

TEXAS REGISTER

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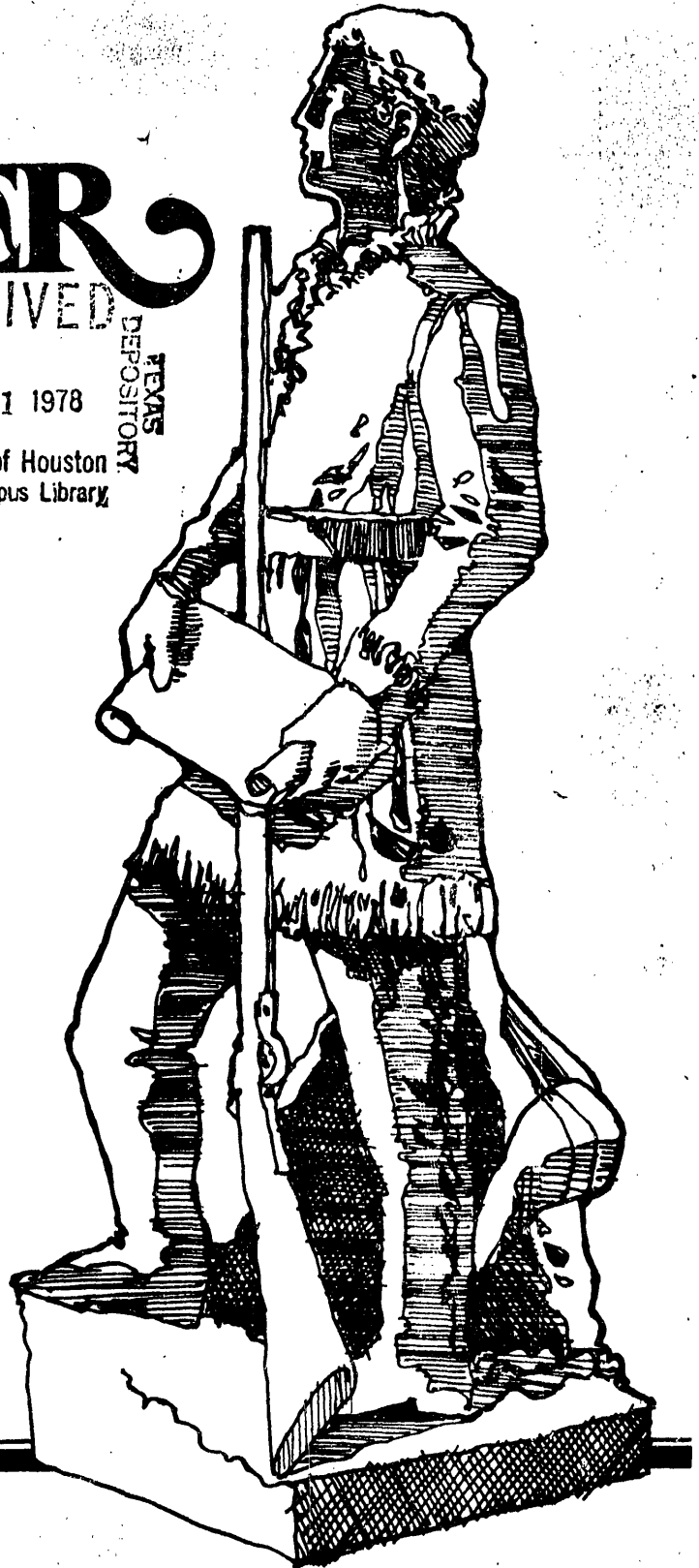
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Office of the Secretary of State

USPS Publication Number 120090

NOTES ON THE ISSUE

A rule regulating the use of the State Capitol rotunda and grounds is being proposed for amendment by the Texas State Board of Control. Changes include rephrasing "public" to "governmental" purpose, and specifying that the rotunda can be used only when requested in writing by a governmental authority. Use by the governmental authority is restricted to furthering of a statutory or constitutional responsibility. Requests for private or commercial purposes and religious or pagan events will be denied. The proposal also confines use of the Capitol grounds to governmental purposes, and forbids camping out on the grounds.

Among rules being adopted by the Texas Commission on Alcoholism are licensing standards for health care facilities which treat alcoholics. The adoptions are made in compliance with an act of the 65th Legislature which established licensing procedures for the commission. Eight categories of services are subject to the licensing standards; the rules outline requirements for each category. Because of the length of the text, the rules are being published serially.

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

Artwork: Gary Thornton

TEXAS REGISTER

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The *Register* contains executive orders of the governor; summaries of attorney general's opinions and summaries of requests for opinions; emergency rules, proposed rules, and adopted rules of state agencies; notices of open meetings; and miscellaneous notices of general interest to the public of Texas.

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Appointments

Texas Commission on the Arts and Humanities

For a six-year term to expire August 31, 1981:

Edward L. Protz
35 Colony Park Circle
Galveston, Texas 77551

Mr. Protz is replacing Veda Hodge of Midland, Midland County, who is deceased.

Central Colorado River Authority

To the Board of Directors for a six-year term to expire January 1, 1981:

Robert J. Cheaney II
Box 667
Santa Anna, Texas 76878

Mr. Cheaney is replacing Oscar L. Cheaney of Santa Anna, Coleman County, who is deceased.

To the Board of Directors for a six-year term to expire January 1, 1983:

Ross L. Jones
Box 855
Coleman, Texas 76834

Mr. Jones is replacing Maurice B. Kingsbery of Coleman, Coleman County, who resigned.

Statewide Health Coordinating Council

Pursuant to Public Law 93-641, for two-year terms to expire October 21, 1980:

Cecil R. Bomar
3028 Raguet Street
Nacogdoches, Texas 75961

Louis T. Bogy
100 Roundup
San Antonio, Texas 78213

Charles Dierdorf
317 San Saba
El Paso, Texas 79912

James W. Gainey, Jr.
13 Cecil Drive
Woodville, Texas 75979

Louis E. Gibson, M.D.
1560 Princeton
Corsicana, Texas 75110

Jose L. (Pepe) Gonzalez
2105 Guatemozin
Laredo, Texas 78040

Freddie Allen Howard
Box 23
Meadow, Texas 79345

Carmalt B. Jackson, Jr. M.D.
5859 South Braeswood
Houston, Texas 77096

John T. King
2400 Givins
Austin, Texas 78722

Per H. Langsjoen, M.D.
3005 El Camino
Temple, Texas 76501

Benito Longoria, Jr.
304 Calle Cenizo
Brownsville, Texas 78250

Henry Moore
130 Craig
Hillsboro, Texas 76645

Esther Rice
2701 Rosadele
LaMarque, Texas 77568

Irwin R. Salmanson
4207 Cat Mountain
Austin, Texas 78731

Jose San Martin III
4314 Markham
San Antonio, Texas 78230

John H. Selby, Sr., M.D.
Altura Towers
1617 27th Street
Lubbock, Texas 79405

T. J. Taylor
P.O. Box 91
McAdoo, Texas 79243

LaVonne Unsell
401 Pennsylvania Drive
Denton, Texas 76201

Robert E. Yancey
4920 Kent Avenue
Groves, Texas 77619

These appointees are being reappointed.

William F. Ross, M.D.
13709 Braemar
Dallas, Texas 75234

Dr. Ross is replacing L. S. Thompson, Jr., of Dallas, Dallas County, who resigned.

Issued in Austin, Texas, on November 6, 1978.

Doc. No. 787302 & Delph Briscoe
787334 Governor of Texas

For further information, please call (512) 475-4571.

Requests for Opinions

Summary of Request for Opinion RQ-2003

Request from Bob Armstrong, commissioner, General Land Office, Austin.

Summary of Request:

(1) Whether the commissioner of the General Land Office has authority to institute, through the Attorney General's Office, proceedings in court to abate activities on adjoining lands, not administered by GLO, when those activities would adversely affect state lands or flats administered by GLO?

(2) Whether, and to what extent, the management policies developed by GLO for the protection of state lands under its administration would be controlling for a court in deciding whether the public interest in lands administered by GLO was being violated by a specific activity on adjoining lands?

(3) In situations in which the legal sufficiency of an agency position is not at issue, can the attorney general reject, on the basis of his independent substantive policy evaluation, the request of a co-equal statewide elected official to institute a suit necessary for the fulfillment of the latter's constitutional duties?

(4) Whether the GLO can bring suit, through the Attorney General's Office, against federal agencies to represent the public interest in state lands or flats administered by GLO when activities permitted or carried out by federal agencies would adversely affect state lands or flats administered by GLO?

Issued in Austin, Texas, on November 2, 1978.

Doc. No. 787282

C. Robert Heath
Opinion Committee Chairman
Attorney General's Office

For further information, please call (512) 475-5445.

PROPOSED RULES

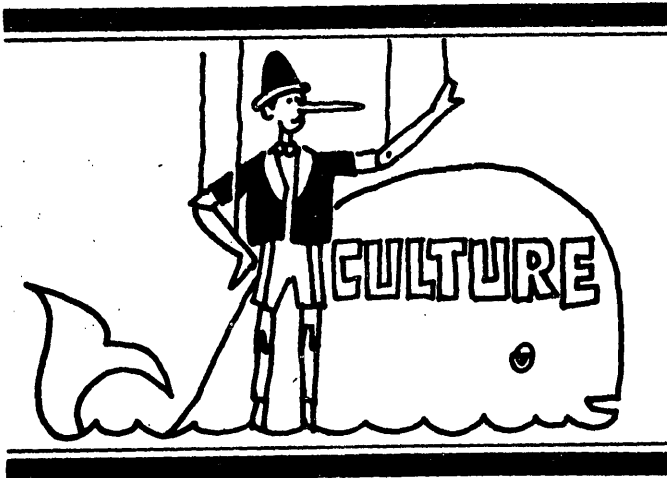
3973

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.

An agency, on request, shall provide a statement of the reasons for and against adoption of a rule. Any interested person may request this statement before adoption or within 30 days afterward. The statement shall include the principal reasons for overruling considerations urged against the agency's decision.

Numbering System—Each rule is designated by a unique 10-digit number which is divided into four units by decimal points. The first unit (three digits) indicates the agency which promulgates the rule. The second unit (two digits) indicates the chapter of rules to which the rule belongs. The third unit (two digits) indicates the subchapter of rules, if any, within the chapter. The fourth unit (three digits) indicates the individual rule.

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



Texas Commission on the Arts and Humanities Substantive Agency Procedures 353.01.00

The Texas Commission on the Arts and Humanities proposes to adopt Rules 353.01.00.001-.012, which outline the agency procedures of the commission. These procedures define the functions of the commission regarding meetings, quorums, proxies, officers, committees, staff, advisory panels, advisory councils, travel, amendments, and standing rules. Rules .001-.012 are assigned by law and propose the function of the Texas Commission on the Arts and Humanities in accordance with Article 6144g, as revised, Vernon's Texas Civil Statutes.

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

Public comment on the proposed adoption of Rules .001-.012 may be submitted in writing to Allan Longacre, Texas Commission on the Arts and Humanities, P.O. Box 13406, Austin, Texas 78711, within 30 days of publication in this *Register*.

These rules are proposed under the authority of Article 6144g, as revised, Vernon's Texas Civil Statutes.

.001. Function. The commission shall carry out the functions prescribed by law to the Texas Commission on the Arts and Humanities.

.002. Meetings. The commission shall hold four regular business meetings annually, in September, December, February, and May. A majority of the commissioners will set the date of regular meetings. Grant applications submitted to the commission will normally be considered at its December and May meetings. The chairman, Executive Committee, or a majority of the commissioners may call a special meeting of the commission at any time by giving one week's advance notice in writing to all commissioners. The chairman or a majority of the commissioners will designate the place of all meetings.

.003. Quorum. One-third of the members of the commission shall constitute a quorum and whenever a majority vote of the commission is required, this is deemed to mean a majority of those members present at a meeting having a quorum.

.004. Proxies. No proxies are permitted at any meeting of the commission.

.005. Officers.

(a) The officers of the commission shall be a chairman, the immediate past chairman (if still a member of the commission), a vice chairman, a secretary, and a treasurer.

(b) All officers shall be elected from the membership of the commission.

(c) Election of officers shall be held at the regular May meeting of each year to take office the following September. Term of office for each officer shall be for a term of one year, or until a successor is elected, and shall not exceed two consecutive terms.

(d) Should an officer resign, the chairman will appoint a successor.

(e) The chairman shall preside at all meetings of the commission. If the chairman is unavailable, the vice chairman shall act in his stead.

(f) All officers shall perform the functions prescribed by law or assigned them by the commission from time to time and shall perform all functions customarily performed by such officer.

.006. Committees.

(a) All committee chairmen and committee members shall be appointed by the commission chairman at the first regular meeting of the commission after the chairman is elected.

(b) The term of all committee memberships shall be until the next commission meeting following the termination of the term of the chairman who appointed them, or such earlier date as the chairman may designate, or until their replacement has been named.

(c) All vacancies on any committee shall be filled by the chairman.

(d) The chairman and vice chairman shall be *ex-officio* members of each committee.

(e) Summary minutes will be kept of all standing committee meetings, copies of which shall be promptly distributed to all committee members for review and then distributed to all commissioners.

(f) The standing committees shall be the following:

(1) The Executive Committee shall consist of the officers of the commission, the chairmen of standing committees, and two members of the commission appointed at the pleasure of the chairman. It shall act for the entire commission whenever necessary between regular and special meetings of the commission.

(2) The Administrative Committee shall consist of at least three members. The committee may recommend to the commission policies and guidelines and may work with the executive director in developing and implementing such policies and shall conduct an annual review and evaluation of commission activity and develop and control internal operating budgets.

(3) The Arts Constituency Committee shall consist of at least three members and shall be responsible for coordinating activities of the commission and approved statewide organizations.

(4) The Grant Application Committee shall consist of at least three members and shall review, with assistance from the staff, submitted grant applications and then make recommendations to the commission. The committee shall recommend to the commission grant submission criteria and implement approved policy.

(5) The Business Involvement Committee shall consist of at least three members and shall be responsible for coordinating activities of the commission and the business community. Reports and recommendations will be presented to the commission.

(6) The Education Committee shall consist of at least three members and shall be responsible for coordinating activities of the commission and the education community. Reports and recommendations will be presented to the commission.

(7) The Long-Range Planning Committee shall consist of at least three members and shall be responsible for developing and recommending long-range plans.

(8) The Governor's Mansion Committee shall consist of at least three members and shall be responsible for the statutory duties of the commission in regard to the governor's mansion. Reports and recommendations will be presented to the commission.

(g) Special committees may be appointed from time to time by the chairman who shall designate the duties and term of such committees.

.007. Staff.

(a) Within the policies and guidelines established by the commission, the executive director shall have the responsibility to develop programs, employ staff, and to carry out operations. The executive director shall be an *ex-officio* member of all commission committees other than the Nominating Committee.

(b) No employee of the commission shall accept any office, employment, or position on any committee, governing board, or other position of possible influence, authority, or responsibility with any organization connected with the arts and humanities, whether with or without compensation,

without the prior consent of the commission. No employee of the commission shall accept any honorarium or other remuneration for services rendered to any arts organization, nor own any interest in any arts organization, or engage in any business or enterprise connected with the arts or humanities without the prior consent of the executive director and the commission.

(c) It is anticipated that consent to any such outside activity will not be granted in the event the organization is one which is eligible to be a grantee of the commission or which is affiliated with one or more organizations which are eligible to be grantees of the commission.

(d) The term "employee" as used herein is not deemed to include consultants or advisors to the commission who are engaged on a contractual basis from time to time to advise the commission on limited, specific matters.

.008. Advisory Panels.

(a) The commission shall establish and appoint advisory panels consisting of at least 12 consultants in the various artistic and humanistic disciplines and such other areas as the commission may deem necessary. At least five panel members are required for a quorum.

(b) The following panels are among those established: dance, education, literature, music, media, theatre, and architecture and visual arts.

(c) Panelists shall serve for a term of two years. Six panelists shall be appointed each year. Panelists who fail to attend or provide written information and recommendations for two consecutive meetings shall be replaced by the commission chairman to fill the unexpired term.

(d) An Advisory Panel Nominating Committee shall, each year, make nominations in writing to the commission for members of the advisory panel.

.009. Advisory Councils.

(a) The advisory council shall consist of such former members of the Texas Fine Arts Commission or the Texas Commission on the Arts and Humanities as desired to continue their work for the commission, and shall serve so long as they wish to continue their support of the commission. Such commitment may require periodic information, in writing, at the discretion of the chairman.

(b) The Chairman's Advisory Council shall consist of such past chairmen of the Texas Fine Arts Commission or the Texas Commission on the Arts and Humanities as desired to continue their work for the commission, and shall serve so long as they wish to continue their support of the commission. Such commitment may require periodic reaffirmation, in writing, at the discretion of the chairman.

