proposed action, the preceptor shall be deemed to have waived any and all rights to a hearing.

(d) Decisions by the board shall be made no later than 30 days subsequent to the hearing, and all preceptors will be given written notice of the board's decision within 10 working days after the decision is rendered.

Doc. No. 806306

Chapter 245. Examination

Under the authority of Article 4442d, Texas Revised Civil Statutes, the Texas Board of Licensure for Nursing Home Administrators has adopted §245.2 (391.03.00.002), Pre-Examination Requirements; Conditions Precedent, as follows:

§245.2 (391.03.00.002). *Pre-Examination Requirements; Conditions Precedent.*

(a) No person shall be admitted to or be permitted to take an examination for a nursing home administrator unless he shall have first submitted evidence satisfactory to the board that he meets the qualifications for licensure provided by laws (Article 4442d, Vernon's Annotated Civil Statutes, Section 9, paragraphs 1 and 2).

(b) No person shall be admitted to or be permitted to take an examination for a nursing home administrator unless he has a completed application on file with the board office a minimum of three weeks prior to the scheduled examination. Applications submitted after the three-week deadline will be held for the next scheduled exam.

(1) Candidates for the NAB examinations must complete an application for exam, submit their application fee not to exceed \$100, and proof that they have completed the 200-hour course in nursing home administration if required.

(2) Candidates for the state standards examination must have a completed application on file with the board office and must have submitted three performance evaluation reports.

Doc. No. 806307

Under the authority of Article 4442d, Texas Revised Civil Statutes, the Texas Board of Licensure for Nursing Home Administrators has adopted §245.3 (391.03.00.003), Requirements for Licensure, as follows:

§245.3 (391.03.00.003). *Requirements for Licensure.*

(a) Examinations to be given. The board shall administer examinations known as the state board examination

and the National Association Board examination for the purpose of determining those applicants who are qualified for licenses as administrators of nursing homes and shall issue an administrator's license to any person who passes said examinations, provided the person has met all other requirements for licensure.

(b) In lieu of the suitability examination (oral examination), each applicant shall submit a written narrative reflecting the applicant's interest and experience as it relates to the field of long-term health care.

(1) This narrative shall be submitted no later than six weeks after application is filed with the board office.

(2) Upon review of the narrative, if the Suitability Interview Committee deems necessary, applicants may be called to appear before the committee for interview prior to taking the state standards and NAB examinations.

(c) Upon proper application for license and payment of the required application fee not to exceed \$100, the board shall administer the National Association Board examination (NAB) and the state board examination (an examination designed to test the applicant's knowledge of laws, rules, and regulations relating to Texas nursing home programs), to any person who fulfills any one of the following requirements; except, however, effective July 1, 1986, each person must fulfill one of the requirements described in conditions (1), (2), (3), and (4):

(1) The applicant has obtained a master's degree or higher educational achievement in long-term health care administration, including an internship approved by the educational institution bestowing the degree.

(2) The applicant has obtained a master's degree or higher educational achievement in health care administration with a completed internship approved by the educational institution bestowing the degree. If the said master's degree or higher educational achievement is not in long-term health care administration, the board may require the applicant to complete or to have completed training and/or experience in long-term health care administration approved by the board.

(3) The applicant has obtained a bachelor's degree in long-term health care administration, including an internship approved by the educational institution bestowing the degree. The board strongly recommends that an applicant with a bachelor's degree in long-term health care administration take the 200-hour course in nursing home administration described in §245.3(d) (.003(d)).

(4) The applicant has obtained a bachelor's degree and successfully completed 26-week internship described in §245.3(d) (.003(d)) and the 200-hour course in nursing home administration described in §245.3(d) (.003(d)).

(5) The applicant has completed successfully a board-approved associate degree program in long-term health care administration from an accredited college or university which includes a completed internship approved by the educational institution bestowing the associate degree, and has successfully completed the 200-hour course in nursing home administration described in §245.3(d) (.003(d)). This section will be in effect until June 30, 1986.

(6) The applicant has completed successfully a board-approved curriculum of at least 60 semester hours in long-term health care administration from an accredited college or university equivalent to the associate degree program described in paragraph (5), the 26-week internship described in §245.3(d) (.003(d)), and the 200-hour course in nursing home administration described in §245.3(d) (.003(d)). This section will be in effect until June 30, 1984.

(7) The applicant has completed successfully at least 90 hours of academic credit from an accredited college or university, the 26-week internship described in §245.3(d) (.003(d)), and the 200-hour course in nursing home administration described in §245.3(d) (.003(d)); provided, however, if the applicant has more than 60 hours, he shall be permitted to take the required examination after successful completion of the 26-week internship and the 200-hour course in nursing home administration. Upon passing the required examination, if all other requirements for licensure are met, the applicant shall be licensed subject to meeting one of the following conditions:

(A) within four years from the date of licensure, successful completion of 90 hours of approved academic credit at the rate of at least 12 hours per year;

(B) within four years from the date of licensure, the successful completion of 36 hours of approved academic credit in long-term health care administration or a related field approved by the board.

If the applicant fails to satisfy either of the conditions, his license shall be revoked. This section will be in effect until June 30, 1982.

(8) The applicant has completed successfully at least 60 hours of academic credit from an accredited college or university, 36 of which must be in long-term health care administration or a related field approved by the board. The 26-week internship described in §245.3(d) (.003(d)) and the 200-hour course in nursing home administration described in §245.3(d) (.003(d)); provided, however, that the application with less than 60 hours of such academic credit, upon successful completion of the 26-week internship and the 200-hour course in nursing home administration, shall be permitted to take the required examinations. Upon passing such examination, if all other requirements for licensure are met, the applicant shall be licensed subject to completing successfully within four years from the date of licensure, at the rate of at least 12 hours per year, the minimum required 60 hours of academic credit from an accredited college or university, at least 36 hours of which must be in long-term health care administration or a related field as approved by the board. If the applicant fails to satisfy this requirement to which his license is made subject, the license shall be revoked. An additional year will be granted to those administrators who were licensed July 1, 1976, through July 1, 1977, to obtain 12 hours of academic credit per year which is required to maintain their licenses. This section shall be in effect until June 30, 1982.

(9) The applicant is an administrator-in-training who:

(A) entered the AIT program prior to July 1, 1975;

(B) has completed successfully the 200 hours of curriculum required;

(C) served the one-year internship required of AITs; and

(D) forwarded all quarterly reports to the office of the board.

Any such administrator-in-training who comes under the provisions of this section shall have until July 1, 1977, to pass successfully the required examinations; otherwise, he shall be required to make new application and meet the requirements for licensure in effect at the time of application.

(10) Effective July 1, 1982, the applicant has completed successfully at least 90 hours of academic credit from an accredited college or university, the 26-week internship

described in §245.3(d) (.003(d)), and the 200-hour course in nursing home administration described in §245.3(d) (.003(d)). This section will be in effect until June 30, 1986.

(11) Effective July 1, 1982, the applicant has completed successfully at least 60 hours of academic credit from an accredited college or university, 36 of which must be in long-term health care administration or a related field approved by the board, the 26-week internship described in §245.3(d) (.003(d)), and the 200-hour course in nursing home administration described in §245.3(d) (.003(d)). This section shall be in effect until June 30, 1984.

(d) All college applicants as listed in §245.3(c)(1)-(5) (.003(c)(1)-(5)) must submit a complete application at least three weeks prior to examination. The application must be accompanied by a copy of the degree or an official transcript, or a letter from the instructor under the authority of the educational institution, certifying that the applicant has completed 75% of the internship requirement.

(e) Definitions.

(1) The 26-week internship shall consist of 26 weeks of actual training under a certified preceptor in a nursing home under a program approved by the board.