(c) Duties of these advisory councils shall be to advise the commission and staff at their request and to assist with other commission duties and functions as requested. These advisory councils may meet periodically, at the call of the chairman, to review activities of the commission.

.010. Amendments.

(a) These rules may be amended or changed by the commission at any regular or special meeting.

(b) The staff shall keep the rules current and updated as revised by the commission.

.011. Travel.

(a) All staff travel must have prior approval of the executive director and will be reviewed by the Administrative Committee.

(b) All travel by the commissioners (other than the normal to and from scheduled and called meetings of the commission and scheduled committee meetings) must be approved by the chairman.

.012. Standing Rules.

(a) A week prior to regular meetings the staff shall furnish the members with necessary materials.

(b) Unless otherwise specified herein, Robert's Rules of Order shall apply for conduct of meetings.

Issued in Austin, Texas, on November 7, 1978.

Doc. No. 787365 Allan K. Longacre II
Executive Director
Texas Commission on the Arts and
Humanities

Proposed Date of Adoption: December 15, 1978

For further information, please call (512) 475-6593.

Texas State Board of Control

Executive Administration Division

Security 028.11.02

The State Board of Control proposes to amend Rule .021 in order to change the phrase "public purpose" to "governmental purpose" and to define that phrase so as to make clear that a special use of the Capitol rotunda can be authorized by the board only where requested by governmental authority to further a statutory or constitutional purpose; to clarify that a private or commercial, or a religious or pagan purpose would not qualify as a governmental purpose; to require that all requests for special use of the Capitol rotunda or grounds be in writing and received 72 hours prior to the day of requested use; to prevent "camping out" or sleeping on the Capitol grounds; and to allow the serving of food and drink only in connection with a permitted use of the Capitol rotunda or grounds. Rule .023 is also proposed for amendment to change the reference in that rule to "public purpose" and Rule .021(a) to "governmental purpose" in order to parallel the changes in Rule .021.

The board has determined that the proposed amendments have no fiscal implications for the state or for units of local governments.

Written comments are invited and may be sent to James H. Quick, general counsel, State Board of Control, P.O. Box 13047, Austin, Texas 78711, within 30 days of publication in this Register.

These amendments are proposed under the authority of Articles 665 and 678e, Vernon's Texas Civil Statutes.

.021. Special Use of Capitol Rotunda and Grounds. Special use of the rotunda and grounds shall be authorized by the Capitol [chief] Security Office [officer] upon written request, only if it is for a stated governmental purpose as defined in this rule [for a public purpose only upon request, and if available].

(1) "Governmental [Public] purpose" defined. A governmental [public] purpose has for its objective the

furthering of a statutory or constitutional responsibility or duty or one necessarily implied therefrom, requested by governmental authority, whether state, county, municipal, or governmental subdivision, to be implemented by use of the powers and resources of government. A request may be considered only if it comes from the governmental body or elected officer charged with the particular responsibility or duty described in the request. [promotion of the public health, safety, morals, general welfare, security, prosperity, and contentment of all the inhabitants or residents within the state, the sovereign powers of which are exercised to promote such public purpose or public business. The chief test of what constitutes a public purpose is that the public generally must have a direct interest in the purpose, and the community at large is to be benefited.] A request shall not be considered to be for a governmental [public] purpose if:

(A) *it is for a private or commercial purpose, or it promotes or publicizes a private individual or commercial enterprise;*

(B) *it states no purpose at all, or is for an illegal purpose;*

(C) *it appears that carrying out the purpose would damage or destroy, or threaten to damage or destroy state buildings or property;*

(D) *it is to observe or celebrate a religious or pagan event, or to conduct a meeting or gathering concerning a subject or purpose that is essentially religious or pagan.*

(2) Specific rules relating to use of the Capitol rotunda.

(A) *A written request for use of the rotunda, on forms prescribed by the board, [Notice of intended use] must be received in the Security Office no less than 72 hours prior to the day of [in the Capitol Building on the day preceding] the intended use.*

(B) *Displays may be permitted for an initial period not to exceed three days. Extensions of one-day duration may be granted by the Capitol [chief] Security Office [officer] upon oral request. Only two such extensions may be granted. For purposes of this rule, Saturdays, Sundays, and legal state holidays shall not count as permit days.*

(C)-(F) (No change.)

(G) *No equipment will be furnished by the Board of Control unless requested by the governmental body or elected officer permitted by these rules [except at the request of a state agency, the governor, lieutenant governor, or member of the legislature].*

(H) *Intended use may not interfere with any legislative session or regular use of the Capitol Building.*

(I) *No food or drink may be served in connection with any special use of the rotunda permitted by these rules.*

(3) Specific rules relating to use of the Capitol grounds.

(A) *A written request for use of the Capitol grounds, on forms prescribed by the board, [Notice of intended use] must be received in the Security Office no less than 72 hours prior to the day of [on the day preceding] the intended use.*

(B) *No equipment will be furnished by the Board of Control unless [the function is] requested by the governmental body or elected officer permitted by these rules [a*

state agency, the governor, lieutenant governor, or member of the legislature).

(C) Intended use may not interfere with any other scheduled function, or any legislative session or meeting of the legislature.

(D)-(E) (No change.)

(F) Permits granted to groups allowing the use of the grounds for a lawful governmental [public] purpose shall be notice to the permit holder of liability for any damage to state property or buildings caused by the described activity, or occurring as a proximate result of the activity.

(G)-(H) (No change.)

(I) No permit for use of the Capitol grounds shall authorize persons or groups of persons to sleep or "camp out" on the grounds. Persons discovered sleeping or camping out on the grounds, whether or not in connection with an otherwise permitted use, shall be asked by security officers to cease such activity.

(J) Serving of food and drink may be authorized only in connection with a permitted use of the Capitol grounds.

.023. Access to the State Capitol and other State Buildings in the Capitol Complex. Articles 665, 667, 668, and 678e charge the Board of Control with the care and protection of the grounds and buildings in the Capitol Complex. Within the framework of this care and protection, public access to state buildings is generally unlimited. However, nothing in these rules shall be understood as permitting the use of any public building in the Capitol Complex, in any manner whatsoever, when such use is for a commercial purpose. (Compare Rule .021(1) for a definition of governmental [public] purpose.)

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

Issued in Austin, Texas, on November 8, 1978.

Doc. No. 787374 Homer A. Foerster
Executive Director
State Board of Control

Proposed Date of Adoption: December 15, 1978
For further information, please call (512) 475-5966.

Texas Department of Human Resources

The Department of Human Resources proposes rules about supplementation of vendor payments for recipient-patients in Title XIX nursing facilities in its Intermediate Care II Facility, Intermediate Care III Facility, and Skilled Nursing Facility rules. Current policy states that the nursing facility will make no charges to the recipient-patient, his or her family, guardian, sponsor, or any source, over and above the current maximum recognized monthly rate except for oxygen and parenteral fluids (intravenous or subcutaneous replacement of fluids).

The proposed rules expand and clarify the department's existing policy concerning supplementation of vendor rates for Medicaid recipients in Title XIX facilities. They also empha-

size recent federal regulations (42 CFR 450.30(a)(8)) concerning charges above the vendor rate. The proposed rules further specify penalties for noncompliance in accordance with Section 4 of Public Law 95-142, the Medicare-Medicaid Anti-Fraud and Abuse Amendments of 1977.

The department has determined that the proposed rules will have no fiscal implications for the state or units of local government. The proposed rules simply expand and clarify existing policy.

Written comments are invited and may be sent to Susan L. Johnson, assistant chief, Systems and Procedures Bureau—410, Department of Human Resources, John H. Reagan Building, Austin, Texas 78701, within 30 days of publication in this Register.

Intermediate Care II Facility Services and Supplies Included in the Vendor Payment 326.30.19

The following rule is proposed under the authority of Articles 695c and 695j-1, Texas Revised Civil Statutes.

.003. Supplementation of Vendor Payments.

(a) Participation in the program will be limited to providers of service who accept as payment in full the amounts paid in accordance with the fee structure approved by the Texas Department of Human Resources.

(b) Providers who have a contract with DHR and who solicit contributions, donations, or gifts directly from Medicaid patients or family members shall be deemed to be in noncompliance with federal requirements.

(c) Medicaid patients and their families must be informed that their right to nursing facility services is not contingent upon contributions.

(d) When a patient, family member, or guardian does make a free-will contribution, the nursing facility provider shall execute a statement for signature by both the contributor and the nursing facility administrator. It will clearly state that the services provided in the nursing facility are not predicated upon contributions and that the gifts are free-will contributions.

(e) Whoever knowingly and willfully charges, for any service provided to a patient under a Medicaid state plan, money or other consideration at a rate in excess of the rates established by the state, or charges, solicits, accepts, or receives, in addition to any amount otherwise required to be paid under a Medicaid state plan, any gifts, money, donation, or other consideration (other than a charitable, religious, or philanthropic contribution from an organization or from a person unrelated to the patient):

(1) as a precondition of admitting a patient to a hospital, skilled nursing facility, or intermediate care facility; or

(2) as a requirement for the patient's continued stay in such a facility, when the cost of the services provided therein to the patient is paid for (in whole or in part) under the state plan, shall be guilty of a felony and upon conviction thereof shall be fined not more than \$25,000 or imprisoned for not more than five years, or both.

Doc. No. 787351

Intermediate Care III Facility

Services and Supplies Included in the Vendor Payment 326.31.19

The following rule is proposed under the authority of Articles 695c and 695j-1, Texas Revised Civil Statutes.

.003. *Supplementation of Vendor Payments.*

(a) Participation in the program will be limited to providers of service who accept as payment in full the amounts paid in accordance with the fee structure approved by the Texas Department of Human Resources.

(b) Providers who have a contract with DHR and who solicit contributions, donations, or gifts directly from Medicaid patients or family members shall be deemed to be in noncompliance with federal requirements.

(c) Medicaid patients and their families must be informed that their right to nursing facility services is not contingent upon contributions.

(d) When a patient, family member, or guardian does make a free-will contribution, the nursing facility provider shall execute a statement for signature by both the contributor and the nursing facility administrator. It will clearly state that the services provided in the nursing facility are not predicated upon contributions and that the gifts are free-will contributions.

(e) Whoever knowingly and willfully charges, for any service provided to a patient under a Medicaid state plan, money or other consideration at a rate in excess of the rates established by the state, or charges, solicits, accepts, or receives, in addition to any amount otherwise required to be paid under a Medicaid state plan, any gifts, money, donation, or other consideration (other than a charitable, religious, or philanthropic contribution from an organization or from a person unrelated to the patient):

(1) as a precondition of admitting a patient to a hospital, skilled nursing facility, or intermediate care facility; or

(2) as a requirement for the patient's continued stay in such a facility, when the cost of the services provided therein to the patient is paid for (in whole or in part) under the state plan, shall be guilty of a felony and upon conviction thereof shall be fined not more than \$25,000 or imprisoned for not more than five years, or both.

Doc. No. 787352

Skilled Nursing Facility

Services and Supplies Included in the Vendor Payment 326.32.17

The following rule is proposed under the authority of Articles 695c and 695j-1, Texas Revised Civil Statutes.

.008. *Supplementation of Vendor Payments.*

(a) Participation in the program will be limited to providers of service who accept as payment in full the amounts paid in accordance with the fee structure approved by the Texas Department of Human Resources.

(b) Providers who have a contract with DHR and who solicit contributions, donations, or gifts directly from Medicaid patients or family members shall be deemed to be in noncompliance with federal requirements.

(c) Medicaid patients and their families must be informed that their right to nursing facility services is not contingent upon contributions.

(d) When a patient, family member, or guardian does make a free-will contribution, the nursing facility provider shall execute a statement for signature by both the contributor and the nursing facility administrator. It will clearly state that the services provided in the nursing facility are not predicated upon contributions and that the gifts are free-will contributions.

(e) Whoever knowingly and willfully charges, for any service provided to a patient under a Medicaid state plan, title money or other consideration at a rate in excess of the rates established by the state, or charges, solicits, accepts, or receives, in addition to any amount otherwise required to be paid under a Medicaid state plan, any gifts, money, donation, or other consideration (other than a charitable, religious, or philanthropic contribution from an organization or from a person unrelated to the patient):

(1) as a precondition of admitting a patient to a hospital, skilled nursing facility, or intermediate care facility; or

(2) as a requirement for the patient's continued stay in such a facility, when the cost of the services provided therein to the patient is paid for (in whole or in part) under the state plan, shall be guilty of a felony and upon conviction thereof shall be fined not more than \$25,000 or imprisoned for not more than five years, or both.

Issued in Austin, Texas, on November 7, 1978.

Doc. No. 787353 Jerome Chapman
Commissioner
Texas Department of Human Resources

Proposed Date of Adoption: December 15, 1978

For further information, please call (512) 475-4601.

State Board of Insurance

Rating and Policy Forms

Fixing Rate of Automobile Insurance

059.05.01

The State Board of Insurance proposes to amend on a permanent basis Rule 059.05.01.001, which adopted by reference Rules and Rates Governing the Insuring of Automobiles and Standard Endorsements. The amendment is attached hereto and incorporated herein by reference.

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

The amendment eliminates all references to bumper discounts where they appear in the *Texas Automobile Manual*. Deletion of such references and discounts is necessary since the automobile collision coverage premiums prescribed by the State Board of Insurance to be effective November 1, 1978, for private passenger automobiles, to be displayed in the rate section of the manual, have been adjusted to recognize average credits for improved bumper systems. The proposed amendment was previously adopted on an emergency basis to be effective November 1, 1978.

Public comment on the proposed amendment to Rule .001 is invited and may be submitted in writing to D. E. O'Brien, 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.

.001. *Rules and Rates Governing the Insuring of Automobiles and Standard Endorsements.* The State Board of Insurance adopts by reference the attached Rules and Rates Governing the Insuring of Automobiles and Standard Endorsements as amended in *January 1979* (November 1978). This document is published by and available from the Texas Automobile Insurance Service Office, Suite 350, American Bank Tower, 221 West Sixth Street, Austin, Texas 78701.

Issued in Austin, Texas, on October 30, 1978.

Doc. No. 787300 Pat Wagner
Chief Clerk
State Board of Insurance

Proposed Date of Adoption: December 15, 1978
For further information, please call (512) 475-3486.

Repealing the current Rules of Professional Conduct will have no fiscal implications, and the source relied upon in making this determination was the staff of the Texas State Board of Public Accountancy.

Public comment on the proposed repeal is invited. Persons should submit their comments in writing to Bob E. Bradley, administrative director, Texas State Board of Public Accountancy, 940 American Bank Tower, Austin, Texas 78701, by December 15, 1978.

This repeal is proposed under the authority of Section 5 of Article 41-A of Vernon's Annotated Civil Statutes.

- .001. *Practice in Name of Accountant or Firm.*
- .002. *Share Profits with Laity.*
- .003. *Incompatible Occupation.*
- .004. *Opinions.*
- .005. *Examination of Underlying Work.*
- .006. *Solicitation.*
- .007. *Offer of Employment.*
- .008. *Contingent Fees.*
- .009. *Advertising.*
- .010. *Corporations.*
- .011. *Estimates of Earnings.*
- .012. *Substantial Interest.*
- .013. *Participation in Profits.*
- .014. *Competitive Bids.*
- .015. *Feeder to Practice.*
- .016. *Confidential Relationship.*
- .017. *Prohibited Services.*
- .018. *Statements and Opinions.*
- .019. *Moral Turpitude.*
- .020. *Designations.*

Doc. No. 787349

401.03.00.021, .022, .101-.105,
.201-.204, .301-.302, .401-.408

The Texas State Board of Public Accountancy is proposing to revise the current Rules of Professional Conduct by repealing Rules 401.03.00.001-.020 and simultaneously adopting new rules identified as 401.03.00.021, .022, .101-.105, .201-.204, .301-.302, and .401-.408. These new rules are intended to clearly identify standards which apply to those participating in the profession of public accountancy. Revisions to the Rules of Professional Conduct are necessary at this time to ensure that the rules promulgated by the Texas State Board of Public Accountancy conform to prevailing attitudes and current court decisions.

Because the proposed revision to the Rules of Professional Conduct adds no enforcement requirements, the staff has determined that additional expenditures will not be required.

The Texas State Board of Public Accountancy has scheduled a public hearing on the proposed Rules of Professional Conduct in the Board Room, 940 American Bank Tower, Austin, Texas, December 15, 1978, from 9 a.m. to noon. Written copies of oral presentations at the hearing are requested by December 12, 1978, and oral presentations may be limited by the hearing examiner if necessary to afford all persons the opportunity to speak.

Texas State Board of Public Accountancy

Professional Conduct

401.03.00.001-.020

(Editor's note: The texts of the following rules proposed for repeal are not being published. The rules may be examined in the office of the Texas Register Division, 503E Sam Houston Building, Austin, or in the office of the Texas State Board of Public Accountancy, American Bank Tower, Austin.)

The Texas State Board of Public Accountancy is proposing to repeal Rules 401.03.00.001-.020. The purpose of repealing all existing Rules of Professional Conduct and adopting an entirely new set of rules is to cause the rules which certified public accountants and public accountants must abide by to conform to current court rulings and prevailing attitudes. The proposed rules, if adopted, will establish and maintain standards of integrity in the profession of public accounting.

Public comment on these proposed rules is invited, orally and in writing, both at the public hearing and by submission of written comments. Because the rules must be voted on by permit holders of record prior to adoption by the State Board of Public Accountancy, submission of written comments on or before December 15, 1978, is requested. All written comments so received will be reviewed and entered into the record. Written comments should be submitted to Bob E. Bradley, administrative director, Texas State Board of Public Accountancy, 940 American Bank Tower, Austin, Texas 78701.

These rules are proposed under the authority of Article 41-A of Vernon's Annotated Civil Statutes.

.021. Preamble. These Rules of Professional Conduct are promulgated under the Public Accountancy Act of 1945, which empowers the Texas State Board of Public Accountancy to promulgate rules of professional conduct "appropriate to establish and maintain high standards of integrity in the profession of public accountancy."

The services usually and customarily performed by those in the public practice of accountancy involve a high degree of skill, education, trust, and experience which are professional in scope and nature. The use of professional designations carries an implication of possession of the competence associated with a profession. The public, in general, and the business community, in particular, rely on this professional competence by placing confidence in reports and other services of accountants. The public's reliance, in turn, imposes obligations on persons utilizing professional designations, both to their clients and to the public in general. These obligations include maintaining independence of thought and action, continuously improving professional skills, observing, where applicable, generally accepted accounting principles and generally accepted auditing standards, promoting sound and informative financial reporting, holding the affairs of clients in confidence, upholding the standards of the public accountancy profession, and maintaining high standards of personal and professional conduct in all matters affecting fitness to practice public accountancy.

The board has an underlying duty to the public to ensure that these obligations are met in order to achieve and maintain a vigorous profession capable of attracting the bright, young minds essential to adequately serving the public interest.

These rules recognize the First Amendment rights of all citizens as well as permittees and do not restrict the availability of accounting services. However, public accountancy, like other professional services, cannot be exploited commercially without the public being harmed. While information as to the availability of accounting services and qualifications of permittees is desirable, overly aggressive salesmanship and hucksterism generally affect the public negatively. Accounting services cannot be subject to the auction techniques of the commercial market place without a loss of the vital elements of accountant independence and public confidence.

The rules are intended to have application to all kinds of professional services performed for the public in the practice of public accountancy, including services relating to accounting, auditing, taxation, and management advice and consultation, to mention only the broad areas in which services are currently being offered by those in the practice of public

accountancy. A permittee who is engaged in the practice of public accountancy outside the United States may conduct that practice in accordance with the standards of professional conduct applicable to the country in which he is practicing. However, if a permittee's name is associated with financial statements so as to indicate that the permittee is acting as an independent public accountant using principles applicable in this country, he shall comply with Rules .202 and .203.

In the interpretation and enforcement of these rules, the board may consider relevant interpretations, rulings, and opinions issued by the boards of other jurisdictions and appropriate committees of professional organizations, but will not be bound thereby.

.022. Definitions. For purposes of these rules, the following terms have the meanings indicated:

(a) **Board.** The Texas State Board of Public Accountancy.

(b) **Client.** The person or entity which retains a permittee for the performance of professional services.

(c) **Enterprise.** Any person or entity, whether organized for profit or not, for which a permittee performs professional services.

(d) **Firm.** A proprietorship, partnership, or professional corporation engaged in the practice of public accountancy.

(e) **Financial statements.** Statements and related footnotes that purport to show financial position at a specified point in time or changes in financial position during a specified period of time, including statements which use the cash or other incomplete basis of accounting. The term includes balance sheets, statements of income, statements of retained earnings, statements of changes in financial position, and statements of changes in owners' equity, or combinations thereof, but does not include incidental financial data included in management advisory or consulting services reports to support recommendations to a client, nor does it include tax returns and supporting schedules.

(f) **He, his, him.** Masculine pronouns when used herein also include the feminine and the neuter.

(g) **Permittee.** An individual, partnership, or corporation holding a permit issued by the board, pursuant to the Public Accountancy Act of 1945. The term includes each firm of which a permittee is a partner, officer, or shareholder, and each partner, officer, or shareholder of a firm which is a permittee.

(h) **Practice of public accountancy.** Performing or offering to perform for a client or potential client, one or more types of services involving the use of accounting or auditing skills, the preparation of federal, state, and other tax returns, furnishing advice on federal, state, and other tax matters, management advisory or consulting services, or any other service commonly performed by professional accountants for the public.

(i) **Professional services.** Any services performed or offered to be performed by a permittee for a client in the course of the practice of public accountancy.

(j) **Public communication.** A communication made in identical form to multiple persons or to the world at large, as by television, radio, motion picture, newspaper, pamphlet, mass mailing, letterhead, business card, or directory.

.101. Independence.

(a) A permittee shall not express an opinion on financial statements of an enterprise in such a manner as to imply that he is acting as an independent public accountant with respect thereto unless he is independent with respect to such enterprise. A permittee who signs or uses his name in connection with a professional service as to which he is not independent as contemplated hereby shall indicate clearly that he is not independent by use of a title to reflect his status or by some other means. Independence will be considered to be impaired if, for example:

(1) During the period of his professional engagement or at the time of expressing his opinion, the permittee:

(A) had or was committed to acquire any direct or material indirect financial interest in the enterprise; or was a trustee of any trust or executor or administrator of any estate if such trust or estate had or was committed to acquire any direct or material indirect financial interest in the enterprise; or

(B) had any joint, closely-held business investment with the enterprise or any officer, director, or principal stockholder thereof which was material in relation to the net worth of either the permittee or the enterprise; or

(C) had any loan to or from the enterprise or any officer, director, or principal stockholder thereof other than loans of the following kinds made by a financial institution under normal lending procedures, terms, and requirements:

(i) loans obtained by the permittee which are not material in relation to the net worth of the borrower; and

(ii) home mortgages; and

(iii) other secured loans, except those secured solely by a guarantee of the permittee.

(2) During the period covered by the financial statements, during the period of the professional engagement, or at the time of expressing an opinion, the permittee:

(A) was connected with the enterprise as a promoter, underwriter, or voting trustee, a director or officer, or in any capacity equivalent to that of an owner, a member of management, or of an employee; or

(B) was a trustee for any pension or profit-sharing trust of the enterprise.

(b) The foregoing examples are not intended to be all-inclusive. For the purposes of this rule, the permittee, his spouse, descendants, and relatives living in the same household shall be considered together.

.102. Integrity and Objectivity. A permittee in the performance of professional services shall neither knowingly misrepresent facts nor subordinate his judgment to that of others. In tax practice, however, a permittee may resolve doubt in favor of his client as long as there is reasonable support for his position.

.103. Commissions. A permittee shall not pay a commission to obtain a client or accept a commission for a referral to a client of products or services of others. This rule does not prohibit payments for the purchase of all, or a part, of an accounting practice, or retirement payments to persons formerly engaged in the practice of public accountancy, or payments to the heirs or estates of such persons.

.104. Contingent Fees. A permittee shall not offer or perform professional services for a fee which is contingent upon the findings or results of such services; provided, however, this rule does not apply to professional services involving

federal, state, or other taxes in which the findings are those of the tax authorities and not those of the permittee, nor does it apply to professional services for which the fees are to be fixed by courts or other public authorities and which are therefore indeterminate in amount at the time the professional services are undertaken.

.105. Incompatible Occupations. A permittee shall not concurrently engage in the practice of public accountancy and in any other business or occupation which impairs his independence or objectivity in rendering professional services, or which is conducted so as to augment or benefit the accounting practice unless these rules are observed in the conduct thereof.

.201. Competence. A permittee shall not undertake any engagement for the performance of professional services which he cannot reasonably expect to complete with due professional competence, including compliance, where applicable, with Rules .202 and .203.

.202. Auditing Standards. A permittee shall not permit his name to be associated with financial statements in such a manner as to imply that he is acting as an independent public accountant with respect to such financial statements unless he has complied with applicable generally accepted auditing standards. Statements on auditing standards issued by the American Institute of Certified Public Accountants, and other pronouncements having similar generally recognized authority, are considered to be interpretations of generally accepted auditing standards, and departures therefrom must be justified by those who do not follow them.

.203. Accounting Principles. A permittee shall not express an opinion that financial statements are presented in conformity with generally accepted accounting principles if such statements depart from such accounting principles so as to produce a material effect on the financial statements taken as a whole, unless the permittee can demonstrate that by reason of unusual circumstances the financial statements would otherwise have been misleading. In such a case, the permittee's report must describe the departure, the approximate effects thereof, if practicable, and the reasons that compliance with the principle would result in a misleading statement. For purposes of this rule, generally accepted accounting principles are considered to be defined by pronouncements issued by the Financial Accounting Standards Board and its predecessor entities and similar pronouncements issued by other entities having similar generally recognized authority.

.204. Forecasts. A permittee shall not in the performance of professional services permit his name to be used in conjunction with any forecast of future transactions in a manner which may reasonably lead to the belief that the permittee vouches for the achievability of the forecast.

.301. Confidential Client Information.

(a) A permittee shall not without the consent of his client disclose any confidential information pertaining to such client obtained in the course of performing professional services.

(b) This rule does not:

(1) relieve a permittee of any obligations under Rules .202 and .203; or

(2) affect in any way a permittee's obligation to comply with a validly issued subpoena or summons enforceable by order of a court; or

(3) prohibit disclosures in the course of a quality review of a permittee's professional services; or

(4) preclude a permittee from responding to any inquiry made by the board or any investigative or disciplinary body established by law or formally recognized by the board.

(c) Members of the board, their duly authorized agents, and professional practice reviewers shall not disclose any confidential client information which comes to their attention from permittees in disciplinary proceedings or otherwise in carrying out their responsibilities, except that they may furnish such information to a duly authorized investigative or disciplinary body of the kind referred to above:

.302. *Records.* For a reasonable charge, a permittee shall furnish to his client or former client, upon request made within a reasonable time after original issuance of the document in question:

(1) a copy of a tax return of the client; and

(2) a copy of any report or other document issued by the permittee to or for such client; and

(3) any accounting or other records belonging to, or obtained from or on behalf of, the client which the permittee removed from the client's premises or received for the client's account, but the permittee may make and retain copies of such documents when they form the basis for work done by him; and

(4) a copy of the permittee's working papers, to the extent that such working papers include records which would ordinarily constitute part of the client's books and records and are not otherwise available to the client.

.401. *Discreditable Acts.* A permittee shall not commit any act that reflects adversely on his fitness to engage in the practice of public accountancy.

.402. *Acting through Others.* A permittee shall not permit others to carry out on his behalf, either with or without compensation, acts which, if carried out by the permittee, would place him in violation of the Rules of Professional Conduct.

.403. *Advertising.*

(a) A permittee shall not use or participate in the use of any form of public communication having reference to his professional services which contains a false, fraudulent, misleading, deceptive, or unfair statement or claim. A false, fraudulent, misleading, deceptive, or unfair statement or claim includes but is not limited to a statement or claim which:

(1) contains a misrepresentation of fact; or

(2) is likely to mislead or deceive because it fails to make full disclosure of relevant facts; or

(3) contains any testimonial or laudatory statement, or other statement or implication that the permittee's professional services are of exceptional quality, or statements intended to attract clients by use of showmanship, hucksterism, slogans, jingles, or other garish language; or

(4) is intended or likely to create false or unjustified expectations of favorable results; or

(5) implies educational or professional attainments or licensing recognition not supported in fact; or

(6) states or implies that the permittee has received formal recognition as a specialist or claims any specialized

expertise in any aspect of the practice of public accountancy, if this is not the case; or

(7) states or implies that the permittee's ingenuity and/or prior record are principal factors likely to determine the results of the services rather than the merit of the facts involved, or contains statistical data or information so as to reflect past performance or predict future success; or

(8) represents that professional services can or will be completely performed for a stated fee when this is not the case, or makes representations with respect to fees for professional services that do not disclose all variables affecting the fees that will in fact be charged; or

(9) contains other representations or implications beyond those set forth below that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived.

(b) A permittee may use or participate in the use of a public communication which states in a dignified manner the following information about the permittee and any associated permittees:

(1) name, firm name, address, telephone numbers, office hours, and telephone-answering hours;

(2) biographical and educational background;

(3) professional memberships and attainments;

(4) description of services offered;

(5) foreign language ability;

(6) acceptable credit arrangements;

(7) the limitation of practice to certain areas of service;

(8) the opening or change in location of any office and changes in personnel;

(9) fees charged for the initial consultation, for specific services of average complexity, and hourly rates. Quoted fees must be adhered to for a reasonable period not less than 30 days after the publication.

Public communications shall be limited to print, radio, motion picture, and television media. All permittees shall retain copies or recordings of all public communications by date of publication for a period of at least five years.

.404. *Solicitation.* A permittee shall not by any direct personal communication solicit an engagement to perform professional services:

(1) if the communication would violate Rule .403 if it were a public communication; or

(2) by the use of coercion, duress, compulsion, intimidation, threats, overreaching, or vexatious or harassing conduct; or

(3) where the engagement would be for a person or entity not already a client of the permittee, unless such person or entity has invited such a communication or is seeking to secure the performance of professional services and has not yet engaged another to perform them.

The permittee shall have the burden of proving that a communication was invited or of ascertaining and proving that a person or entity is seeking to secure such services and has not engaged another to perform them.

.405. *Form of Practice.* A permittee may practice public accountancy only in a proprietorship, a partnership, or a professional corporation organized in accordance with the Texas Professional Corporation Act.

.406. Firm Names. A permittee shall not practice public accountancy under a firm name which is misleading in any way, as to the legal form of the firm, or as to the persons who are partners, officers, or shareholders of the firm, or as to any matter with respect to which public communications are restricted by Rule .403. If the firm is incorporated, the firm name must include "Corporation," "Incorporated," "Professional Corporation," or "Company," or an abbreviation thereof. "Professional Corporation" or "P.C." must appear in or with the firm name each time it is used. The designation "& Company" or "& Associates" or abbreviations thereof may be used by permittees operating as a proprietorship, partnership, or corporation as long as there are at least two permittees involved in the practice. A partner surviving the death or withdrawal of all other partners may continue to practice under a partnership name for up to two years after becoming a sole practitioner.

.407. Communications. A permittee shall, when requested, respond to communications from the board within 30 days of the mailing of such communications by registered or certified mail.

.408. Applicability. All of the Rules of Professional Conduct shall apply to and be observed by permittees engaged in the practice of public accountancy. Notwithstanding anything herein to the contrary, Rules .102, .301, .401, .402, and .407 shall apply to and be observed by permittees not in public practice.

Issued in Austin, Texas, on November 7, 1978.

Doc. No. 787350 Bob E. Bradley
 Administrative Director
 Texas State Board of Public
 Accountancy

Proposed Date of Adoption: December 20, 1978
 For further information, please call (512) 476-6971.

State Securities Board Forms 065.90.00

(Editor's note: The texts of the following rules proposed for repeal are not being published. The rules may be examined in the office of the Texas Register Division, 503E Sam Houston Building, Austin, or in the office of the State Securities Board, L.B.J. State Office Building, Austin.)

The State Securities Board proposes to repeal Chapter 065.90, the current chapter of its rules concerning forms. The forms used by the Securities Board will be re-adopted by reference in Chapter 065.91 with certain amendments and deletions, as stated in that rule proposal.

The staff of the Securities Board has determined that this proposal will have no fiscal implications for the state or for any unit of local government.

Public comment on this proposal is invited, and written comments may be mailed to Lee Polson, State Securities Board, P.O. Box 13167, Austin, Texas 78711. The staff of the Securities Board has determined that this proposal will have no fiscal implications for the state or for any unit of local government.

The repeal of Rules 065.90.001-.091 is proposed under Section 28-1, Article 581, Vernon's Annotated Texas Statutes.