(2) The 200-hour course in nursing home administration shall consist of a curriculum approved by the board.

(f) Failure of the state board examination. In the event of failure of the state board examination, the applicant must apply again to take, and must pass, the examination failed. Under certain circumstances, such as repeated failure of said examination, the board in its discretion may impose upon such applicant whatever conditions the board deems appropriate under the circumstances in order to qualify such applicant for an administrator's license. No license shall be issued to any person who does not pass all required examinations.

(g) Failure of National Association Board examination. Any applicant, regardless of qualifications, who fails the National Association Board examination is eligible to attempt to pass said examination two additional times in order to obtain an administrator's license. If the examination is not passed in these two additional attempts, the applicant is not eligible to take the examination again without petitioning the board for special consideration. The board in its discretion may impose upon such applicant whatever conditions the board deems appropriate under the circumstances in order to qualify such applicant for an administrator's license. No license shall be issued to any person who does not pass all required examinations.

(h) Passage of examinations. Any person who passes the National Association Board examination and who has passed the state board examination shall be issued an administrator's license by the board, provided the applicant has met all other requirements for licensure.

Doc. No. 806308

Under the authority of Article 4442d, Texas Revised Civil Statutes, the Texas Board of Licensure for Nursing Home Administrators has adopted §245.4 (391.03.00.004), Conditional Admission to Examination; Disqualification; Re-Examination, as follows:

§245.4 (391.03.00.004). Conditional Admission to Examination; Disqualification; Re-Examination.

(a) Any applicant who is required to take the 200-hour course may apply for and take the National Association

Board examination (NAB exam) upon completion of the required 200 hours. Any applicant who is required to complete the 26-week internship may take the state standards examination, only after completion of 13 weeks of the 26-week administrator-in-training internship and after submitting three performance evaluation reports to the board; if he so desires, the administrator-in-training may apply for and take the state standards examination and the National Association Board examination together upon completion of 13 weeks of the 26-week internship and after filing three performance evaluation reports with the board.

(b) The board may conditionally admit to examination for license as a nursing home administrator an applicant who on the date of scheduled examination has not fully established his qualifications, such as curriculum and/or experience if, in the judgment of the board, it appears that he is otherwise qualified. Unless such applicant submits satisfactory evidence that he qualifies for examination within 30 days following the date of such examination, the board shall notify the applicant that he is not qualified for further consideration of licensure.

(c) An applicant for examination who has been disqualified shall be given prompt written notification by the board of his disqualification and the reasons therefor and of his right to a hearing.

(d) An applicant for examination who has been disqualified may petition the board in writing within 30 days of notification of disqualification for a hearing and a review of his application.

(e) Where an applicant for examination has been disqualified, he may submit a new application prior to the next regularly scheduled examination for qualification for examination; provided, however, that he shall be required to meet the requirements for licensing in force at the time of such reapplication.

(f) Notwithstanding anything herein to the contrary, a candidate for an associate or higher degree in long-term health care administration at a college or university approved by the board may apply for and take the NAB exam after completion of the entire curriculum requirement for his degree except the internship program. Such individual may take the standards examination after 75% of such internship has been completed and will be eligible to receive his license as a nursing home administrator upon achievement of a passing score on the required examination after obtaining his degree.

Doc. No. 806309

Chapter 247. Education

Under the authority of Article 4442d, Texas Revised Civil Statutes, the Texas Board of Licensure for Nursing Home Administrators has adopted §247.3 (391.04.00.003), Continuing Education Programs of Study, as follows:

§247.3 (391.04.00.003). Continuing Education Programs of Study.

(a) All licensed nursing home administrators are required to have a minimum of 40 hours of continuing education for each two-year licensure period in a continuing education program approved by the board in order to obtain license renewal. The following are recognized by the board as acceptable continuing education requirement programs:

(1) Time spent in participating in seminars approved by the board. For each hour of time spent in each seminar, the licensed nursing home administrator is entitled to one hour of credit in the continuing education requirement program.

(2) Time spent in college as reflected by college credits according to the transcript submitted to the board. Credit for 20 hours of continuing education shall be allowed for each three-hour college course completed dealing with the core of knowledge as outlined under §247.2(a)(2) (002(a)(2)).

(3) Credit of 15 hours of continuing education will be given to administrators who attend a two-day preceptor seminar. An additional 15 hours will be awarded a preceptor who completes training as a student in the required internship program prescribed elsewhere in these sections. No partial credit shall be given in the event that the required training is not fully completed. Credit of seven hours of continuing education will be awarded to administrators who attend the one-day preceptor seminar.

(4) Credit of 40 hours of continuing education credit will be given to administrators who complete the 200-hour course in nursing home administration. Credit will be given under the curriculum area of college. All credit toward the continuing education requirement, regardless of which of the above five areas serves as the source for such credit, shall be subject to approval or disapproval by the board upon the board's investigation and study of the program or function serving as the basis for the time spent in continuing education by licensed nursing home administrators. All sources of credit for continuing education are to be considered by the board on their merits, and no approval of any program, course, or source of credit toward the continuing education requirement shall be made without the board's consideration.

(b) A program of study designed to meet the requirements and the qualifications for re-registration of a license as nursing home administrator under and pursuant to the state licensing statute and these rules and regulations shall:

(1) be registered as required under §247.1 (001) of these rules and regulations, and

(2) contain a minimum of six classroom hours of academic work, and

(3) include subject areas selected from the list of subjects provided in §247.2(a)(2) (002(a)(2)); and

(4) be submitted to the board for approval prior to announcement and/or publication at least six weeks prior to the anticipated registration of students.

(c) Upon completion of an approved program of study, the sponsors of the program shall issue certificates of attendance satisfactory to the board.

(d) Nothing contained in this section shall preclude the board from providing for any program of study which excludes subjects which shall be in derogation of or in conflict with the teachings and practice of any recognized religious faith, provided, however, any applicant seeking to be admitted to such program of study hereunder shall submit evidence

satisfactory to the board that he is in fact an adherent of such recognized religious faith.

(e) Each administrator-in-training who received a license as a nursing home administrator is exempt from 20 hours of continuing education requirements described elsewhere herein during the licensure year in which he received his license, but is required to meet the full number of hours prescribed for continuing education for all subsequent years. A licensure year begins July 1 and ends June 30.

(f) In the event that a licensed nursing home administrator moves from the State of Texas after having obtained his license in the state, such administrator may keep his license in full force and effect by paying the biennial license fee. While such administrator is not in the State of Texas, he shall not be required to meet the continuing education requirements described elsewhere in these sections; however, when such administrator returns to Texas for the purpose of residing or engaging in the practice of nursing home administration in Texas, then such administrator shall again be subject to all the rules and regulations imposed upon nursing home administrators, including the continuing education requirement, and must complete 20 hours of continuing education for each licensing year (July 1 to June 30) during which he resides in Texas or engages in the practice of nursing home administration in Texas, except such requirement may be waived by the board for good cause.

(g) Any nursing home administrator who participates as an instructor in a continuing education seminar approved by the board shall receive the same credit toward his continuing education requirement as a nursing home administrator in attendance at the seminar as a student.

(h) No credit shall be given for continuing education to any nursing home administrator who attends less than all of a seminar approved by the board for continuing education. No partial credit will be given.

(i) Administrators will be required to obtain a minimum of seven hours under each of the following curriculum areas: management theory, financial management, patient care, and supplemental update. The curriculum areas for continuing education shall be:

- (1) management theory;
- (2) financial management;
- (3) patient care;
- (4) supplemental update;
- (5) college;
- (6) miscellaneous.

Issued in Austin, Texas, on August 15, 1980.

Doc. No. 806310 Mable Staton
Executive Secretary
Texas Board of Licensure for
Nursing Home Administrators

Effective Date: September 5, 1980

Proposal Publication Date: July 15, 1980

For further information, please call (512) 926-9530.