- .001. Application for Public Information.
- .002. Request for Public Records in Storage Form.
- .003. Freedom of Information Act.
- .010. Issuer's Notice for Exemption to Sell Securities under Section 5.1(c), Article 581, Vernon's Annotated Texas Statutes.
- .011. Secondary Trading Exemption Notice (Section 5.0, Article 581, Vernon's Annotated Texas Statutes).
- .012. Secondary Trading Exemption Renewal Notice (Section 5.0, Article 581, Vernon's Annotated Texas Statutes).
- .013. Information Concerning Projected Market and Related Market Information.
- .020. Application for Registration of Securities under the Securities Act of Texas (Article 581, Vernon's Annotated Texas Statutes).
- .021. Power of Attorney.
- .022. Corporate Resolution for Power of Attorney.
- .023. Escrow Agreement.
- .024. Quarterly Report of Security Sales—Mutual Funds, Employee Benefit Plans, and Other Continuous Offerings.
- .025. Standard Quarterly Report Form—Other Securities.
- .026. Renewal Application—Mutual Funds, Employee Benefit Plans, and Other Continuous Offerings.
- .027. Application for Renewal Permit—Other Securities.
- .028. Consent of Independent Accountants.
- .040. Application for License as an Individual General Securities Dealer or Broker or Investment Adviser.
- .041. Agreement for Inspection of Records.
- .042. Real Estate Agreement.
- .043. Power of Attorney.
- .044. Suggested Balance Sheet Form.
- .050. Corporations or Partnerships Application for Registration and License as a General Securities Dealer or Investment Adviser.
- .051. LD3-A Application for Officers, Directors, Partners, or Managing Agents.
- .052. LD-E-1 Claim for Exemption from General Securities Section of Texas Securities Examination.
- .053. Minimum Bookkeeping Records for Securities Dealers Registered in Texas.
- .054. Memorandum to Securities Dealers.
- .055. Minimum Recordkeeping Agreement.
- .060. Application for License as a Securities Salesman.
- .070. Application for License as a Securities Dealer in Oil and Gas Interests Only.
- .071. Suggested Statement of Financial Condition.
- .080. Application for Transfer of Securities Salesman's Registration.
- .090. Offeror's Notice of Tender Offer.
- .091. Offeror's Supplemental Notice of Tender Offer.

Doc. No. 787314

Forms 065.91.00

The State Securities Board proposes to re-adopt by reference its forms for use in compliance with the Securities Act in a new rule chapter, 065.91. The old chapter concerning forms, 065.90, is being proposed for repeal. This re-adoption is to

conform the board's rules on forms to current *Texas Register* format, and to amend or repeal certain forms.

The following forms would be re-adopted by reference with no change from their current form: Application for Public Information; Request for Public Records in Storage form; Issuer's Notice for Exemption to Sell Securities Under Section 5.1(c); Secondary Trading Exemption Notice; Secondary Trading Renewal Notice; Application for Registration of Securities under the Securities Act of Texas; Quarterly Report of Security Sales—Mutual Funds, Employee Benefit Plans, and Other Continuous Offerings; Standard Quarterly Report form; Renewal Application—Mutual Funds, Employee Benefit Plans, and Other Continuous Offerings; Application for Renewal Permit; Consent of Independent Accountants; Minimum Bookkeeping Records for Securities Dealers Registered in Texas; Application for Transfer of Securities Salesman's Registration; Offeror's Notice of Tender Offer; and Offeror's Supplemental Notice of Tender Offer.

The language of the following forms would be amended for clarity, although no substantive change or additional requirements are proposed: Open Records Act Request; Power of Attorney; Corporate Resolution for Power of Attorney; Application for Registration as an Individual Securities Dealer or Investment Adviser; Agreement for Inspection of Records; Real Estate Agreement; Power of Attorney; Application for Registration of a Corporation or Partnership as a Securities Dealer or Investment Adviser; LD3-A Application of Officers or Partners; Memorandum to Securities Dealers; Minimum Recordkeeping Agreement; and Application for Registration as a Securities Salesman.

The following forms adopted by reference under the old Chapter 90 have not been proposed for re-adoption by reference, and they thus would be repealed. These forms are currently considered unnecessary, as they are duplicative or out-of-date: Information Concerning Projected Market and Related Market Information; Escrow Agreement; Suggested Balance Sheet form; LDE-1 Claim for Exemption from General Securities Section of Texas Securities Examination; Application for License as a Securities Dealer in Oil and Gas Interests Only; and Suggested Statement of Financial Condition.

The staff of the Securities Board has determined that this proposed rule has no fiscal implications for the state or for any unit of local government.

Copies of all current and proposed forms are available from the State Securities Board, P.O. Box 13167, Austin, Texas 78711. Public comment on this proposal is invited, and written comments may be mailed to Lee Polson, State Securities Board, P.O. Box 13167, Austin, Texas 78711.

These rules are proposed under the authority of Section 28-1, Article 581, Vernon's Annotated Texas Statutes.

.001. Application for Public Information. The State Securities Board adopts by reference the attached Application for Public Information. This form is available from the Securities Board, P.O. Box 13167, Capitol Station, Austin, Texas 78711.

.002. Request for Public Records in Storage Form. The State Securities Board adopts by reference the attached Request for Public Records in Storage form. This form is avail-

able from the Securities Board, P.O. Box 13167, Capitol Station, Austin, Texas 78711.

.003. Open Records Act Request. The State Securities Board adopts by reference the attached Open Records Act Request as amended in December 1978. This form is available from the Securities Board, P.O. Box 13167, Capitol Station, Austin, Texas 78711.

.010. Issuer's Notice for Exemption to Sell Securities Under Section 5.1(c). The State Securities Board adopts by reference the attached Issuer's Notice for Exemption to Sell Securities Under Section 5.1(c) as it was amended in April 1976. This form is available from the Securities Board, P.O. Box 13167, Capitol Station, Austin, Texas 78711.

.011. Secondary Trading Exemption Notice. The State Securities Board adopts by reference the attached Secondary Trading Exemption Notice. This form is available from the Securities Board, P.O. Box 13167, Capitol Station, Austin, Texas 78711.

.012. Secondary Trading Renewal Notice. The State Securities Board adopts by reference the attached Secondary Trading Renewal Notice. This form is available from the State Securities Board, P.O. Box 13167, Capitol Station, Austin, Texas 78711.

.020. Application for Registration of Securities under the Securities Act of Texas. The State Securities Board adopts by reference the attached Application for Registration of Securities under the Securities Act of Texas as it was amended in August 1977. This form is available from the Securities Board, P.O. Box 13167, Capitol Station, Austin, Texas 78711.

.021. Power of Attorney. The State Securities Board adopts by reference the attached Power of Attorney form as amended in December 1978. This form is available from the Securities Board, P.O. Box 13167, Capitol Station, Austin, Texas 78711.

.022. Corporate Resolution for Power of Attorney. The State Securities Board adopts by reference the attached Corporate Resolution for Power of Attorney form as amended in December 1978. This form is available from the Securities Board, P.O. Box 13167, Capitol Station, Austin, Texas 78711.

.024. Quarterly Report of Security Sales—Mutual Funds, Employee Benefit Plans, and Other Continuous Offerings. The State Securities Board adopts by reference the attached Quarterly Report of Security Sales—Mutual Funds, Employee Benefit Plans, and Other Continuous Offerings as it was amended in April 1976. This form is available from the Securities Board, P.O. Box 13167, Capitol Station, Austin, Texas 78711.

.025. Standard Quarterly Report Form. The State Securities Board adopts by reference the attached Standard Quarterly Report form. This form is available from the Securities Board, P.O. Box 13167, Capitol Station, Austin, Texas 78711.

.026. Renewal Application—Mutual Funds, Employee Benefit Plans, and Other Continuous Offerings. The State Securities Board adopts by reference the attached Renewal Application—Mutual Funds, Employee Benefit Plans, and Other Continuous Offerings as it was amended in April 1976.

This form is available from the Securities Board, P.O. Box 13167, Capitol Station, Austin, Texas 78711.

.027. *Application for Renewal Permit.* The State Securities Board adopts by reference the attached Application for Renewal Permit. This form is available from the Securities Board, P.O. Box 13167, Capitol Station, Austin, Texas 78711.

.028. *Consent of Independent Accountants.* The State Securities Board adopts the attached Consent of Independent Accountants. This form is available from the Securities Board, P.O. Box 13167, Capitol Station, Austin, Texas 78711.

.040. *Application for Registration as an Individual Securities Dealer or Investment Adviser.* The State Securities Board adopts the attached Application for Registration as an Individual Securities Dealer or Investment Adviser as amended in December 1978. This form is available from the Securities Board, P.O. Box 13167, Capitol Station, Austin, Texas 78711.

.041. *Agreement for Inspection of Records.* The State Securities Board adopts by reference the attached Agreement for Inspection of Records as amended in December 1978. This form is available from the Securities Board, P.O. Box 13167, Capitol Station, Austin, Texas 78711.

.042. *Real Estate Agreement.* The State Securities Board adopts by reference the attached Real Estate Agreement as amended in December 1978. This form is available from the Securities Board, P.O. Box 13167, Capitol Station, Austin, Texas 78711.

.043. *Power of Attorney.* The State Securities Board adopts by reference the attached Power of Attorney as amended in December 1978. This form is available from the Securities Board, P.O. Box 13167, Capitol Station, Austin, Texas 78711.

.050. *Application for Registration of a Corporation or Partnership as a Securities Dealer or Investment Adviser.* The State Securities Board adopts by reference the attached Application for Registration of a Corporation or Partnership as a Securities Dealer or Investment Adviser as amended in December 1978. This form is available from the Securities Board, P.O. Box 13167, Capitol Station, Austin, Texas 78711.

.051. *LD3-A Application for Registration of an Officer or Partner.* The State Securities Board adopts by reference the attached LD3-A Application for Registration of an Officer or Partner as amended in December 1978. This form is available from the Securities Board, P.O. Box 13167, Capitol Station, Austin, Texas 78711.

.053. *Minimum Bookkeeping Records for Securities Dealers Registered in Texas.* The State Securities Board adopts by reference the attached form for Minimum Bookkeeping Records for Securities Dealers in Texas. This form is available from the Securities Board, P.O. Box 13167, Capitol Station, Austin, Texas 78711.

.054. *Memorandum to Securities Dealers.* The State Securities Board adopts by reference the attached Memorandum to Securities Dealers as amended in December 1978. This form is available from the Securities Board, P.O. Box 13167, Capitol Station, Austin, Texas 78711.

.055. *Minimum Recordkeeping Agreement.* The State Securities Board adopts by reference the attached Minimum Recordkeeping Agreement as amended in December 1978. This form is available from the Securities Board, P.O. Box 13167, Capitol Station, Austin, Texas 78711.

.060. *Application for Registration as a Securities Salesman.* The State Securities Board adopts by reference the attached Application for Registration as a Securities Salesman as amended in December 1978. This form is available from the Securities Board, P.O. Box 13167, Capitol Station, Austin, Texas 78711.

.080. *Application for Transfer of Securities Salesman's Registration.* The State Securities Board adopts by reference the attached Application for Transfer of Securities Salesman's Registration as it was amended in August 1977. This form is available from the Securities Board, P.O. Box 13167, Capitol Station, Austin, Texas 78711.

.090. *Offeror's Notice of Tender Offer.* The State Securities Board adopts by reference the attached Offeror's Notice of Tender Offer. This form is available from the Securities Board, P.O. Box 13167, Capitol Station, Austin, Texas 78711.

.091. *Offeror's Supplemental Notice of Tender Offer.* The State Securities Board adopts by reference the attached Offeror's Supplemental Notice of Tender Offer. This form is available from the Securities Board, P.O. Box 13167, Capitol Station, Austin, Texas 78711.

Issued in Austin, Texas, on November 6, 1978.

Doc. No. 787315 Richard D. Latham
 Securities Commissioner
 State Securities Board

Proposed Date of Adoption: December 15, 1978.
 For further information, please call (512) 475-4561.



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

An agency, on request, shall provide a statement of the reasons for and against adoption of a rule. Any interested person may request this statement before adoption or within 30 days afterward. The statement shall include the principal reasons for overruling considerations urged against the agency's decision.

Numbering System—Each rule is designated by a unique 10-digit number which is divided into four units by decimal points. The first unit (three digits) indicates the agency which promulgates the rule. The second unit (two digits) indicates the chapter of rules to which the rule belongs. The third unit (two digits) indicates the subchapter of rules, if any, within the chapter. The fourth unit (three digits) indicates the individual rule.

Texas Commission on Alcoholism

General

(Editor's note: Adopted new rules of the Texas Commission on Alcoholism's chapter of general rules concerning licensing procedures are being published serially beginning in this issue. Consecutive installments will appear in following issues. The effective date for all the serialized adoptions is November 28, 1978. The subchapter titles and rules to be published serially are listed below. The subchapters entitled Licensing Standards, Definitions, Rulemaking Procedures, and Extended Service appear in this issue.)

Licensing Standards 303.06.03.001-.010
Definitions 303.06.04.001
Rulemaking Procedures 303.06.05.001-.005
Extended Service 303.06.06.001-.006
Medical Care Detoxification Services 303.06.07.001-.006
Nonmedical Care Detoxification Services
303.06.08.001-.006
Intermediate Care Services—Class A 303.06.09.001-.006
Intermediate Care Services—Class B 303.06.10.001-.006
Outpatient Care Services 303.06.11.001-.005
Outreach Care Services 303.06.12.001-.005
Aftercare Services 303.06.13.001-.005

Licensing Standards 303.06.03

These rules are promulgated under the authority of Article 5561c, Texas Civil Statutes.

.001. Authority. Pursuant to the authority granted to the Texas Commission on Alcoholism under House Bill 321, Acts 1977, 65th Legislature, Chapter 553, at 1383, codified as Article 5561cc, Vernon's Texas Civil Statutes, which established a procedure by which the commission is to license health care facilities which treat alcoholics. The commission prescribes the following rules and procedures by which a person who operates a health care facility that treats alcoholics may obtain a license issued under this act.

.002. Objective. The intent of the commission is to provide written rules, regulations, and standards reflecting minimum licensing standards for the following:

- (1) the construction of the facility, including plumbing, heating, lighting, ventilation, and other housing conditions which insure the health, safety, and comfort of residents;
- (2) the sanitary conditions of the facility and the surrounding area, including water supply, sewage disposal, food handling, and general hygiene;
- (3) the equipment needed for adequate care and treatment;
- (4) the diet required by the needs of residents, based on good nutritional practice or on recommendations made by physicians attending the residents; and
- (5) the qualifications of all staff and personnel, including management and nursing personnel, having responsibility for any part of the care given to residents.

.003. Severability. If any provision of these rules, regulations, and standards be held invalid, such invalidity shall not affect other provisions which can be given effect without the invalid provision, and to this end, the provisions of these rules, regulations, and standards are declared to be severable.

.004. Scope of Rules, Regulations, and Standards. A person who operates a health care facility that treats alcoholics may obtain a license issued by the commission. The rules, regulations, and standards should be reasonably enforced and shall not be construed to enlarge, diminish, modify, or alter the jurisdiction, powers, or authority of the commission.

.005. Opinions and Advice. Except as otherwise expressly stated herein, advice given, statements made, and opinions expressed orally or in writing by the staff or personnel of the commission in response to inquiries or otherwise shall not be considered binding upon the commission in connection with any matter requiring the approval or adjudication of the commission.

.006. Precedent. Because rules cannot adequately anticipate all potential specific factual situations and circumstances presented for action, determination, or adjudication by the commission, the nature of the action taken with regard to any matter or the disposition of any matter pending before the commission is not necessarily of meaningful precedential value, and the commission shall not be bound by the precedent of any previous action, determination, or adjudication in the subsequent disposition of any matter pending before it.

.007. Terminology. The commission may from time to time define and interpret certain terms, whether or not used in the act, insofar as the definition and interpretation are not inconsistent with the purpose fairly intended by the policy and provisions of the act.

.008. Renewal of Unexpired License. A license issued under this act expires one year from the date of issue. A renewal license may be issued on receiving a completed application form prescribed by the commission and payment of a \$25 fee prior to the expiration date of the license. The commission may require an inspection before renewing a license. Any application received after the renewal date shall be treated as a new application for license and shall be submitted as a new application.

.009. Denial or Revocation of License.

(a) The commission may deny, revoke, or refuse to renew a license if the applicant or holder of the license fails to comply with the provisions of this act or with the rules, regulations, and standards of the commission adopted under this act.

(b) A person who is denied a license or whose license is revoked or not renewed is entitled to a hearing on the question of the issuance of the license and is entitled to notice of the days, time, and place of the hearing not later than 21 days before the date of the hearing. A request for a hearing must be made during the 30-day period following the date on which the applicant or the holder of a license received notice that the license was denied or that it was to be revoked or refused renewal.

(c) Except as provided in Section (e) of this rule, revocation of a license or an order refusing to renew a license does not take effect until the expiration of 30 days following the date on which the holder of the license received notice of the revocation or order of refusal to renew the license.

(d) If, after a hearing, the license is denied, revoked, or not renewed, the commission shall send to the applicant or holder of the license a copy of its findings and grounds for decision.

(e) The commission may revoke a license to be immediately effective in a situation where health or safety requires action. The commission must immediately notify the holder and provide an opportunity for a hearing within 14 days after the action takes effect.

(f) The Administrative Procedure and Texas Register Act (Article 6252-13a, Vernon's Texas Civil Statutes) applies to all hearings authorized by this act.

.010. *Variances.* In facilities where specific standards cannot be complied with because of alleged difficulty or undue hardship, exceptions to specific provisions of the standards may be made where clearly justified if the intent of the licensing standard is met and the safe, healthful, sanitary, and efficient operation of the facility is not seriously affected. To request a variance, the health care facility shall submit a written request to the commission stating name, address, and phone-number of facility; section or number of standard of item which will be affected; and action that staff or health care facility will provide to replace or offset the particular variance request. Approval or disapproval of the request for variance will be determined by the commission and returned in writing to the request party.

Doc. No. 787338

Definitions 303.06.04

This rule is promulgated under the authority of Article 5561c, Vernon's Annotated Civil Statutes.

.001. Definitions.

(a) "Act" means House Bill 321, Acts 1977, 65th Legislature, Chapter 553, at 1383, codified as Article 5561cc, Vernon's Texas Civil Statutes.

(b) "Aftercare services" is a facility that provides care to patients who have progressed sufficiently through emergency, inpatient, intermediate, and/or outpatient services to a point in their recovery where they will benefit from a level of continued contact which will support and increase the gains made to date in the treatment process.

(c) "Alcoholic" means any person who chronically and habitually uses alcoholic beverages to the extent that he has lost the power of self-control with respect to the use of the beverage or while chronically and habitually under the influence of alcoholic beverages, endangers public morals, health, safety, or welfare.

(d) "Alcoholism" means a condition of abnormal behavior or illness leading directly or indirectly to the chronic and habitual use of alcoholic beverages.

(e) "Alcoholism counselor" is a person who performs specialized counseling to alcoholics, develops and maintains case records, and provides counseling and other assistance to family members. A high school education and one year paid employment in a counseling role are the minimum requirements.

(f) "Attendant" is a responsible person who is trained to provide personal nonskilled care to patients or residents.

(g) "Authority" is the explicit or legal power or sanction which furnishes the grounds or justifies the provider organization's program.

(h) "Authority having jurisdiction" is the duly authorized representative or local agency having legal enforcement responsibility.

(i) "Building" is any structure used or intended for supporting or sheltering any use or occupant.

(j) "Combustible" is anything capable of undergoing combustion.

(k) "Combustion" is a chemical process that involves oxidation sufficient to produce light or heat.

(l) "Commission" means the Texas Commission on Alcoholism.

(m) "Emergency light" is emergency lighting facilities which shall be capable of automatically maintaining the specified degree of illumination in the event of failure of the normal lighting for a period of at least one hour. Electric battery-operated emergency lights shall use only reliable types of storage batteries, provided with suitable facilities for maintenance in properly charged condition. Dry batteries shall not be used to satisfy these requirements.

(n) "Executive director" means the executive director of the Texas Commission on Alcoholism.

(o) "Extended service" is an establishment that provides, through an organized medical or professional team, permanent facilities that include inpatient beds, medical services, and continuous nursing services, emergency care diagnosis, and treatment for patients who have problems with alcohol use in which he or she may receive diagnostic services, counseling, vocational rehabilitation, and/or work therapy.

(p) "Existing" is that which is already in existence at the date when this licensing standard goes into effect.

(q) "Exit" is that portion of a means of egress which is separated from all other spaces of the building or structure by construction or equipment as required to provide a protected way of travel to the exit discharge.

(r) "Exit access" is that portion of a means of egress which leads to an exit.

(s) "Hazard of content" is contents within a health care facility which are a relative danger to the start and spread of fire, the danger of smoke or gases generated, the danger of explosion or other occurrence potentially endangering the lives and safety of the occupants of the building or structure.

(t) "Handrail" is a bar, pipe, or similar member designed to furnish persons with a hand hold.

(u) "Health care facility" includes, regardless of ownership, a public or private hospital, institution, extended care facility, home health agency, outpatient care facility, ambulatory health care facility, health center, alcoholism and drug treatment facility, health maintenance organization, and other specialized facilities where inpatient or outpatient health care services for observation, diagnosis, active treatment, or overnight care for patients with medical, mental or psychiatric, alcoholic, chronic, or rehabilitative conditions are provided requiring daily direct supervision by a physician or a practitioner of the healing arts, but does not include the office of those physicians or practitioners singly or in groups in the conduct of their profession.

(v) "Inpatient" is a patient or pertaining to a patient who stays in an institution usually in excess of 24 hours.

(w) "Intermediate care facility—Class A" is a building or portion of a building or structure consisting of not more than two floors in height and 15 or less beds for residents.

(x) "Intermediate care facility—Class B" is a building or portion of a building or structure consisting of one or more floors and 16 or more beds for residents.

(y) "Intermediate care services" shall be designed to facilitate the rehabilitation of the alcoholic person by placing him in an organized therapeutic environment in which he may receive diagnostic services, counseling, vocational rehabilitation and/or work therapy while benefiting from the support which a full or partial residential setting can provide.

(z) "Licensed vocational nurse" is a practitioner of nursing who is registered or licensed in nursing by state law, Vernon's Texas Civil Statutes, Article 4528c, Section 1a.

(aa) "Means of egress" consists of the exit and the way of exit, is a continuous and unobstructed way of exit travel from any point in a building or structure to an area of safety.

(bb) "Medical care detoxification services" is a facility which provides 24-hour supervised care under the direction of a physician in a hospital or other suitably equipped medical setting designed for the diagnosis and/or psychiatric illnesses derived from or associated with alcohol abuse and/or alcoholism.

(cc) "Noncombustible" as applied to building construction material means material which, in the form in which it is used falls in one of the following groups (1) through (3), shall be accepted as noncombustible. No material shall be classed as noncombustible which is subject to increase in combustibility or flame-spread rating beyond the limits therein established through the effects of age, moisture, or other atmospheric condition.

(1) Materials no part of which will ignite and burn when subjected to fire.

(2) Materials having a structural base of noncombustible material as defined in (1), with a surfacing not over 1/8 inch thick which has a flame-spread rating not higher than 25 without evidence of continued progressive combustion, and of such composition that surfaces that would be exposed by cutting through the material in any way would not have a flame-spread rating higher than 25 without evidence of continued progressive combustion.

(dd) "Nonmedical care detoxification services" is treatment by use of rest, fluids, medications, counseling, and nursing care to restore physiological function after it has been upset by alcohol and designed for the diagnosis and/or psychiatric illnesses derived from or associated with alcohol abuse and/or alcoholism.

(ee) "Occupancy" is the purpose for which a building or portion thereof is used or intended to be used.

(ff) "Occupant load" is the total number of persons that may occupy a building or portion thereof at any one time.

(gg) "Outpatient care services" is a facility designed to provide a variety of diagnostic and primary alcoholism treatment services on both a scheduled basis and nonscheduled basis in a nonresidential setting to alcoholic persons and their families whose physical and emotional status allows them to function in their usual environment.

(hh) "Outreach care services" is a facility that provides care and facilitates identification (within a target population) of persons and their families who have problems related to the use of alcohol, to facilitate procurement of alcoholism services, and to alert all public and private human service agencies which serve the same target population to the importance of early identification and easy access to the service delivery system.

(ii) "Outside stairs" include stairs in which at least one side is open to the outer air.

(jj) "Person" includes any individual, partnership, corporation, association, or other public or private legal entity.

(kk) "Physician" is a doctor of medicine or osteopathy who is fully licensed to practice medicine in the State of Texas.

(ll) "Ramp" is an inclined floor surface.

(mm) "Registered nurse" is a nurse who is a graduate of an approved school of nursing and who is licensed to practice nursing in the state (Vernon's Texas Civil Statutes, Article 4522).

(nn) "Smoke detector" is a device which senses visible or invisible particles of combustion.

(oo) "Story" is that portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above.

(pp) "Structure" is that which is built or constructed.

(qq) "Volunteer" is a person who donates time, goods, services, or gifts to an alcoholism program. A volunteer may be a member of the governing body, a member of an advisory committee, or a person directly assisting clients, facility, or program staff.

Doc. No. 787339

Rulemaking Procedures 303.06.05

These rules are promulgated under the authority of Article 5561c, Texas Civil Statutes, as amended by House Bill 321, Acts 1977, 65th Legislature, Chapter 553 at 1383.

.001. *Initiation.* Proceeding for the adoption, amendment, revision, or repeal of rules, regulations, and standards shall be initiated by a majority of the commission at its meeting as prescribed by state law.

.002. *Notice.* Notice of the adoption, amendment, revision, or repeal of any rule, regulation, or standard shall be as required by the Texas Register Act.

.003. *Hearings.* Prior to the adoption, amendment, revision, or repeal of any rule, regulation, or standard, the commission will afford reasonable opportunity to all interested persons to submit data, views, or arguments, orally or in writing as required as the Texas Register Act.

.004. Petitions of Interested Persons. Any interested person may petition the commission requesting the adoption, amendment, revision, or repeal of any of its rules, regulations, or standards. The commission will initiate rulemaking proceedings or deny the petition in writing as set forth in the Texas Register Act, stating its reasons for the denial. In order to receive consideration by the commission, the petition must set forth:

- (1) the name, address, and telephone number of each petitioner and date of submission;
- (2) the text of the proposed rule, regulation, or standard, amendment, or revision, and brief explanation;
- (3) a statement of the particular statute or statutes and sections to which the above requested change relates;
- (4) a statement of the statutory or other authority under which the change is proposed;
- (5) a concise statement of need and purpose of such rule, amendment, or revision, and the deficiencies of the existing rules, regulations, or standards concerning the subject of the petition.

.005. Validity. No rule hereafter adopted and no amendment, revision, or repeal of any rule shall be valid:

- (1) unless approved by a majority of the commission;
- (2) unless adopted, amended, revised, or repealed in substantial compliance with these procedures;
- (3) unless indexed, filed, published, and made available for public inspection as required by state law.

Doc. No. 787340

Extended Service 303.06.06

These rules are promulgated under the authority of Article 5561c, Texas Civil Statutes, as amended by House Bill 321, Acts 1977, 65th Legislature, Chapter 553 at 1383.

.001. Program.

(a) **Purpose.** The extended service program shall provide comprehensive diagnostic, medical, treatment, and rehabilitation services to alcoholic persons.

(b) Admission.

(1) The alcoholism program shall contain requirements for admission. There shall be documentation verifying that a medical evaluation has been completed during the current span of illness, either prior to or at the time of the patient's entry into the program. The program shall provide a written provision of an evaluation of medical needs, if such service is not directly provided by the program. The procedure for assessing client medical needs shall be determined in consultation with a physician. If medical evaluation is determined to be necessary, it shall be carried out by a qualified physician. If medical evaluation is determined to be necessary, the results of the evaluation shall be documented in the client/patient record.

(2) If a person is eligible for services provided by the program and seeks such services, then that person (and/or his or her family) shall be admitted as a patient or client of the program. If the person is not eligible for admission to the program or the program cannot provide the needed services, then the person shall be referred to appropriate services, and such referral shall be recorded by the program.

(c) Records and client confidentiality.

(1) Client confidentiality shall be assured according to requirements of Volume 40, Number 127, *Federal Register*,

July 1, 1975. Federal regulations require that there be signed consent regarding admission, records, or other information prior to the release of such information.

(2) The facility shall maintain a code of ethics and confidentiality wherein the integrity and dignity of the client is preserved. The facility shall take appropriate safeguards to keep and protect all records and to insure their confidentiality. Qualified staff members shall be responsible for the various categories of records. Access to case records and other confidential data shall be limited to staff members. Confidential records shall be stored under lock with maximum protection against fire, water damage, and other hazards. Records shall be retained for a period of time consistent with professional, legal, and administrative requirements.

(d) Client or patient rights.

(1) Restrictive rules shall be kept to a minimum. While some rules are necessary in group living to maintain a balance between individual wishes and group welfare, they shall not infringe upon a resident's civil rights of self-determination, privacy of person or thought, and personal dignity. General rules affecting all residents should be based on this premise that residents have the capacity to function as adult individuals.

(2) There shall be written policy designed to enhance the dignity of all patients and to protect their rights as human beings. The written policy shall include but not be limited to the following standards: procedures to inform all patients of their legal and human rights, physical restraints and seclusion shall be used only in extreme cases to protect the patient from injuring himself or others; when all other alternatives are exhausted, that patients under physical restraint or in seclusion are observed by a staff member at least every 30 minutes; and that the authorization for the use of physical restraints and/or seclusion shall be written and justified in the patient's record by the senior clinical staff member, which shall be renewed at least every 24 hours.

(3) The program shall have a written statement of its policies and practices for handling cases of neglect and abuse of its patients; said statement shall be given to all personnel and be available to others upon request, and there shall be documentation verifying that this written statement is annually reviewed and approved by the governing authority as well as any alleged violations, and the results of any investigation shall be documented.

(4) Any wages paid to patients engaged in vocational training or work within the program shall be in accord with local, state, and federal requirements.

(e) Environment.

(1) The alcoholism program shall establish an environment that enhances the positive self-image of the patient and preserves human dignity by making provisions for the following: patients shall be allowed to wear their own clothing or, if clothing is provided by the alcoholism program, it shall be appropriate and shall not be dehumanizing; patients should be allowed to keep and display personal belongings and to add personal touches to the decoration of their own room; articles for grooming and personal hygiene shall be readily available for the individual patient in a space reserved adjacent to his sleeping area, providing a patient's personal articles may be kept under lock and key only if it can be documented that the patient may be a danger to himself or others.

(2) Staff areas should be open to promote patient personnel interaction, and nursing stations, where provided, should be open.

(3) Patients should be encouraged to take responsibility for maintaining their own living quarters, but such responsibilities shall be clearly defined in writing and provided to the patient at orientation, but there shall be documentation demonstrating that these responsibilities do not constitute full-time, reimbursable work for maintenance of the alcoholism program, but rather are an integrated part of the therapeutic treatment. The alcoholism program shall promote the patient's perceptual clarity and awareness of the surroundings in at least the following ways: the design, structure, furnishings, and lighting of the environment should promote clear perceptions of people and functions throughout the treatment setting, *e.g.*, sufficient lighting should be available to see people's features clearly; lighting should be under the control of the occupants of the lighted area unless a therapeutic rationale for exclusive staff control is provided in the written program plan; the environment shall be designed to allow views of the outdoors; major areas used by patients shall have windows or skylights, and occupants' sleeping areas shall have natural light. To promote awareness of the time and the season, clocks and calendars should be provided, at least in the major use areas. The alcoholism program shall accommodate the patients' needs for physical access to the outdoors, *e.g.*, through the use of nearby parks, playgrounds, adjacent countryside, and grounds of the environment, unless therapeutically contraindicated, and the extent of this accommodation and concomitant guidelines for utilization shall be outlined in the written policies and procedures.

(4) The use and location of noise-producing equipment and appliances such as televisions, radios, and record players shall not interfere with other activities of the therapeutic program. There shall be documentation of planned programs, consistent with the needs of patients, for social, educational, and recreational activities for all patients for daytime, evenings, and weekends with the provision of leisure time for patients and a mechanism by which they are encouraged to use the time in a way that fulfills their own cultural and recreational interests and feelings of human dignity with provisions of opportunities for physical exercise and sports activities.

(5) The alcoholism program shall assure accessibility for handicapped individuals, preferably through its physical environment, or, as an alternative, through a written plan that indicates how the patient or potential patient shall receive necessary services.

(f) Medications and diets.

(1) Nonprescribed medications should be available to residents, and such medications, if provided, shall be administered by program staff under the advice or supervision of a licensed physician.

(2) Prescribed medications shall be stored under lock by the program staff upon resident admission to the program. Such medications shall be administered by program staff under the advice or supervision of a licensed physician.

(3) An adequate diet meeting adult minimum daily nutritional requirements as established by the USDA shall be provided to all residents. Food shall be handled and prepared by persons with a valid Texas Department of Health card.

(g) Visitation rights and service providers.

(1) The alcoholism program shall provide the patient with means of communicating with persons outside the program in at least the following ways: patients shall be allowed to conduct private telephone conversations with family and friends and shall be allowed to send and receive mail.

(2) There shall be procedures designed to protect the patient's rights and privacy with respect to facility visitors, *e.g.*, educational or other individual or group visitations through the alcoholism programs and such visitations, which shall be conducted so as to minimally interrupt the patient's usual activities and therapeutic programs.

(3) Residents shall have the opportunity to receive visitors at reasonable hours if consistent with the treatment plan.

(4) The program should provide an area in which patients or residents can meet with outside community service providers and other program providers to assist in fulfilling the goals and objectives of the treatment plan.

.002. Governing Authority.

(a) If the governing authority is a public organization, it shall describe the administrative framework of the program, and the lines of authority within the program shall be described.

(b) If the governing authority is a private, nongovernmental organization, it shall provide written documentation of its source of authority through charter, constitution, and bylaws, and, where required, its state license or certification.