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

Texas Department of Agriculture

Wednesday, November 5, 1980, 10 a.m. The Marketing Division of the Texas Department of Agriculture will meet in Room 1046 of the Stephen F. Austin Building, 17th & Congress Avenue, Austin. According to the agenda, the division will consider a proposed rule setting up policies and procedures for the operation of the Texas Department of Agriculture's livestock facilities.

Information may be obtained from Darryl McDonald, P.O. Box 12847, Austin, Texas 78711, (512) 475-2868.

Filed: August 19, 1980, 4:34 p.m.
Doc. No. 806381

Texas Commission on the Arts

Thursday, August 21, 1980, 10 a.m. The Executive Committee of the Texas Commission on the Arts rescheduled a meeting held at the Arts Council of San Antonio, 201 North St. Mary's Street, San Antonio to the time listed above. The agenda items remained the same—review of San Antonio model contract and approval of special consideration application. Other commitments in the afternoon made additional meeting time necessary.

Information may be obtained from Pat McCabe Leche, P.O. Box 13406, Austin, Texas 78711, (512) 475-6593.

Filed: August 20, 1980, 9:38 a.m.
Doc. No. 806392

Texas County and District Retirement System

Tuesday, September 2, 1980, 1 p.m. The Board of Trustees of the Texas County and District Retirement System will meet at the Sheraton Crest Inn, 111 East 1st Street, Austin. According to the agenda summary, the board will hear minutes of June board meeting; consider and determine applications for service retirement and disability retirement, escheatments; review financial statements; select auditor; hear reports from the actuary, director, legal counsel, and in-

vestment counsel; consider and fix contribution rates of participating subdivisions; discuss possible relocation of TCDRS office and amendments to TCDRS Act; and set date of December meeting.

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

Filed: August 21, 1980, 11:38 a.m.
Doc. No. 806440

Texas Education Agency

Thursday August 28, 1980, 9:30 a.m.-3 p.m. The Steering Committee for the Curriculum Study Panel of the Texas Education Agency will meet in the board room, 150 East Riverside Drive, Austin. The Steering Committee, established in response to House Concurrent Resolution 90 passed by the 60th Legislature, includes members of the State Board of Education, the House Committee on Public Education, the Senate Education Committee, and the Governor's Advisory Committee on Education. The agenda includes: review of testimony; review of Advisory Committee recommendations; reaction from teacher organizations to the Advisory Committee recommendations; alternative recommendations for panel consideration prepared by the task force; discussion and reaction on alternatives; and report on competency based education in the United States.

Information may be obtained from J. B. Morgan, 201 East 11th Street, Austin, Texas 78701, (512) 475-7077.

Filed: August 19, 1980, 4:46 p.m.
Doc. No. 806388

Texas Department of Health

Thursday, August 28, 1980, 10 a.m. The Controlled Substances Therapeutic Research Review Board of the Texas Department of Health will meet in the board of visitors meeting room, M. D. Anderson Hospital, 6723 Bertner Drive, to consider the minutes of July 25, 1980, meeting; current status of program; recommendations; and the next meeting date.

Information may be obtained from H. L. Harle, M.D., 1100 West 49th Street, Austin, Texas 78756.

Filed: August 19, 1980, 2:13 p.m.
Doc. No. 806359

Tuesday, September 16, 1980, 9:30 a.m. The Texas Department of Health will meet in the county courtroom, Sterling County Courthouse, Sterling City. According to the agenda, the department will consider Application 1325 of Sterling County to operate a proposed Type III municipal solid waste disposal site to be located 700 feet north of U.S. Highway 87 and 1.2 miles west of the intersection in Sterling City of that highway with FM 163, in Sterling County.

Information may be obtained from Jack C. Carmichael, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7271.

Filed: August 20, 1980, 1:52 p.m.
Doc. No. 806400

Texas Health Facilities Commission

Friday, August 22, 1980, 9:30 a.m. The Texas Health Facilities Commission made an emergency addition to the agenda of a meeting held in Suite 305 of the Jefferson Building, 1600 West 38th Street, Austin. According to the agenda summary, the emergency item concerned the application for an exemption certificate by Medical Plaza Hospital, Fort Worth. Urgent public necessity required consideration of this item in order that the project be most efficiently and economically implemented.

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

Filed: August 20, 1980, 11:23 a.m.
Doc. No. 806394

Texas Department of Human Resources

Monday, August 25, 1980, 9 a.m. The Texas Board of Human Resources of the Texas Department of Human Resources made emergency additions to the agenda of a meeting held in Room 1B, 706 Banister Lane, Austin. According to the agenda summary, the additions include approval of minutes of July 15 and 29; purchased health services contract beginning September 1, 1981; executive session on personnel matters, pending and contemplated litigation, and real property. This is considered a matter of public necessity because of the appointment of the Commissioner of Human Resources.

Information may be obtained from Bill Woods, 706 Banister Lane, Austin, Texas 78704, (512) 441-3355.

Filed: August 19, 1980, 2:25 p.m.
Doc. No. 806374

State Board of Insurance

Wednesday, September 10, 1980, 9 a.m. The State Board of Insurance will conduct a public hearing in Room 142, 1110 San Jacinto, Austin, to consider proposed rules for fire and alarm detection devices as published at 5 TexReg 312.

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

Filed: August 19, 1980, 2:12 p.m.
Doc. No. 806360

Thursday, September 11, 1980, 9 a.m. The State Board of Insurance will conduct a public hearing in Room 408, 1110 San Jacinto, Austin, to consider the motion of Carl H. Pfeiffer, Dan F. Parman, and First American Title Company of San Antonio for leave to appeal from Commissioner's Order 79-3089.

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

Filed: August 19, 1980, 2:12 p.m.
Doc. No. 806361

Friday, September 12, 1980, 9 a.m. The State Board of Insurance will conduct a public hearing in Room 142, 1110 San Jacinto, Austin, to consider amendment of rates applicable to exposure under the Longshoremen's and Harbor Workers' Compensation Act of 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 19, 1980, 2:13 p.m.
Doc. No. 806362

Tuesday, September 30, 1980, 9 a.m. The State Board of Insurance will conduct a public hearing in Room 408, 1110 San Jacinto, Austin, to consider automobile single interest physical damage insurance manual rules, endorsements, and policy forms; and related revisions to automobile insurance rates and rating plans.

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

Filed: August 21, 1980, 9:39 a.m.
Doc. No. 806434

Texas Advisory Commission on Intergovernmental Relations

Friday, August 29, 1980, 9 a.m. The Technical Review Committee for the Project to Revise the Model Rules for Law Enforcement Officers of the Texas Advisory Commission on Intergovernmental Relations will meet in Room 408, Sam Houston Building, 201 East 14th Street, Austin. According to the agenda, the committee proposes to review the draft of the 17 chapters of the revised model rules and discuss technical editing that will occur prior to distribution of the final version of the revised model rules. The committee will also discuss introductory materials to be included in the final publication.

Information may be obtained from Stan Kantrowitz, 201 East 14th Street, Austin, Texas 78701, (512) 475-3728.

Filed: August 19, 1980, 8:38 a.m.
Doc. No. 806344

Lamar University

Monday, August 25, 1980, noon. The Personnel Committee-Board of Regents of Lamar University met in the Beaumont Club, First Security National Bank Building, Beaumont. According to the agenda, the committee discussed the executive session.

Information may be obtained from Andrew J. Johnson, LUS Box 10014, Beaumont, Texas 77710.

Filed: August 21, 1980, 9:05 a.m.
Doc. No. 806426

Pan American University

Tuesday, September 2, 1980. The following boards and committees of Pan American University will meet at Pan American University, Edinburg. The times, locations, and agendas of the meetings are listed below.

9 a.m. The Committee of the Whole of the Board of Regents will meet in the conference room of the Administration Building in executive session (as authorized by Article 6252-17, Sections 2e, 2g, Vernon's Annotated Texas Statutes) to discuss personnel and possible litigation.

12:30 p.m. The Academic and Developmental Affairs Committee of the Board of Regents will meet in the faculty lounge of the University Center in executive session (as authorized by Article 6252-17, 2g, Vernon's Annotated Texas Statutes) to consider employment of personnel.

2 p.m. The Building and Grounds Committee of the Board of Regents will meet in the conference room of the Administration Building to consider renovation of Natatorium; purchase of highlift; retubing boiler for H & PE building; scoreboard for Jody Ramsey Field.

3 p.m. The Board of Regents will meet in the conference room of the Administration Building to consider minutes of previous meetings; reports of Building and Grounds Committee and Academic and Developmental Affairs Committee; contractual agreements; employment of consultant; Business Advisory Council; budget changes; and appropriations request.

Information may be obtained from Dr. Ralph E. Schilling, Pan American University, Edinburg, Texas, (512) 381-2101.

Filed: August 21, 1980, 9:41 a.m.
Doc. Nos. 806427-806430

Board of Pardons and Paroles

Tuesday-Friday, September 2-5, 1980, 9 a.m. The Board of Pardons and Paroles will meet at 711 Stephen F. Austin Building, Austin. The board will review cases of inmates for parole consideration, act on emergency reprieve requests and other acts of executive clemency, review reports regarding persons on parole, review procedures affecting the day-to-day operation of support staff, review and initiate needed rule changes relating to general operation, executive clemency, parole and all hearings conducted by this agency, and to take action upon gubernatorial directives.

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

Filed: August 18, 1980, 4:31 p.m.
Doc. No. 806331

Wednesday, September 3, 1980, 9 a.m. The Board of Pardons and Paroles will meet in the diagnostic unit, Texas Department of Corrections, Huntsville. A parole panel consisting of members of the Board of Pardons and Paroles and members of the Texas Parole Commission will conduct Parole Violation Hearings.

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

Filed: August 18, 1980, 4:31 p.m.
Doc. No. 806332

Texas Parks and Wildlife Department

Wednesday, September 3, 1980, 8 a.m. The Parks Division of the Texas Parks and Wildlife Department will meet in Room A-100, Headquarters Building, 4200 Smith School Road, Austin. According to the agenda, the division will consider easement request for a six-inch PVC waterline across a portion of Lake Arrowhead State Recreation Area by the Red River Authority of Texas.

Information may be obtained from John Scott, 4200 Smith School Road, Austin, Texas 78744, (512) 475-4995.

Filed: August 18, 1980, 3:39 p.m.
Doc. No. 806330

Texas Board of Polygraph Examiners

Thursday-Saturday, October 9-11, 1980, 9 a.m.-4 p.m. The Texas Board of Polygraph Examiners will meet in the Travelogue, 100 Villita Street, San Antonio. According to the agenda summary, the board will conduct a council with interns who failed the last state board examination; grade and certify examination scores; approve minutes of July meeting; review status of current complaints with attorney general representative; take action on present intern applications and reciprocity requests; discuss current status as far as Sunset Committee recommendations are concerned; review voice analyzer status, and act upon any other polygraph-related business deemed appropriate for introduction by the chairman.

Information may be obtained from Ryerson D. Gates, 111 West Laurel, Suite 115, San Antonio, Texas 78212, (512) 227-6100.

Filed: August 21, 1980, 9:44 a.m.
Doc. No. 806435

Texas State Board of Public Accountancy

Thursday and Friday, August 28 and 29, 1980, 8 a.m. daily. The Texas State Board of Public Accountancy will meet in Suite 500, 3301 Northland Drive, Austin. According to the agenda summary, the board will consider committee meetings, approval of minutes, committee reports, approval or ratification of CPA certificates and approved applications for registration of firms, applications for transfer of credit or reciprocity under Sections 13 and 14 of the Act, reinstatement of CPA certificates of CPAs whose licenses have been suspended, enforcement matters, similarities on papers written during the May 1980, Uniform CPA Examination, discussion of pending litigation, review of communications, feasibility study, critique programs for unsuccessful candidates at the May examination.

Information may be obtained from Bob E. Bradley, 3301 Northland Drive, Suite 500, Austin, Texas 78731, (512) 451-0241.

Filed: August 20, 1980, 1:54 p.m.
Doc. No. 806396

Public Utility Commission of Texas

Friday, August 22, 1980, 9 a.m. The Public Utility Commission of Texas made an emergency addition to a meeting held at 7800 Shoal Creek Boulevard, Suite 450N, Austin, Texas 78757. The emergency concerned the second motion for rehearing of Tarrant Utilities Company in Docket 2914. The emergency addition was necessitated by the announcement of the applicant in that case of a rate increase for all customers of the company.

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

Filed: August 19, 1980, 3:35 p.m.
Doc. No. 806373

Tuesday, September 2, 1980, 9 a.m. The Hearings Division of the Public Utility Commission of Texas will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin, to conduct a prehearing conference in Docket 3350—appeal of Ridgewood Village Water System from a rate determination of the City of Westlake Hills.

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

Filed: August 21, 1980, 9:43 a.m.
Doc. No. 806431

Wednesday, September 3, 1980, 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 3393—application of Deep East Texas Electric Cooperative, Inc., for a rate increase.

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

Filed: August 21, 1980, 9:43 a.m.
Doc. No. 806432

Sunset Advisory Commission

Thursday and Friday, August 28 and 29, 1980, 10 a.m. and 9 a.m. respectively. The Sunset Advisory Commission will meet in the Senate Chamber, State Capitol. According to the agenda summary, the commission will consider legislation on: Civil Air Patrol, tuberculosis nurses examiners, Nimitz Museum Commission, Library Examiners, Aeronautics Commission, registration for professional engineers, plumbing examiners, water well drillers, polygraph examiners, and Veterans Affairs Commission. Public testimony will also be heard on: Board of Pharmacy and Veterinary Medical Examiners, on Thursday. And on Friday, public testimony will be on dental examiners and medical examiners.

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

Filed: August 19, 1980, 10:13 a.m.
Doc. No. 806355

Teacher Retirement System

Friday, September 5, 1980, 10 a.m. The Investment Advisory Committee of the Teacher Retirement System of Texas will meet at the offices of Dallas Investment Management, Inc., 3310 Republic National Bank Tower, Dallas. The committee will consider the following items: approval of minutes; update on investments for current quarter and report on forward commitments; proposed change to suggested direction of emphasis; proposed changes to approved common list; general discussion on economic outlook and market conditions; allocation of cash flow for next quarter; discussion on long-term earning capabilities of investment portfolio.

Information may be obtained from Shari Cooper, 1001 Trinity, Austin, Texas 78701, (512) 477-9711, ext. 201.

Filed: August 21, 1980, 11:38 a.m.
Doc. No. 806439

Texas Turnpike Authority

Tuesday, August 26, 1980, 2:30 p.m. The Permanent Contract Awards Committee of the Texas Turnpike Authority made an emergency addition to the agenda of a meeting to be held in the Texas Turnpike Authority Administration Building, 910 North Watson Road, Arlington. The addition concerned consideration of approval of a purchase order for luminaires for the Houston Ship Channel Bridge project. Reason for emergency—bid quotations were not received until August 20, 1980, and need to be considered with items 2 and 3 of the original agenda.

Information may be obtained from Harry Kabler, P.O. Box 5547, Arlington, Texas 76011.