(c) The governing authority shall exercise general direction over and establish policies concerning the operation of the program with documentation of the methods and procedures used by the governing authority to exercise general direction over and establish policies concerning the operation of the program. The governing authority shall appoint an executive director whose qualifications are competent, professional, ethical, and qualified for the position; authority and duties are defined in writing and shall delegate the authority and responsibility to the executive director for the management of the program in accordance with established policy.

(d) The governing authority shall maintain full responsibility for the fiscal and managerial integrity of the program.

(e) The program shall have written personnel policies and practices which shall include an equal employment opportunity affirmative action plan for hiring members of minority groups, women, and the physically handicapped in compliance with the Civil Rights Act of 1964, Public Law 88-352, which shall apply to individuals employed by the program and those working under the supervision of individuals employed by the program.

(f) Written personnel policies and practices shall include a mechanism for evaluation of personal performance on at least an annual basis, which shall be in writing and reviewed with the employee, which shall include a mechanism for suspension and/or dismissal of an employee for cause, and there shall be documentation verifying that the written personnel policies and practices are given to each employee and are available to others upon request. There shall be documentation verifying that the governing authority has approved all written personnel policies and practices and that these personnel policies and practices are reviewed and updated at least annually.

(g) The governing body or the executive director shall provide a policy manual that describes the regulations, principles, and guidelines that determine the program's operation, which is reviewed and updated at least annually, and said policy manual shall be available to all staff and the public, and there shall be verification that every effort is made to maintain policies that are in compliance with local, state, and federal laws and regulations.

.003. Organizational Plan and Staffing.

(a) Organizational plan. The program shall have an organizational chart and/or a written plan describing its organization, which shall define the role of the individual who is in charge of alcoholism services for the program, include specifications of the lines of authority, define the roles of personnel utilization, delineate the interrelationship of the program component and its personnel with other program components and service providers of the facility, and shall delineate the interrelationship of the component and its personnel with other components of the alcoholism program not located in the facility. There shall be documentation of annual review, updating, and approval of the organization plan by the governing body, executive director, and representatives of the clinical and administrative staffs of the program, and documentation verifying that each administrative and clinical staff member of the program has received a copy of the written organization plan. There shall be a written statement of the program's goals and objectives, as well as procedures for implementing these goals and objectives, which shall have documentation verifying that the goals and objectives are approved by the governing authority, which will be reviewed and updated at least annually by the governing authority, and which shall be distributed to all staff and is available to others upon request.

(b) Staffing.

(1) There shall be written job descriptions for all positions which shall set forth the qualifications, reporting supervisor, positions supervised, duties, and documentation verifying that each job description is reviewed and updated at least annually for continuing appropriateness.

(2) There shall be documentation verifying that all personnel meet any local, state, or federal legal requirements of their positions, e.g., licensing, registration, and/or certification. The written personnel policies and practices shall describe methods and procedures for the supervision of all personnel, including volunteers, and shall include a mechanism for determining that all personnel are free of communicable or infectious diseases. The program shall have a written plan for the professional growth and development of all personnel which shall include but not be limited to orientation procedures, availability of professional reference material, may contain mechanisms for insuring outside continuing education opportunities for employed staff which shall be annually reviewed and approved by the governing authority or its designee and shall be available to all personnel. The program shall document the involvement of personnel in the development and implementation of all the above policies, practices, statements, and plans.

.004. Treatment Plan.

(a) An evaluation of medical (if any), social, and psychological needs of the client shall be complete prior to the

development and implementation of a treatment plan. The social/psychological evaluation shall include but not be limited to drinking history, familial relationships, education background, and socio-economic status. The results of this diagnostic assessment shall be documented in the patient's record. This assessment shall serve as the basis for the client/patient treatment plan.

(b) The treatment plan shall be individualized to the client or patient and shall be developed in conjunction with the client or patient. Program staff shall develop treatment goals and objectives for the treatment plan. These goals and objectives shall be developed in conjunction with the client or patient and shall be recorded in the client record. Program staff shall monitor the progress of the client toward treatment goals and objectives and record such in client record.

(c) There shall be a written individualized treatment plan based on the documentation verifying that this treatment plan is carried out by qualified staff. There shall be documentation verifying that the treatment plan is periodically evaluated and updated, reviewed and updated as necessary, based on changes in the patient's medical condition and social/psychological state, and the original treatment plan based upon medical needs shall be updated after the social/psychological evaluation has been completed.

(d) There shall be documentation that an evaluation of the social/psychological needs of the patient has been completed prior to discharge from the program. The evaluation shall include but not be limited to the drinking history, a determination of current emotional state, cultural background, vocational history, familial relationships, educational background, and social economic status. There shall be documentation verifying that this evaluation is made available to other program components of the program, and with the written consent of the patient, to other community service agencies who will provide continuing care for the patient after discharge from the program.

.005. Evaluation.

(a) The written statement of the program's goals and objectives, developed as a result of the planning process, shall serve as the basis for program evaluation. The alcoholism program shall develop a written evaluation plan based on the goals and objectives of the program, which shall include mechanisms for assessing the attainment of the program's goals and objectives, mechanisms for documenting program achievements not related to original goals and objectives, mechanisms for accessing the effective utilization of staff and program resources toward the attainment of the program's goals and objectives, operational definitions of criteria to be applied in determining whether established goals and objectives are achieved. The evaluation plan shall be reviewed and updated at least annually and shall be available to all personnel.

(b) There shall be documentation verifying that the results of the evaluation process shall become a part of the continuous planning process and are made available to all personnel.

(c) All fiscal and program evaluations conducted by internal or external auditors and staff shall be kept on file and available to the licensing agent (TCOA), or other appropriate persons.

.006. Physical Plant Requirements.**(a) General.**

(1) Every building or structure shall be so constructed, arranged, equipped, maintained, and operated as to avoid undue danger to the lives and safety of its occupants from any emergency.

(2) In every building or structure, exits shall be so arranged and maintained as to provide free and unobstructed egress from all parts of the building or structure at all times when it is occupied. No lock or fastening device to prevent free escape from the inside of any building shall be installed.

(3) Every exit shall be clearly visible or the route to reach it shall be conspicuously indicated in such a manner that every occupant of every building or structure who is physically and mentally capable will readily know the direction of escape from any point. Each path of escape, in its entirety, shall be so arranged or marked that the way to a place of safety outside is unmistakable. Any doorway or passageway not constituting an exit or way to reach an exit, but of such a character as to be subject to being mistaken for an exit, shall be so arranged or marked as to minimize its possible confusion with an exit and the resultant danger of persons endeavoring to escape from fire finding themselves trapped in a dead-end space from which there is no other way out.

(4) Every building or structure, that the reasonable safety of numbers of occupants may be endangered by the blocking of any single means of egress due to fire or smoke, shall have at least two means of egress remote from each other, so arranged as to minimize any possibility that both may be blocked by any one fire or other emergency conditions. Every required exit and means of egress shall be continuously maintained free of all obstructions or impediments to full instant use in the case of fire or other emergency.

(5) Each health care facility shall conform to all state laws and local codes and ordinances. When such laws, codes, and ordinances are more stringent than these standards, the more stringent requirements shall govern. Should state laws or local codes or ordinances be in conflict with the requirements of these standards, the commission shall be so informed.

(6) Mobile homes or trailers are prohibited. "Manufactured homes," if meeting requirements of these standards as determined by the commission, are acceptable.

(7) Each health care facility shall be located within five minutes service time from a paid or volunteer fire fighting unit approved by the commission and be served an adequate water supply for fire fighting purposes. Should the fire fighting unit response time not be within five minutes or should the water supply be insufficient, the facility shall have an early automatic fire/smoke detection system as approved by the commission and additional fire protection equipment as determined by the commission.

(8) Smoking regulations shall be established and conspicuously posted throughout the facility. Ashtrays and waste baskets of noncombustible material and safe design shall be provided.

(9) Each health care facility shall develop an emergency evacuation plan approved by the local fire marshal having jurisdiction and the commission. The plan shall be conspicuously posted throughout the facility and will be reviewed by the commission during the inspection.

(10) There shall be at least one telephone in the facility available to either staff or residents use in case of an

emergency. The telephone numbers of the fire department, the police department, and emergency ambulance service shall be posted conspicuously at or near the telephone.

(11) Storage items shall be neatly arranged and placed to minimize fire hazard. Gasoline, volatile materials, paint, and similar products shall not be stored in the building housing residents.

(12) All fires, whether causing injury or damage, shall be reported within 72 hours to the commission, followed by a written report indicating date, time, location in facility, how discovered, notification procedures, procedures in protecting (or evacuating) residents, automatic activation of alarm, fire department response, method of suppressing the fire, cause, injury, damage, and other pertinent information.

(b) Means of egress.

(1) Means of egress for both existing and new buildings or structures shall comply with this section except as may be modified for individual buildings or structures by the commission and by local codes.

(2) All exit components shall be permanently attached or constructed as an integral part of the building unless otherwise approved by the commission and local authority. Portable ladders, rope fire escapes, and similar emergency escape devices are not recognized by the commission as acceptable.

(3) No designated area or enclosure which serves as an exit shall be used for any purpose which could interfere with its function as an exit.

(4) Every sleeping room above the street floor shall have access to two approved separate means of exit. It is preferred that both means of exit may be enclosed interior stairways but shall be remote from each other and so arranged as to minimize any possibility that both may be blocked by any one fire or other emergency condition. An acceptable alternate arrangement would be that one means of exit shall consist of an enclosed interior stairway and the other may be an exterior stairway, or a fire escape as described in the fire escape stairs section, Rule 303.06.04.006(g).

(5) Exits shall be so arranged that the maximum distance to travel from any point in the building or structure to the nearest outside door or stair shall not be more than 150 feet.

(6) When a room is to be occupied by more than 50 persons at any given time, the means of exit shall be side-hinged, swinging type, and shall with the exit travel. In no case shall access to an exit be through a bathroom, bedroom, or other room subject to locking, except where the exit is designed to serve that room only. Hangings or draperies shall not be placed over exit doors or located so as to conceal or obscure an exit. Mirrors shall not be placed on exit doors. The minimum width of any way of exit access shall not be less than two feet, eight inches.

(7) All exits, terminating at a public way or at an exit discharge shall be of required width and size to provide all occupants with a safe access to a public way.

(8) Means of egress shall be so designed and maintained to provide head room with the minimum ceiling height to be not less than seven feet, six inches, and no projections from the ceiling be less than six feet, eight inches from the floor.

(9) All means of egress, such as doors, stairs, ramps, passages, and signs shall be of substantial, reliable construction, built or installed in good workmanship manner and

shall be continuously maintained free of all obstructions or impediments to full instant use in the case of fire or other emergency.

(c) Doors.

(1) Doors which are required to serve as an exit shall be so designed and constructed that the way of exit travel is obvious and direct. Windows, because of their physical configuration or design or materials used in their construction could be mistaken for doors, shall be made inaccessible to the occupants by barriers or railings.

(2) When serving an occupant load of more than 50 persons, any door used in a means of egress shall swing in the direction of exit travel.

(3) Locks, if provided, shall not require the use of a key for operation from the interior. No padlock, hasp, bar, chain, or other device, or combination thereof, shall be installed or maintained at any time on or in connection with any door, if such device prevents, or is intended to prevent, the free use of the door for purposes of egress.

(d) Stairs.

(1) All stairs intended to serve as a means of egress shall be of permanent fixed construction.

(2) Stairs shall be constructed in accordance with the following table:

Minimum width	36 inches
Maximum height of risers	8 inches
Minimum width of tread	9 inches
Minimum head room	6 feet, 8 inches
Minimum dimension of landings in direction of travel	44 inches

Doors opening immediately on stairs, without the landing at least the width of the door, are not acceptable.

(3) All stairs, platform, landing, and balcony shall be designed to support a concentrated load of 300 pounds, so located as to produce maximum stress conditions.

(4) Where the material of stair treads and landings is such as to involve a danger of slipping, a nonslip material shall be provided and installed on tread surface.

(5) There shall be no enclosed usable space under stairs in an exit enclosure nor shall the open space under such stairs be used for any purpose other than storage of non-flammable materials or items.

(6) All stairways and intermediate landings shall continue with no decrease in width along the direction of exit travel.

(7) Means of egress such as stairs, ramps, balconies, and stair landings, higher than 30 inches shall have guards to prevent falls over the open sides. Required guards and handrails shall continue for the full length of each flight of stairs. Guards and handrails, and the hardware for attaching same, shall be so designed and installed that there are no projecting lugs or attachment devices or nonprojecting corners or members of grilles or panels which may engage loose clothing.

(8) The height for stair handrails shall be not less than 30 inches nor more than 34 inches above the upper surface of the tread, measured vertically to the top of the rail from a point on the tread one inch back from the leading edge. Handrails shall provide a clearance of at least one and one-half inches between the handrail and the wall to which it is fastened.

(9) All supporting members for balconies and stairs, which are in tension and are fastened directly to the building,

shall pass through the wall and be securely fastened on the opposite side, or they shall be securely fastened to the framework of the building in an acceptable manner, or they shall be supported by post anchored securely in the ground. Metal members shall be protected effectively against corrosion, where they pass through walls.

(e) Ramps.

(1) A ramp shall be permitted as a component in a means of egress when it conforms to the following requirements.

(2) A ramp shall not have a slope greater than one-foot rise in 12 feet, or 8.33 percent, or four degrees, 50 minutes, and the minimum width shall be 36 inches.

(3) A ramp shall have handrails on at least one side, and preferably two sides, that are 32 inches in height, measured from the surface of the ramp to the top of the handrail, that are smooth, and that extend one foot beyond the top and bottom of the ramp.

(4) Ramps shall have a surface that is nonslip. A ramp shall have a level platform at the top which is at least five feet by five feet, if a door swings out onto the platform or toward the ramp. This platform shall extend at least one foot beyond each side of the doorway. A ramp shall have a level platform at least three feet deep and five feet wide if the door does not swing onto the platform or toward the ramp. This platform shall extend at least one foot beyond each side of the doorway. Each ramp shall have at least six feet of straight clearance at the bottom. All ramps shall have level platforms wherever they turn.

(5) A ramp and the platforms and landings associated therewith shall be designed for not less than 100 pounds per square foot live load.

(f) Fire escape ladders.

(1) No form of ladder shall be used as a fire escape, except that existing ladders may be accepted to provide access to the ground or other safe area of refuge if they are approved by the commission, the local authority having jurisdiction, and meet all of the specifications as noted.

(2) All ladders shall be permanently installed in a fixed position, supported by rigid connections to the building or structure at intervals not exceeding 10 feet.

(3) Ladders shall be vertical or positively inclined and parallel to buildings or structures with travel either between ladder and building, in which case minimum clearance between center of rungs and building shall be 27 inches, or outside of ladder, in which case minimum clearance between center of rungs and building shall be six and one-half inches.

(4) Ladder rails of iron or steel shall be not less than one-half inch by two inches in section and not less than 16 inches apart. Rungs shall be not less than seven-eighths inch in diameter and shall be riveted or welded in position not less than 10 inches nor more than 12 inches on centers. The lowest rung of any ladder shall be not more than 12 inches above the level of the ground.

(g) Fire escape stairs.

(1) Fire escape stairs may be used in required means of egress only in existing buildings, providing they meet or exceed the following specifications. Fire escape stairs shall not be accepted as constituting any part of the required means of egress for new buildings.

(2) Fire escape stairs shall provide a continuous unobstructed safe path of travel to the ground or other safe area of refuge to which they lead. Fire escape stairs shall be constructed in accordance with the following table:

Minimum width	18 inches clear between rails
Maximum rise	12 inches
Minimum tread	6 inches
Tread construction	flat metal bars on edge, or square bars secured against turning
Head room, minimum	6 feet, 6 inches
Access to escape	door or window

(3) Fire escape stairs shall be so arranged that they will be exposed by the smallest possible number or area of window and door openings.

(4) Where access to a fire escape stair is by way of double hung windows, such windows shall be counter-balanced and maintained that they can be readily opened with a minimum of physical effort. Screens on any type of opening giving access to fire escape stairs shall be of types that may be readily opened or pushed out. No storm sash shall be used on any window providing access to fire escape stairs. Balconies, to which access is secured through windows with sills above the inside floor level, shall be not more than 18 inches below the sill.

(5) Iron, steel, or other approved noncombustible material shall be used for the construction of fire escape stairs, balconies, and railings. Balconies and stairs shall be designed to carry a load of 100 pounds per square foot or a concentrated load of 300 pounds so located as to produce maximum stress conditions. All supporting members for balconies and stairs, which are in tension and are fastened directly to the building, shall pass through the wall and be securely fastened on the opposite side or they shall be securely fastened to the framework of the building. Where metal members pass through walls, they shall be protected effectively against corrosion.