Filed: August 21, 1980, 9:05 a.m.
Doc. No. 806425

Texas Water Commission

Monday, August 25, 1980, 10 a.m. The Texas Water Commission made an emergency addition to the agenda of a meeting held in Room 118 of the Stephen F. Austin Building, 1700 North Congress Avenue, Austin. The addition concerned a request for dismissal of show-cause against the City of Dawson. The item was considered on less than seven days' notice because the referenced matter needed to be considered simultaneously with Item 43 of the original agenda.

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

Filed: August 19, 1980, 9:38 a.m.
Doc. No. 806356

Tuesday, September 16, 1980, 9 a.m. The Texas Water Commission will meet at the San Jacinto College, Newton Student Center (second Floor Ballroom)—Central Campus, 8060 Spencer Highway, Pasadena. According to the agenda summary, the commission will consider the application by Gulf Coast Waste Disposal Authority for permits to discharge uncontaminated storm water, store and process Class I wastes, and dispose of STABLEX™ from proposed industrial

solid waste management facility located north of intersection of State Highways 2553 and 3, east of Highway 3, and north-west of Ellington Air Force Base in Harris County.

Information may be obtained from Lee Mathews, P.O. Box 13087, Austin, Texas 78711, (512) 475-1311.

Filed: August 20, 1980, 1:52 p.m.
Doc. No. 806397

Wednesday, September 24, 1980, 9 a.m. The Texas Water Commission will meet in Room 618 of the Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the summarized agendas, the commission will conduct hearings on the following:

Application by Glenn Neans (Valley View Acres Plant) for renewal of Permit 11320-01 which authorizes discharge of treated domestic sewage effluent at a volume not to exceed average flow of 115,000 gallons per day from treatment facilities located on south side of State Highway 71 approximately one mile northwest of point where U.S. Highway 290 intersects with State Highway 71 (from the west), west of Austin.

Application by Melecio M. Villarreal, Jr., doing business as Villarreal Hog Farm, for permit to authorize disposal of agricultural waste from commercial swine operation located 600 feet southeast of FM Road 1333 at a point 3.5 miles northeast of intersection of FM Road 1333 and State Highway 173, approximately 5.4 miles west of Poteet, Atascosa County.

Information may be obtained from John Sutton, P.O. Box 13087, Austin, Texas 78711, (512) 475-1468.

Filed: August 20, 1980, 1:53 p.m.
Doc. Nos. 806398 and 806399

Wednesday, September 24, 1980, 10 a.m. The Texas Water Commission will meet in Room 124A of the Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the summarized agendas, the commission will consider the following:

Application by Edwin L. Cox for permit to maintain two dams and reservoirs on unnamed tributaries of Coon Creek, tributary of Catfish Creek, tributary of Trinity River, Trinity River Basin, and impound 520 and 1,499 acre-feet of water, respectively, for recreational purposes and to divert and use not to exceed 50 acre-feet of water from each reservoir to irrigate 200 acres out of approximately 2,919 acres of land in Anderson County.

Application by the City of Olney for amendment to Permit 1227 to authorize secondary use of 35 acre-feet of water per annum which consists of sewage effluent resulting from diversion of water for municipal purposes from Lake Olney and Lake Cooper on Mesquite Creek, Red River Basin, Young County, with the secondary use being for irrigation of land in Young County in the Brazos River Basin.

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

Filed: August 19, 1980, 2:15 p.m.
Doc. Nos. 806363 and 806364

Thursday, September 25, 1980, 10 a.m. The Texas Water Commission will meet in Room 618 of the Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the summarized agendas, the commission will conduct hearings on the following:

Application by Lake Country Estates, Inc., and Lake Country Club, Inc., doing business as Lake Country Golf and Country Club, for permit to maintain five dams creating reservoirs on two unnamed tributaries of West Fork Trinity River, tributary Trinity River, Trinity River Basin, with reservoirs to be used for recreational purposes in Tarrant County.

Application by Russel Phend and Ivo Phend, Jr., for permit to directly divert 539 acre-feet of water per annum from Mayhaw Bayou, tributary of South Fork Taylor Bayou, tributary Taylor Bayou, tributary of Intracoastal Canal, Neches-Trinity River Basin, to irrigate 154 acres of land in Jefferson County.

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

Filed: August 19, 1980, 2:15 p.m.
Doc. Nos. 806365 and 806366

Friday, September 26, 1980, 10 a.m. The Texas Water Commission will meet in Room 618 of the Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the summarized agendas, the commission will conduct hearings on the following:

Application by Larry W. Walker for a permit to directly divert and use not to exceed 75 acre-feet of water per annum from the Colorado River, Colorado River Basin, to irrigate 75 acres of land in McCullough County.

Application of Chesswood Lake Club for permit to maintain existing dam and reservoir for recreational purposes at a capacity of 12 acre-feet on an unnamed tributary of Turkey Creek, tributary of Village Creek, tributary of Neches River, Neches River Basin, in Tyler County.

Application by Marian W. Fleming for permit to divert, directly and into an off-channel reservoir, at a maximum combined rate of 1.3 cfs and use not to exceed 45 acre-feet of water per annum from Bear Creek, tributary of San Jacinto River, San Jacinto River Basin, to irrigate 24.9 acres of land in Harris County.

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

Filed: August 19, 1980, 2:16 p.m.
Doc. No. 806367-806369

Regional Agencies

Meetings Filed August 18, 1980

The San Jacinto River Authority, Board of Directors, will meet in the conference room, Lake Conroe Dam, Highway 105 West, Conroe, on August 26, 1980, at 1:30 p.m. Information may be obtained from Jack K. Ayer, P.O. Box 329, Conroe, Texas 77301, (713) 588-1111.

Doc. No. 806329

Meetings Filed August 19, 1980

The High Plains Underground Water Conservation District I, Board of Directors, met in the conference room, 2930 Avenue Q, Lubbock, on August 25, 1980, at 11 a.m. Information may be obtained A. Wayne Wyatt, 2930 Avenue Q, Lubbock, Texas 79405, (806) 762-0181.

The South Texas Health Systems Agency, Nominating Committee of the Lower Rio Grande Valley Subarea Advisory Council, will meet at the Rodeway Inn, Expressway and Mile 2-W, Mercedes, on August 28, 1980, at 6:30 p.m. The Lower Rio Grande Valley Subarea Advisory Council, will meet at the same location, an hour later (7:30 p.m.). Information may be obtained from Fidel Pizana, Station 1, Box 2378, Kingsville, Texas 78363, (512) 595-5545.

The Tri-Region Health Systems Agency, Nominating Committee, will meet at Santa Fe 3, Starlite Inn, 3425 South 1st, Abilene, on August 28, 1980, at 10 a.m. The Project Review Committee will also meet at that location, the same day at 1 p.m. The Executive Committee will meet in Santa Fe 2 of the Starlite Inn at 1:30 p.m. the same day. Information may be obtained from David Brown, Linda Moody, and David Brown, respectively, 2642 Post Oak Road, Abilene, Texas 79605, (915) 698-9481.

Doc. No. 806357

Meetings Filed August 20, 1980

The Central Texas MH/MR Center, Board of Trustees, will meet at 308 Lakeway Drive, Brownwood, on August 26, 1980, at 4:30 p.m. Information may be obtained from Janie Clements, 308 Lakeway Drive, Brownwood, Texas 76801, (915) 646-9574, ext. 35.

The Golden Crescent Council of Governments, Board of Directors, will meet in the town hall, First Victoria National Bank, 101 South Main, Victoria, on August 27, 1980, at 5 p.m. Information may be obtained from Robert W. Burr, P.O. Box 2028, Victoria, Texas 77901, (512) 578-1587.

The Guadalupe-Blanco River Authority, Board of Directors, will meet at the authority's offices, 933 East Court Street, Seguin, on August 27 and 28, 1980, at 10 a.m. Information may be obtained from John H. Specht, P.O. Box 271, Seguin, Texas, (512) 379-5822.

The Upper Leon River Municipal Water District, Board of Directors, will meet at the general office of the filter plant, Proctor Lake, Comanche, on August 28, 1980, at 7 p.m. Information may be obtained from Lowell G. Pittman, Box 67, Comanche, Texas, (817) 879-2258.

The West Central Texas Council of Governments, Executive Committee, will meet at 1025 East North 10th Street, Abilene, on August 27, 1980, at 12:45 p.m. Information may be obtained from Bobbie T. Gallagher, P.O. Box 3195, Abilene, Texas 79604, (915) 672-8544.

Doc. No. 806390

Meetings Filed August 21, 1980

The Amarillo MH/MR Regional Center, Executive Committee of the Board of Trustees, will meet in Conference Room J-13, 7201 Evans Street, Amarillo, on August 28, 1980, at noon. The Board of Trustees will also meet at that location, on the same day, one hour later (1 p.m.). Information may be obtained from Claire Rigler, P.O. Box 3°50, Amarillo, Texas 79106, (806) 353-7235.

The East Texas CETA Consortium, Board of Directors, will meet at the Stoneridge Plaza Office Building, 3800 Stone Road, Kilgore, on August 27, 1980, at 2 p.m. Information may be obtained from Wendell Holcombe, 3800 Stone Road, Stoneridge Plaza Office Building, Kilgore, Texas, (214) 984-8641.

The Lower Rio Grande Valley Development Council, Board of Directors, will meet at the Harlingen Chamber of Commerce building, 311 East Tyler, Harlingen, on August 29, 1980, at 2 p.m. Information may be obtained from Robert A. Chandler, Suite 207, First National Bank Building, McAllen, Texas 78501, (512) 682-3481.

The Lubbock Regional MH/MR Center, will meet at 1210 Texas Avenue, Lubbock, on August 26, 1980, at 4:30 p.m. Information may be obtained from Gene Menefee, 1210 Texas Avenue, Lubbock, Texas 79401, (806) 763-4213.

The North Texas Multi-Region Processing Center, Management Committee, will meet in the board room, Region X Education Service Center, 400 East Spring Valley, Richardson, on August 28, 1980, at 10 a.m. Information may be obtained from H. W. Goodgion, P.O. Box 1300, Richardson, Texas 75080, (214) 231-6301.

The Nueces River Authority, Board of Directors, will meet at the City Water Board, 1001 Market Street, San Antonio, on August 28, 1980, at 11 a.m. Information may be obtained from Con Mimx, P.O. Box 349, Uvalde, Texas 78701, (512) 278-6810.

The West Central Texas Municipal Water District, will meet in the third floor conference room, Cypress Building, 174 Cypress Street, Abilene, on September 3, 1980, at 9:30 a.m. Information may be obtained from Victor Jaeggli, P.E., P.O. Box 2362, Abilene, Texas 79604, (915) 673-8254.

Doc. No. 806436



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 11-15, 1980.

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

A copy of all material submitted by the applicant is available for public inspection at the Central Office of the Texas Air Control Board at the address stated above and at the regional office for the air quality control region within which the proposed facility will be located.

Listed are the name of the applicant and the city in which the facility is located; type of facility; location of the facility (if available); permit number; and type of application—new source or modification.

Week Ending August 15, 1980

Moore Rice Mill, Inc., Houston; white rice mill; Taylor Road at U.S. Highway 290; 8515; new source
By-Product Chemical Processors, Manvel; glycol bottoms vacuum flasher; Manvel plant; 8516; new source

Dallas Battery Recycling Company, Dallas; battery lead reclaiming facility; 2619 Barge Lane; 8517; new source

PLB Grain Storage Corporation, Plainview; three driers, grain cleaner, and transfer system; Neuman Complex; 4359A; new source

PLB Grain Storage Corporation, Plainview; drier, storage, and load out facilities; Neuman Complex; 4419A; new source

Guardian Industries Corporation, Corsicana; float glass manufacturing facility modification; 3801 South Highway 287; 8518; new source

Airco Carbide, division of Airco, Inc., LaPorte; acetylene generation; 8519; new source

Friendswood Refining Corporation, Friendswood; crude oil topping plant expansion; 2501 FM Road 1959; 8521; new source

Texas Eastman Company, division of Eastman Kodak, Longview; low-density polyethylene manufacturing facility; 8522; new source

Issued in Austin, Texas, on August 18, 1980.

Doc. No. 806385 Ramon Dasch
Hearing Examiner
Texas Air Control Board

Filed: August 19, 1980, 2:02 p.m.
For further information, please call (512) 451-5711 ext. 401.

Correction of Error

Adopted §115.106 (131.07.51.105) submitted by the Texas Air Control Board, concerning counties and compliance schedules for storage of volatile organic compounds, contained an error as published in the August 12, 1980, issue of the *Texas Register* (5 TexReg 3243). Subsection (c) of §115.106 was omitted from the published version of the rule and should read as follows: "All persons required by §115.101 (.101) of this title (relating to control requirements) to retrofit tanks with secondary seals shall submit a final control plan to the Texas Air Control Board no later than December 31, 1980, and shall be in compliance as soon as practicable but no later than December 31, 1982."

Seminar on the Federal Clean Air Act Transportation/Air Quality Planning Process

Date. Thursday and Friday, September 4 and 5, 1980, 9 a.m. to 5 p.m. and 8 a.m. to 12 p.m., respectively.

Purpose. The Texas Air Control Board is sponsoring a seminar on the Federal Clean Air Act Transportation/Air Quality Planning Process. The meeting will be in the TACB first floor auditorium at 6330 Highway 290 East, Austin, Texas 78723. Focus of the seminar will be coordination among federal, state, and local agencies.

Schedule. During the first morning session on September 4, 1980, representatives of the Environmental Protection Agency, Federal Highway Administration, and Urban Mass Transportation Administration will present the federal perspective on their respective agency's role in meeting FCAA requirements. On the afternoon of September 4, the state perspective will be presented with remarks from representatives of the TACB and the State Department of Highways and Public Transportation. On the morning of September 5, presentations by representatives of the San Antonio-Bexar County Urban Transportation Study, North Central Texas Council of Governments, and Houston-Galveston Area Council will comprise the local perspective.

Contact. Information may be obtained from Jim Reed, Control Strategy Division, TACB, 6330 Highway 290 East, Austin, Texas 78723, (512) 451-5711.

Issued in Austin, Texas, on August 19, 1980.

Doc. No. 806345 Bill Stewart, P.E.,
Executive Director
Texas Air Control Board

Filed: August 19, 1980, 10:15 a.m.
For further information, please call (512) 451-5711, ext. 450.

Banking Department of Texas

Applications to Purchase Control of State Banks

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

On August 15, 1980, the banking commissioner received an application to acquire control of The First State Bank of Bryson, Bryson, by J. H. Weatherby of Comanche, and Walter F. Worthington of Brownwood. Information may be obtained from Robert E. Stewart, 2601 North Lamar, Austin, Texas 78705, telephone (512) 475-4451.

Issued in Austin, Texas, on August 15, 1980.

Doc. No. 806326 Daniel A. Flynn
Deputy Banking Commissioner

Filed: August 18, 1980, 9:50 a.m.
For further information, please call (512) 475-4451.

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

On August 18, 1980, the banking commissioner received an application to acquire control of Chester State Bank, Chester, and the First State Bank, Colmesneil, by Roy Richard of Schertz, R. L. Giesecke and J. B. McClanahan of Dallas, and Don Schautteet of Marble Falls. Information may be obtained from Robert E. Stewart, 2601 North Lamar, Austin, Texas 78705, (512) 475-4451.