(6) All fire escapes shall have either walls and/or handrails on both sides. Handrails shall be 36 inches high, measured vertically from a point on the stair tread one inch back from the leading edge, or vertically above any landing or balcony floor level to the top of handrail. Handrails and guards shall be so constructed as to withstand a force of 200 pounds applied downward or horizontally at any point.

(h) Illumination of means of egress.

(1) Illumination of means of egress shall be provided for every building and structure and shall be continuous during the time that the conditions of occupancy require that the means of egress be available for use. Artificial lighting shall be employed at such places and for such periods of time as required to maintain the illumination to the minimum foot-candle values as noted in this section.

(2) The floors of means of egress shall be illuminated at all points including angles and intersections of corridors and passage ways, stairways, landings of stairs, and exit doors to values of not less than one foot-candle measured at the floor. Any required illumination shall be so arranged that the failure of any single lighting unit, such as the burning out of an electric bulb, will not leave any area in darkness.

(3) Illumination of means of egress shall be from a source, or reasonably assure reliability, such as a public utility electric service. No battery-operated electric light nor any type of portable lamp or lantern shall be used for primary illumination of means of egress, but may be used as an emergency source of emergency lighting.

(4) In case of failure of electricity, not less than an electric lantern or flashlight in serviceable condition shall be available for use on each floor or in each section of a facility with 15 or less residents. All facilities with 16 or more residents or areas where more than 50 persons may meet at any given time shall be equipped with a commission approved electric battery-operated emergency light for all exit ways.

(i) Exit marking.

(1) Access to exits shall be marked by readily visible signs in all cases where the exit or way to reach it is not immediately visible to the occupants. Every required sign designating an exit or way of exit access shall be so located and of such size, color, and design as to be readily visible. Any door, passage, or stairway, which is neither an exit nor a way of exit access and which is so located or arranged as to be likely to be mistaken for an exit, shall be identified by a sign reading "Not an Exit" or similar designation.

(2) A sign reading "Exit," or similar designation, with an arrow indicating the direction, shall be placed in every location where the direction of travel to reach the nearest exit is not immediately apparent.

(3) Every sign shall be distinctive in color and shall provide contrast with decorations, interior finish, or other signs.

(4) Every exit sign shall have the word "Exit" in plainly legible letters not less than six inches high with the principle strokes of letters not less than three-fourths inch wide.

(5) Every exit sign shall be suitably illuminated by a reliable light source giving a value of not less than five foot-candles on the illuminated surface, and down light.

(j) Fire protection equipment.

(1) Portable fire extinguishers.

(A) At least one portable U.L.- or F.M.-approved five-pound class B:C dry chemical fire extinguisher, rechargeable type, is required in each laundry, kitchen, and walk-in mechanical room. (Exception: U.L.- or F.M.-approved equivalent Class B five-pound carbon dioxide extinguisher installed in the above mentioned locations prior to effective date of these standards is acceptable.) A:B:C type extinguishers are not recommended for use in kitchens.

(B) Portable U.L.- or F.M.-approved two and one-half gallon stored pressure water-type fire extinguisher (Class A) must be provided in public areas serving resident bedrooms. One such unit shall be located within 50 feet of any resident bedroom door or for each 2,000 square feet of floor space or fraction thereof. Acidic base fire extinguishers (A:B:C) are not approved for use in resident areas.

(C) Extinguishers must be conspicuously located where they will be readily accessible and available and never obstructed or obscured from view. Units must be installed on hangers or brackets supplied with the units, mounted in special cabinets or set on shelves specifically dedicated to the units, and operating instructions shall face outward. Mounting heights must be convenient, and in no case shall the extinguisher be mounted closer than four inches to the floor nor higher than five feet from the floor.

(D) Regular monthly inspections should be made by facility representatives to assure that extinguishers are in proper location, that any seals or tamper indicators are not broken, that there is no obvious physical damage, that there is no visible corrosion or leakage, that the gauge indicates a full charge, that the annual service tag is in place and up to date, and that the units appear to be in proper working order.

Annual maintenance must be accomplished in accordance with National Fire Protection Association Standard No. 10A by competent personnel licensed or certified to perform servicing by the Texas State Fire Marshal. A service tag in format established by the Texas State Fire Marshal must be securely fastened to each extinguisher. Hydrostatic testing must be accomplished in accordance with regulations of the Texas State Fire Marshal. Unserviceable extinguishers must be replaced.

(E) Fixed automatic smoke-detection alarm-initiating devices shall be installed in all intermediate care facilities, Class B (16 or more residents). All fixed smoke-detection systems shall include but not be limited to a control panel, smoke-detection devices, manual fire alarm boxes, and an alarm-indicating device. The location of smoke-detection devices shall be based upon a survey of the area to be protected, and then so located and adjusted to operate reliably in case of smoke in any part of the protected area. The connection of smoke-detection devices shall not impair the effectiveness and dependability of operation of manual fire alarm boxes to operate the alarm-indicating devices. Audible alarm-indicating devices shall be of such character and so distributed to be effectively heard above the maximum noise level obtained under normal conditions of occupancy. A manual fire alarm box shall be provided in a natural path of escape from fire, near each exit from an area and shall be readily accessible, unobstructed, and at visible points. System shall be installed by a qualified, responsible person licensed by the state fire marshal for such installation. Systems shall be tested periodically as recommended by the manufacturer.

(k) Kitchens.

(1) All kitchens and/or food service rooms shall be in accord with the State Department of Health Resources and local health department having jurisdiction.

(2) Any opening to the outside shall be effectively screened against insects.

(3) Exhaust vents on vents and hoods of kitchen ranges must terminate outside the building unless otherwise designed to operate without a vent.

(l) Utilities.

(1) All gas pipes shall be pressure tested annually by the local gas company or a licensed plumber. A report of this inspection, including the date, findings, and recommendations, shall be kept on file. Copies shall be submitted to the commission on request.

(2) A health care facility using liquefied petroleum gas shall have an annual inspection by the Liquefied Petroleum Gas Division of the Texas Railroad Commission. A report of this inspection, including the date, findings, and recommendations, shall be on file. Copies shall be submitted to the commission on request.

(3) An adequate supply of hot water shall be available at all times. Temperature of hot water shall be automatically regulated not to exceed 120 degrees Fahrenheit. All water heater relief valves shall be piped to the exterior. Gas-operated water heaters designed to be vented shall be properly vented to the exterior.

(4) Waste water drainage and sewage shall be discharged into a state approved municipal sewerage system where such system is available; otherwise, the sewage and waste water shall be collected, treated, and disposed of in a manner which is approved by the local health department having jurisdiction.

(5) The water supply shall be of safe and sanitary quality as approved by the Texas Department of Health. Quantity and pressure shall be as necessary to serve the needs of the facility.

(6) All gas appliances shall have metal tubing and metal connections.

(7) Illumination, either natural or artificial, shall be provided to supply the needs of the residents without eye strain or glare. Nonglare lighting fixtures and window glare-reduction devices shall be provided. General building surfaces shall be nonglare. Wall, floor, and ceiling surfaces shall generally provide reflectance factors that are compatible with good lighting practice. Generally, current recommendations of the Illuminating Engineering Society shall be followed to achieve proper illumination characteristics and light levels throughout the building.

(m) Plumbing.

(1) There shall be one lavatory, one tub or shower with hot and cold running water, and one water closet for every eight residents and/or staff. All tubs and showers shall have nonslip bottoms on floor surfaces, or furnishings shall be provided to satisfy this requirement.

(2) All plumbing work shall meet the requirements of state and local plumbing codes.

(n) Electrical.

(1) All electrical systems shall meet all requirements as set out in the National Fire Protection Association Standard Number 70 National Electrical Code.

(2) The use of extension cords should be controlled to assure proper usage.

(3) All portable electrical equipment designed to be grounded shall be used accordingly.

(o) Ventilation.

(1) Ventilation must be sufficient to admit fresh air and remove disagreeable odors. The facility shall be well ventilated through the use of windows, mechanical ventilation, or a combination of both. Rooms and areas not having outside windows and which are used by residents shall be provided with functioning mechanical ventilation to change the air on a basis commensurate with the room usage. A sufficient number of windows, capable of being opened, shall be provided in order to allow for sufficient ventilation in case of breakdown in the normal ventilation system or power failure.

(2) All mechanical equipment for heating, cooling, or air movement shall be designed to provide a temperature level between 65 degrees Fahrenheit and 85 degrees Fahrenheit in all occupied areas at all times. Mechanical equipment should be properly designed to offset rapid changes in temperature. All open-flame heating devices and space heaters are prohibited unless they are properly vented. Working fireplaces are acceptable if of safe design and construction and if screened or otherwise enclosed.

(3) All windows and doors used for ventilation shall be screened for protection against insects.

(p) Environment.

(1) Buildings and grounds shall be maintained, repaired, and cleaned so that they are not hazardous to health and safety.

(2) Outdoor areas shall be well drained.

(3) Storage of hazardous items such as janitor supplies and equipment shall be provided in closets or spaces separate from resident use areas. Closets or spaces shall be maintained in a safe and sanitary condition and ventilated in a manner commensurate with the use of the closet or space.

(4) Metal wastebaskets or trash containers shall be provided for resident bedrooms, offices, lounges, handicraft rooms, and similar locations. It is recommended that these containers be made of substantial gauge steel and have at least a half-inch air space between the floor and bottom of the container. Certain plastic containers meeting Underwriter Laboratories, Inc. (U.L.) standards may be used in place of metal.

(5) Garbage, waste, or trash containers provided for kitchens, janitor closets, laundries, mechanical rooms, general storage, and similar places shall be made of steel, have a close fitting steel cover, and have at least a half-inch air space between the floor and bottom of the container. Disposable plastic liners may be used in these containers for sanitation.

(6) Waste, trash, and garbage shall be removed from the premises at regular intervals to prevent excessive accumulations. The building and grounds shall be kept neat and free from refuse, litter, accumulations of extraneous materials, and other unsightly or injurious accumulations.

(7) A pest control program shall be in operation in the facility. Such programs shall be provided by contract with a licensed pest control company. Care shall be taken to insure the use of the least toxic and least flammable effective insecticides and rodenticides. Certificate of programs shall be kept on file at the facility and shall be made available to the commission upon request.

Issued in Austin, Texas, on November 7, 1978.

Doc. No. 787341 Abe M. Mays, Jr.
Executive Director
Texas Commission on Alcoholism

Effective Date: November 28, 1978
For further information, please call (512) 475-2577.

Comptroller of Public Accounts

Tax Administration

Sales Tax Division—State Taxes 026.02.20

Under the authority of Texas Taxation—General Annotated, Article 20.11(A), the Comptroller of Public Accounts has adopted Rule 026.02.20.048 to read as follows:

.048. *Optional Reporting Methods for Grocers and Other Vendors.*

- (a) (No change.)
- (b) Reporting methods.
 - (1)-(2) (No change.)
 - (3) Third method (E). Any retailer, including those

mentioned above, who establishes an accounting system whereby the tax collected pursuant to the Limited Sales Tax Act is commingled with the receipts from the sale of tangible personal property may determine the taxable receipts in the following manner:

(A) (No change.)

(B) If the retailer is subject to state tax only, the remainder shall be divided by 1.04. If the retailer is subject to both state and city tax, the remainder shall be divided by

1.05. If the retailer is within the San Antonio Metropolitan Transit Authority but not subject to city tax, the remainder shall be divided by 1.045. If the retailer is subject to state, city, and the San Antonio Metropolitan Transit Authority taxes, the remainder shall be divided by 1.055. If the retailer is within the Houston Metropolitan Transit Authority but not subject to city tax, the remainder shall be divided by 1.05. If the retailer is subject to state, city, and the Houston Metropolitan Transit Authority taxes, the remainder shall be divided by 1.06.

(C) (No change.)

Doc. No. 787371

Metropolitan Transit Authority Sales and Use Tax 026.02.24.004

Under the authority of Texas Revised Civil Statutes Annotated, Article 1118x, Section 11B, the Comptroller of Public Accounts has adopted Rule 026.02.24.004 to read as follows:

.004. *Sales Tax Imposition; Collection by Retailer; Bracket System Formula; Consummation of Sale; Exclusion of Sale of Eight Cents or Less (Texas Revised Civil Statutes Annotated, Article 1118x, Section 11B(B)(e), and Article 1066c, Subsections 2(B), 2(K)(1)(2), 6(B)(1)).*

(a) Imposition of sales tax.

- (1)-(2) (No change.)
- (3) Effect of city tax.

(A) When the sales price involves a fraction of a dollar and no city tax is applicable, the two combined taxes (state and MTA) shall be added to the sales price upon the following schedules:

(i) Based upon the one-half of one percent rate adopted by the San Antonio Metropolitan Transit Authority:

Amount of Sale	Tax
\$.00 to \$.11	No Tax
.12 to .33	\$.01
.34 to .55	.02
.56 to .77	.03
.78 to .99	.04
1.00 to 1.22	.05

Successive brackets for the above schedule shall be computed by multiplying 4-1/2 percent times the amount of sale. Any fraction of one cent which is less than one-half of one cent of tax shall not be collected. Any fraction of one cent of tax equal to one-half of one cent or more shall be collected as a whole cent of tax.

(ii) Based upon the one percent rate adopted by the Houston Metropolitan Transit Authority:

Amount of Sale	Tax
\$.00 to \$.09	No tax
.10 to .29	\$.01
.30 to .49	.02
.50 to .69	.03
.70 to .89	.04
.90 to 1.09	.05

Successive brackets for the above schedule shall be computed by multiplying five percent times the amount of sale. Any fraction of one cent which is less than one-half of one cent of tax shall not be collected. Any fraction of one cent of tax

equal to one-half of one cent or more shall be collected as a whole cent of tax.

(B) When the sales price involves a fraction of a dollar and city tax is applicable, the three combined taxes (state, city, and MTA) shall be added to the sales price upon the following schedules:

(i) Based upon the one-half of one percent rate adopted by the San Antonio Metropolitan Transit Authority:

Amount of Sale	Tax
\$.00 to \$.09	No tax
.10 to .27	\$.01
.28 to .45	.02
.46 to .63	.03
.64 to .81	.04
.82 to .99	.05

Successive brackets for the above schedule shall be computed by multiplying 5-1/2 percent times the amount of sale. Any fraction of one cent which is less than one-half of one cent of tax shall not be collected. Any fraction of one cent of tax equal to one-half of one cent or more shall be collected as a whole cent of tax.

(ii) Based upon the one percent rate adoption by the Houston Metropolitan Transit Authority:

Amount of Sale	Tax
\$.00 to \$.08	No tax
.09 to .24	\$.01
.25 to .41	.02
.42 to .58	.03
.59 to .74	.04
.75 to .91	.05
.92 to 1.08	.06

Successive brackets for the above schedule shall be computed by multiplying six percent times the amount of sale. Any fraction of one cent which is less than one-half of one cent of tax shall not be collected. Any fraction of one cent of tax equal to one-half of one cent or more shall be collected as a whole cent of tax.

(b) (No change.)

(c) Exclusion of sales of nine cents or less.

(1) Any retailer who is responsible for collecting the San Antonio Metropolitan Transit Authority tax and who can establish to the satisfaction of the comptroller that 50 percent or more of his total receipts from sales of tangible personal property arise from individual transactions where the total sales price is nine cents or less may exclude the receipts from such individual sales when reporting and paying the tax. No such reporting method shall be used unless the comptroller has given prior written approval to the retailer. Prior written approval may be obtained only by providing the comptroller with records which conclusively establish that 50 percent or more of the applicant's receipts are sales of nine cents or less. If two or more items, each of which sells for nine cents or less, are sold together for a total sales price of more than nine cents, the receipts from such sale may not be treated as two separate sales of nine cents or less.

(2) (No change.)

(3) If the retailer is not required to collect any city tax, the above sections apply except that the total sales price must be 11 cents or less.

(d) Exclusion of sales of eight cents or less.

(1) Any retailer who is responsible for collecting the Houston Metropolitan Transit Authority tax and who can establish to the comptroller that 50 percent or more of his total receipts from sales of tangible personal property arise from individual transactions where the total sales price is eight cents or less may exclude the receipts from such individual sales when reporting and paying the tax. No such reporting method shall be used unless the comptroller has given prior written approval to the retailer. Prior written approval may be obtained only by providing the comptroller with records which conclusively establish that 50 percent or more of the applicant's receipts are sales of eight cents or less. If two or more items, each of which sells for eight cents or less, are sold together for a total sales price of more than eight cents, the receipts from such sale may not be treated as two separate sales of eight cents or less.

(2) Every retailer desiring to take advantage of the exclusion mentioned above must maintain adequate records, satisfactory to the comptroller, to support his eligibility. After the written approval of the comptroller is granted to any retailer to use the above-mentioned method, the retailer must maintain adequate records to support every report.