Issued in Austin, Texas, on August 18, 1980.

Doc. No. 806348 Robert E. Stewart
Banking Commissioner

Filed: August 19, 1980, 9:37 a.m.
For further information, please call (512) 475-4451.

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

On August 19, 1980, the banking commissioner received an application to acquire control of Farmers and Merchants Bank, DeLeon, by Ira Lee Brannan and George Tom III, Andrews; Oil and Gas Machinists, Inc., and TMARA Corporation, Odessa; Willard Mann, Dublin; Beecher McCormick, Keith McCormick, Edwin Thomas, Frank McKinney, Dallas Woods, and Robert F. Brown, all of Lamesa; O. L. Taylor, Fort Worth; Ted H. Taylor, Dallas; and Robert H. Ross, Brownwood. Information may be obtained from Robert Stewart, 2601 North Lamar, Austin, Texas 78705, telephone (512) 475-4451.

Issued in Austin, Texas, on August 19, 1980.

Doc. No. 806389 Robert E. Stewart
Banking Commissioner

Filed: August 20, 1980, 9:44 a.m.
For further information, please call (512) 475-4451.

Texas Energy and Natural Resources Advisory Council

Consultant Contract Award

In compliance with Article 6252-11c, Vernon's Annotated Texas Statutes, the Texas Energy and Natural Resources Advisory Council hereby furnishes this notice of contract award. A description of the study is as follows:

To design a system for the River Gardens facility which will use water-to-air heat pumps to heat and cool the facility; to install the heating/cooling system; to design and install an instrumentation/monitoring system; to formulate a test program to the approval of the TENRAC technical representative; to operate the heating/cooling in both modes while collecting data; to evaluate the data to estimate energy and cost savings over a similar air-to-air system; and to document the results in the required format.

The contractor is River Gardens Intermediate Care Facility, c/o Larry J. Aniol, 331 West Kings Highway, San Antonio, Texas 78212, and the subcontractor is American Management Engineering Associates, Inc., 106 Heiman Street, San Antonio, Texas 78205. The total value of the contract is \$98,980. The beginning date of the contract is August 15, 1980, and the ending date of the contract is August 31, 1981.

Progress reports are due the 10th of each calendar month; an interim report is due May 1, 1981; a draft final is due August 31, 1981; the final report manuscript is due October 31, 1981.

Issued in Austin, Texas, on August 15, 1980.

Doc. No. 806327 Roy R. Ray, Jr., Manager
Technology Development Section
Texas Energy and Natural Resources
Advisory Council

Filed: August 18, 1980, 9:45 a.m.
For further information, please call (512) 475-5588.

Texas Department of Health Correction of Error

Proposed Rule 301.83.01.017 submitted by the Texas Department of Health, concerning control of trihalomethanes in drinking water, contained two errors as published in the August 12, 1980, issue of the *Texas Register* (5 TexReg 3235). Subsection (a)(3) of the new rule should read: "Total trihalomethanes" (TTHM) means the sum of the concentration in milligrams per liter of the trihalomethane compounds (trichloromethane, i.e., chloroform; dibromochloromethane; bromodichloromethane; tribromomethane, i.e., bromoform), rounded to two significant figures." The proposed date of adoption for the proposed new rule should be November 29, 1980. The proposed repeal and new rules on municipal solid waste management should reflect a proposed date of adoption of September 12, 1980.

Texas Parks and Wildlife Department

Correction of Error

Adopted §§65.311-65.316 (127.70.20.001-.006) submitted by the Texas Parks and Wildlife Department, which constitute the Early Season Migratory Game Bird Proclamation for 1980-81, contained an error as published in the August 5, 1980, issue of the *Texas Register* (5 TexReg 3130). Section 65.316 (.006), Penalties, should read: "The penalty provided by law for violation of these sections is prescribed by Section 64.026, Texas Parks and Wildlife Code."

Office of the Secretary of State

Correction of Error

"In This Issue. . ." on the front cover of the *Texas Register* dated August 19, 1980, contained an error in the effective date for §81.10 (004.30.01.221) concerning postponement of elections. The section, adopted on an emergency basis by the Office of the Secretary of State, should show an effective date of August 8.

Texas Register

Notice of Schedule Variations

In view of the observance of the birthday of Lyndon Baines Johnson on Wednesday, August 27, deadlines for submission of documents for publication in the issue of the *Texas Register* dated September 2, 1980, have been changed. As previously scheduled, deadlines for submission of documents for publication in the September 2 issue are 10 a.m. Tuesday, August 26 (all copy except notices of open meetings), and 10 a.m. Thursday, August 28 (open meeting notices).

In view of the Labor Day holiday on Monday, September 1, the *Texas Register* will not be published on September 5, 1980. The September 9, 1980, issue of the *Register* will be published as previously scheduled.

In addition, in view of the Regulatory Drafting Workshop scheduled for Tuesday and Wednesday, September 9 and 10, by the Texas Register Division and the Office of the Federal Register, submission of documents for publication in the issue of the *Register* dated September 12, 1980, have been changed. As previously scheduled, deadlines for submission of documents for publication in the September 12 issue are 10 a.m. Friday, September 5 (all copy except notices of open meetings), and 10 a.m. Monday, September 8 (open meeting notices). The regular deadline schedule for submission of documents for publication will resume with the September 16, 1980, issue of the *Register*.

Texas Water Commission

Applications for Waste Discharge Permits

Notice is given by the Texas Water Commission of public notices of waste discharge permit applications issued during the period of August 11-15, 1980.

No public hearing will be held on these applications unless an affected person who has received notice of the applications

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

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

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

Week Ending August 15, 1980

Corum Development Company, Harris County; domestic sewage treatment plant; 1,000 feet southeast of intersection of FM Road 149 (West Montgomery Road) and Old Cypress-Spring Road; new permit

Airways Utility Company, Bellaire, Harris County; sewage treatment facilities to serve apartment complex; 0.8 mile north and 0.4 mile east of intersection of FM Road 525 and Hardy Road; new permit

Missouri-Kansas-Texas Railroad Company (Eureka Yard), Houston, Harris County; railroad engine fueling facility; Eureka Yard at north end of Radcliff Street; 01197; renewal

Caithness Mining Corporation, Hebronville, Duval County; waste disposal well at in-situ uranium mine project; on mine property in Duval County, approximately two miles north of city limits of Hebronville; new permit

Carrier Air Conditioning Company, Tyler, Smith County; manufacturing plant; 1700 East Duncan Street, Tyler; 01509; renewal

Tarrant Baptist Association, Somervell County; domestic sewage treatment facilities; four miles due east of intersection of FM Roads 56 and 144 in Tarrant Baptist Association Encampment; 10895-01; renewal

Van Zandt County Recreational Association, Inc., doing business as Van Zandt Country Club, Canton, Van Zandt County; domestic sewage treatment facilities; two miles north of Canton on north side of IH-20; 10868; renewal

M. J. Conner (Wexford Park addition), Orange County; domestic sewage treatment facilities; east of Tiger Creek, approximately 4,500 feet east and 7,200 feet north of intersection of FM Road 105 and IH-10; 10924; renewal

Roloff Evangelistic Enterprises, Inc., (Rebekah Home for Girls), Corpus Christi, Nueces County; domestic sewage treatment facilities; one mile west of intersection of FM Road 665 and FM Road 763, south of FM Road 665, Nueces County; 11134-04; renewal

George Saconas, Galveston County; domestic sewage treatment facilities; easternmost extension of Pompano Street in Bayou Vista subdivision, approximately 0.3 mile south and one mile east of intersection of IH-45 and State Highway 6; 10435-01; renewal

Winter Garden Park Corporation, Harlingen, Cameron County; domestic sewage treatment facilities; due south of intersection of Highway 374 and FM Road 800, approximately three miles southwest of Harlingen; 11628-01; renewal

City of Oglesby, Coryell County; domestic sewage treatment facilities; 1,000 feet west of St. Louis Southwest Railroad on south side of Old Gatesville Highway in southwest Oglesby; 10914; renewal

City of Fort Gates, Coryell County; domestic sewage treatment facilities; 1,000 feet east of State Highway 36 and 500 feet north of Leon River; 11730-01; renewal

Issued in Austin, Texas, on August 15, 1980.

Doc. No. 806315 Mary Ann Helmer
 Chief Clerk
 Texas Water Commission

Filed: August 15, 1980, 1:56 p.m.

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

On November 19, 1980. Consistent with the congressional intent of RCRA that the regulation of the collection and disposal of solid wastes should continue to be primarily the function of state, regional, and local agencies, EPA will suspend its regulatory program in those states with an approved hazardous waste program. Otherwise, EPA is preparing to institute a federal regulatory program including the issuance and enforcement of permits on November 19, 1980. The department intends to have effective by this date regulations substantially equivalent to the federal regulations, thereby permitting the state to administer a state hazardous waste program in lieu of EPA.

Interested persons are encouraged to attend the meeting and to present relevant comments concerning these proposed rules. Participating in the meeting through written comments to the department at the address below is also encouraged.

Copies of the proposed rules may be obtained upon request by writing Mary Reagan, attorney, General Counsel's Office, Texas Department of Water Resources, P.O. Box 13087, Austin, Texas 78711, or by calling (512) 475-7845.

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

Doc. No. 806314 Reginald Arnold II
 General Counsel
 Texas Department of Water Resources

Filed: August 15, 1980, 1:55 p.m.

For further information, please call (512) 475-7845.

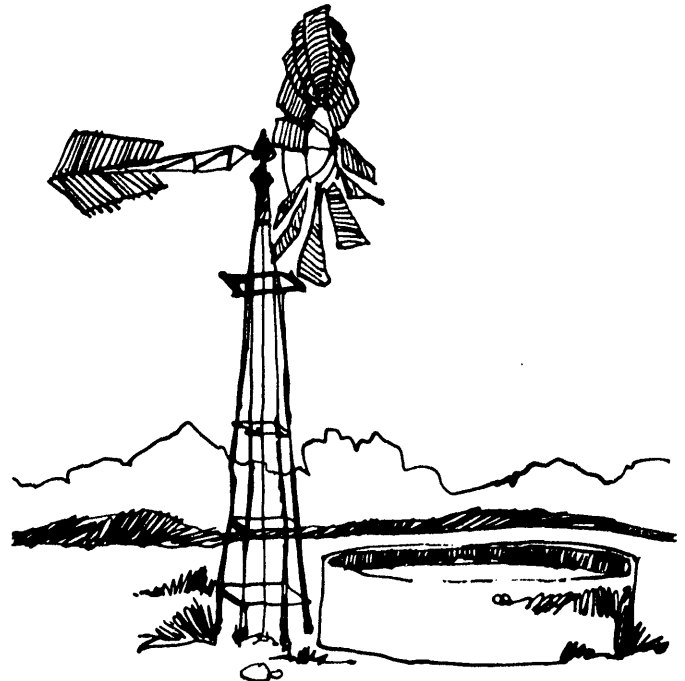
Texas Department of Water Resources

Public Meeting

The Texas Department of Water Resources will conduct a public meeting beginning at 9 a.m. September 5, 1980, in Room 118 of the Stephen F. Austin Building, 1700 North Congress Avenue, Austin, on proposed industrial solid waste regulations as published in the August 15, 1980, issue of the *Texas Register* (5 TexReg 3309).

The Texas Department of Water Resources proposes to adopt new rules and amendments to Chapter 22 of the Texas Water Development Board rules, which relates to industrial solid waste management regulations, in order to adopt regulations necessary to allow the State of Texas to receive interim authorization for its hazardous waste program pursuant to the Resource Conservation and Recovery Act of 1976, as amended, (RCRA), 42 United States Code 6901, et seq. To receive such authorization it is necessary for the Texas Department of Water Resources and the Texas Health Department to have regulations substantially equivalent to the federal program administered by the United States Environmental Protection Agency (EPA).

On May 19, 1980, EPA promulgated hazardous waste management regulations, which in pertinent part become effective



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 4. AGRICULTURE

Part I. Texas Department of Agriculture

4 TAC §17.31 (176.65.20.001)..... 3468

Part II. Texas Animal Health Commission

4 TAC §§35.2, 35.4, 35.5
(177.03.01.021, .023, .024)..... 3469

TITLE 7. BANKING AND SECURITIES

Part VI. Credit Union Department

7 TAC §91.84 (058.01.11.004)..... 3471
7 TAC §91.85 (058.01.11.005)..... 3471, 3484

Part VII. State Securities Board

7 TAC §139.4 (065.20.00.004)..... 3467

TITLE 22. EXAMINING BOARDS

Part I. Texas Board of Architectural Examiners

22 TAC §3.85 (376.02.05.505)..... 3484
22 TAC §3.87 (376.02.05.507)..... 3472

Part XII. Board of Vocational Nurse Examiners

22 TAC §231.37 (390.01.02.027)..... 3472

Part XIII. Texas Board of Licensure for Nursing Home Administrators

22 TAC §241.1 (391.01.00.001)..... 3484
22 TAC §243.1 (391.02.00.001)..... 3485
22 TAC §243.2 (391.02.00.002)..... 3485
22 TAC §243.3 (391.02.00.003)..... 3486
22 TAC §§243.4, 243.5 (391.02.00.004, .005)..... 3487
22 TAC §245.2 (391.03.00.002)..... 3487
22 TAC §245.3 (391.03.00.003)..... 3487
22 TAC §245.4 (391.03.00.004)..... 3489
22 TAC §247.3 (391.04.00.003)..... 3489

Part XIX. Polygraph Examiners Board

22 TAC §395.8 (397.03.00.008)..... 3472
22 TAC §395.17 (397.03.00.017)..... 3472

TITLE 25. HEALTH SERVICES

Part I. Texas Department of Health

Noncodified (301.01.04.001-.004)..... 3475

Part II. Texas Department of Mental Health and Mental Retardation

Noncodified (302.04.01.006)..... 3483

TITLE 28. INSURANCE

Part I. State Board of Insurance

Noncodified (059.01.18.001, .003, .005,
.007, .009, .011, .013, .015, .017)..... 3479
Noncodified (059.05.01.005)..... 3481
Noncodified (059.05.25.003)..... 3482
Noncodified (059.05.55.001)..... 3482

TITLE 37. PUBLIC SAFETY AND CORRECTIONS

Part IX. Texas Commission on Jail Standards

37 TAC §259.83 (217.05.02.073)..... 3473
37 TAC §259.154 (217.05.02.073)..... 3473
37 TAC §259.178 (217.05.03.068)..... 3473
37 TAC §259.262 (217.05.04.062)..... 3474
37 TAC §261.72 (217.07.01.072)..... 3474
37 TAC §261.143 (217.07.02.043)..... 3474
37 TAC §261.167 (217.07.02.067)..... 3474
37 TAC §261.251 (217.07.03.061)..... 3474
37 TAC §263.24 (217.08.02.014)..... 3474
37 TAC §283.1 (217.18.00.001)..... 3475

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Resources

Noncodified (326.15.12.014)..... 3476
Noncodified (326.15.32.004)..... 3476
Noncodified (326.15.41.056, .057, .059)..... 3477
Noncodified (326.15.52.011)..... 3477
Noncodified (326.15.75.010)..... 3477
Noncodified (326.39.33.001-.009)..... 3477

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