If during any reporting period the retailer's records fail to establish the facts necessary to exclude sales of eight cents or less, the tax for such periods must be reported and paid on the basis of one percent of all receipts from sales of taxable items, including sales of eight cents or less.

(3) If the retailer is not required to collect any city tax, the above sections apply except that the total sales price must be nine cents or less.

Doc. No. 787372

026.02.24.005

Under the authority of Texas Revised Civil Statutes Annotated, Article 1118x, Section 11B, the Comptroller of Public Accounts has adopted Rule 026.02.24.005 to read as follows:

.005. Application of Use Tax; Collection by Retailer; Formula (Texas Revised Civil Statutes Annotated, Article 1118x, Section 11B(B)(e), and Article 1066c, Section 4; Texas Taxation—General Annotated, Article 20.031(B)).

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

(c) Collection formula.

(1) When the sales price involves a fraction of a dollar and no city tax is applicable, the two combined taxes (state and MTA) shall be added to the sales price upon the following schedules:

(A) Based upon the one-half of one percent rate adopted by the San Antonio Metropolitan Transit Authority:

Amount of Sale	Tax
\$.00 to \$.11	No tax
.12 to .33	\$.01
.34 to .55	.02
.56 to .77	.03
.78 to .99	.04
1.00 to 1.22	.05

Successive brackets for the above schedule shall be computed by multiplying 4-1/2 percent times the amount of sale. Any fraction of one cent which is less than one-half of one cent of tax shall not be collected. Any fraction of one cent of tax

equal to one-half of one cent or more shall be collected as a whole cent of tax.

(B) Based upon the one percent rate adopted by the Houston Metropolitan Transit Authority:

Amount of Sale	Tax
\$.00 to \$.09	No tax
.10 to .29	\$.01
.30 to .49	.02
.50 to .69	.03
.70 to .89	.04
.90 to 1.09	.05

Successive brackets for the above schedule shall be computed by multiplying five percent times the amount of sale. Any fraction of one cent which is less than one-half of one cent of tax shall not be collected. Any fraction of one cent of tax equal to one-half of one cent or more shall be collected as a whole cent of tax.

(2) When the sales prices involve a fraction of a dollar and city tax is applicable, the three combined taxes (state, city, and MTA) shall be added to the sales price upon the following schedules:

(A) Based upon the one-half of one percent rate adopted by the San Antonio Metropolitan Transit Authority:

Amount of Sale	Tax
\$.00 to \$.09	No tax
.10 to .27	\$.01
.28 to .45	.02
.46 to .63	.03
.64 to .81	.04
.82 to .99	.05

Successive brackets for the above schedule shall be computed by multiplying 5-1/2 percent times the amount of sale. Any fraction of one cent which is less than one-half of one cent of tax shall not be collected. Any fraction of one cent of tax equal to one-half of one cent or more shall be collected as a whole cent of tax.

(B) Based upon the one percent rate adopted by the Houston Metropolitan Transit Authority.

Amount of Sale	Tax
\$.00 to \$.08	No tax
.09 to .24	\$.01
.25 to .41	.02
.42 to .58	.03
.59 to .74	.04
.75 to .91	.05
.92 to 1.08	.06

Successive brackets for the above schedule shall be computed by multiplying six percent times the amount of sale. Any fraction of one cent which is less than one-half of one cent of tax shall not be collected. Any fraction of one cent of tax equal to one-half of one cent or more shall be collected as a whole cent of tax.

Issued in Austin, Texas, on November 8, 1978.

Doc. No. 787373 Bob Bullock
Comptroller of Public Accounts

Effective Date: November 29, 1978

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



Texas Department of Human Resources

The Department of Human Resources adopts the following amendments to its rules about the policies for determining high-income deductions, benefits for certification pending verification, and seasonal migrant farm workers. These changes are necessary in order to comply with federal regulations from the United States Department of Agriculture (USDA) and have a federally mandated effective date of July 1, 1978. The following rule changes are part of USDA's response to several court suits. One of the changes provides for theft or casualty losses of cash before purchase of the household's full coupon allotments to be deducted from income. Another change provides for any household whose net income places it at the zero purchase level to be certified pending verification if the interview indicates probable eligibility. Food need is no longer a criterion, nor can the department require a collateral contact before certifying pending verification. These changes also include limitations on the use of anticipated income in calculating the eligibility and benefit levels of destitute migrant farm workers. Seasonal migrant farm workers are destitute of income if their recurring income less allowable deductions for the certification period places them at the zero purchase level. Guidelines for determining recurring and nonrecurring income are included also.

Food Stamps

Definition of Income 326.15.41

These amendments are adopted under the authority of Article 695c, Texas Revised Civil Statutes, effective July 1, 1978, pursuant to federal requirements.

.028. Unusual Expenses.

(a) (No change.)

(b) Unusual expenses resulting from a household's disaster or casualty losses include:

(1) The cost of replacing or repairing essential items of property damaged or destroyed by vandalism, theft, fire, flood, tropical storms, or the elements. Essential items include property or repairs of property necessary to maintain the health and well-being of the members of the economic unit. Theft means the theft of essential items of property from the household or a member of the household.

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

(5) Theft or casualty losses of cash or negotiable instruments such as assistance checks. A casualty loss is one caused by a fire, flood, or similar occurrence. A household claiming a theft loss deduction may submit to the worker a copy of the police report regarding the theft, or the worker may make a collateral contact with the police department to verify that the theft was reported. In the event a theft loss was not reported to the police, the household must submit a signed and dated statement showing the amount of the theft, the time and date of the theft, and the reason why the theft was not reported to the police.

A cash loss resulting from negligence or carelessness is not deductible unless a theft or casualty loss also is involved. In the event a household suffers a theft or casualty loss of money before the purchase of its full food coupon allotment, the worker recomputes the household's purchase price by deducting the amount of the loss from income. Losses occurring after purchase of the household's full food coupon allotment are not deductible unless, because of the loss, the household would be prevented from purchasing its full coupon allotment in the following month.

(c) Unusual expenses allowed are those which occur, or are anticipated, during the certification period in which the deduction is claimed. Reimbursements for unusual expenses in the form of insurance, social security or veterans' death benefits, or state government benefits are considered as lump sum payments to the household. The deduction ends when reimbursement is received.

Doc. No. 787316

Zero Purchase Households 326.15.56

These amendments are adopted under the authority of Article 695c, Texas Revised Civil Statutes, effective July 1, 1978, pursuant to federal requirements.

.004. Certification Pending Verification.

(a) All households, including migrant households whose income, either prior to or after deducting allowable expenses, places them at the zero purchase level, and who are determined to be in need of immediate food assistance, may be certified for program benefits pending verification, provided that the results of the interview indicate that the household will probably be eligible when full verification has been completed.

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

.005. Additional Verification Procedures for Zero Purchase Households.

(a) (No change.)

(b) This verification requirement does not apply to seasonal migrant farm work households.

Doc. No. 787317

Farm Laborers 326.15.57.011, .013, .015-.017

These amendments are adopted under the authority of Article 695c, Texas Revised Civil Statutes, effective July 1, 1978, pursuant to federal requirements.

.011. *Special Procedures for Certifying Destitute Seasonal Migrant Farm Work Households.* Seasonal migrant farm workers are often in need of immediate food assistance because of uncertain employment or fluctuating income. In such situations, the need for speed is critical. The following criteria determine which procedure will be used to certify the household.

(1) The fastest way to receive benefits in the new location is through a certification of transfer of household benefits. However, the purchase price will be based on income and other circumstances from the original location. The household may be unable to afford the purchase price.

(2) Certification pending verification. If the household has no valid certification of transfer of household benefits, or has one but prefers not to use it, the worker must consider the household's application under the procedure for certifying pending verification. In this instance, all income received or anticipated during the month must be considered.

(3) Destitute seasonal migrant farm work households. If the household does not qualify for certification pending verification, its application must be considered under the special procedure described below. This procedure applies only to destitute seasonal migrant farm workers. Seasonal migrant farm work households which, at the time of application, are destitute of income and liquid resources and are otherwise eligible, are certified at a zero purchase level regardless of any nonrecurring income received in the certification period. Households certified under this special procedure will receive a manual ATP(s). Rule 326.15.92.009 includes manual ATP issuance to these households as a non-emergency procedure.

(4) Normal certification procedures. If the household does not qualify under (1), (2), or (3) above, its application is considered under normal certification procedures with special reference to Rules .002 and .005.

.013. *Treatment of Income.*

(a) A household is destitute of income if its recurring income, minus deductible expenses, places the household at a zero purchase level. The household is not considered destitute if this computation results in a purchase price. In making this determination, the certification worker considers the incomes and expenses occurring within the assigned month or half-month certification period.

(b) Recurring income. Income is considered recurring if it meets all of the following conditions:

(1) the household has received payments from the same income source before;

(2) payments are received at regular intervals such as weekly or monthly;

(3) the date and amount of the payment can be reasonably anticipated.

(c) Nonrecurring income. Nonrecurring income is not counted under this procedure. It includes any of the following:

(1) income received from a new source between the start of the certification period and the application date;

(2) income the household anticipates receiving from a new source later in the certification period;

(3) income which the household has received infrequently and irregularly in the past;

(4) the initial payment of a series of payments is considered nonrecurring. Subsequent payments from that same source may be considered recurring if they have been or will be received during the assigned certification period.

(d) Migrant workers are sometimes paid in ways that are unique to the agricultural industry. This factor will affect consideration of income.

(1) Lines of credit. Workers paid at the end of the work season often receive interim credit at local stores. Credit purchases do not count as food stamp income.

(2) Deferred income. Wages customarily and routinely withheld by the employer until the end of the work season are not counted as food stamp income.

(3) Travel advances. Migrant workers sometimes receive advance payments to travel to the work area. Although the initial such payment is considered nonrecurring and disregarded, subsequent payments from the same source may be considered recurring.

.015. Verification and Documentation.

(a) Verification of income received by the household is required as under normal certification procedures. Excluded or disregarded income ordinarily need not be verified. Documentation must support a conclusion that the household is destitute of income.

(b) (No change.)

.016. Certification Periods.

(a) (No change.)

(1) (No change.)

(2) A destitute household applying in the first half of the month expecting income before the 16th is certified at zero purchase for the first half month. The household must reapply if it wishes to participate during the second half of the month.

(3) A destitute household applying in the second half of the month is certified for the second half of the month at a zero purchase price.

.017. Subsequent Certifications.

(a) (No change.)

(b) When the household no longer qualifies under this special procedure, its eligibility and basis of issuance will be considered under normal income counting and certification procedures with special reference to Rule .005.

Doc. No. 787318

326.15.57.018

The following new rule is adopted under the authority of Article 695c, Texas Revised Civil Statutes, effective July 1, 1978, pursuant to federal requirements.

.018. Immediate Collateral Contact. If the household is destitute of income and resources, the certification worker must immediately make a collateral contact with a knowledgeable third party to confirm household circumstances and expedite the household's certification. Third-party confirmation of any significant household circumstances satisfies this requirement. The required collateral contact is waived if the household furnishes verification

which would have been obtained through a collateral contact. Certification may not be delayed for the sole reason that a collateral contact to verify nonrecurring income cannot be completed immediately. In such cases, the verification may be completed after the certification.

Issued in Austin, Texas, on November 6, 1978.

Doc. No. 787319

Jerome Chapman
Commissioner

Texas Department of Human Resources

Effective Date: July 1, 1978

For further information, please call (512) 475-4601.

Nursing Facility Administration

Mental Retardates in Nursing Homes

326.33.01.001

The Department of Human Resources adopts the amendment to Rule 326.33.01.001 about vendor payment for care of mentally retarded individuals in long-term care facilities, as proposed in the August 15, 1978, issue of the *Texas Register* (3 TexReg 2850). In the past, the department has reimbursed certain long-term care facilities for services provided to such recipients in the Medical Assistance Program. However, the department has developed criteria and standards for the establishment of long-term care facilities specifically designed for the care and treatment of the mentally retarded. Experience indicates such recipients have specialized needs which can best be met in facilities certified to provide ICF-MR care.

This amendment eliminates the policy which allowed reimbursement for services to mentally retarded recipients in regular long-term care facilities. However, the department recognizes that occasional circumstances may warrant exceptions to this policy. Therefore, the amendment includes a mechanism whereby exceptions can be approved.

Although no comments were received on this proposal, the proposal itself was made as a result of numerous comments on a proposal published in the May 16, 1978, issue of the *Register*. The exception clause in the amended rule addresses the issue raised in the comments on the proposal published in May.

The following amendment is adopted under the authority of Articles 695c and 695j-1, Texas Revised Civil Statutes, with the approval of the Texas Board of Human Resources.

.001. Admission to Proprietary Nursing Care Facility. Payment for long-term nursing care of recipients who have a primary diagnosis of mental retardation will be made only to specialized long-term care facilities which have been approved to provide ICF-MR care. However, payment can be authorized for care provided to mentally retarded individuals admitted to nursing facilities which have not been certified as an ICF-MR facility or separate distinct part, but such authorization must be handled on an exception basis and approved by the commissioner of the Texas Department of Health or the deputy commissioner for Medical Programs of

the Department of Human Resources. Without this executive authorization, vendor payment will be disallowed. It is anticipated that such exceptions will be rare.

Doc. No. 787354

326.33.01.002-.004

The Department of Human Resources adopts the repeal of Rules 326.33.01.002-.004 about mentally retarded individuals in nursing care facilities, as proposed in the May 16, 1978, issue of the *Texas Register* (3 TexReg 1736). The repeals were proposed because the department is no longer authorizing placement of recipient-patients with a primary diagnosis of mental retardation in regular nursing facilities. The needs of these individuals are better served by placement in ICF-MR facilities specifically designed for the care and treatment of MR patients.

The majority of comments on the proposed repeals reflected concern that there was no provision made for exception to placement of MR patients in regular nursing facilities. In recognition of this valid concern, the proposed repeal of Rule .001, also published in the May 16 issue, is being withdrawn in order that the department can draft an amended version of the rule. Retention of this rule, in an amended form, will clearly state an exception to the general policy of restricting the admission of MR patients solely to ICF-MR facilities.

The Department of Human Resources repeals Rules .002-.004 under the authority of Articles 695c and 695j-1, Texas Revised Civil Statutes, with the approval of the Texas Board of Human Resources.

Issued in Austin, Texas, on November 7, 1978.

Doc. No. 787357 Jerome Chapman
Commissioner
Texas Department of Human Resources

Effective Date: November 28, 1978

For further information, please call (512) 475-4601.

Railroad Commission of Texas Oil and Gas Division

General Conservation Rules of Statewide Application 051.02.02

The Railroad Commission of Texas has amended Rule 051.02.02.079, which pertains to the definitions for the classification of geopressed and geothermal wells.

This amendment was adopted pursuant to Article 6252-13a, Texas Revised Civil Statutes Annotated (Vernon Supplement 1978), and Section 141.012, Texas Natural Resources Code Annotated (Vernon 1978).

.079. Definitions.

(1)-(25) (No change.)

(26)

(A) A geopressed geothermal well must be completed within a geopressed aquifer.

(B) A geopressed aquifer is a water-bearing zone with a pressure gradient in excess of normal .5 pounds per square inch and a temperature gradient in excess of 1.6° Fahrenheit per 100 foot of depth.

Issued in Austin, Texas, on November 6, 1978.

Doc. No. 787320 Mack Wallace
Chairman
Railroad Commission of Texas

Effective Date: November 28, 1978

For further information, please call (512) 475-3256.

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 Adult Probation Commission

Friday, November 10, 1978, 9 a.m. The Texas Adult Probation Commission made an emergency addition to the agenda of a meeting held in Suite 400, 812 San Antonio, Austin, to consider a supplemental funding request, amendment to standard .040 caseloads, and evaluation of experience requirements for a probation officer.

Additional information may be obtained from Sharon Schunn, Suite 400, 812 San Antonio, Austin, Texas 78701, telephone (512) 475-1374.

Filed: November 8, 1978, 9:39 a.m.
Doc. No. 787361

Texas Commission on Alcoholism

Tuesday, November 14, 1978, 2 p.m. The Texas Commission on Alcoholism will meet in Room 503G, Sam Houston Building, Austin, to consider the following items, as summarized: introduction of new TCOA staff; election of commission officers; approval of fiscal year 1979 budget; future expansion of Education, Information, and Training Division; Advisory Council Handbook; and personnel matters (executive session).

Additional information may be obtained from Abe M. Mays, Jr., 809 Sam Houston Building, Austin, Texas 78701, telephone (512) 475-2725.

Filed: November 6, 1978, 3:53 p.m.
Doc. No. 787303

State Banking Board

Monday, November 20, 1978, 2 p.m. The State Banking Board will meet at 2601 North Lamar, Austin, to conduct a voting session to include the following, as summarized: applications for charter for Sunrise Bank, Texas Bank and Trust of Brownsville, and First Security Bank of Brownsville (all three in Brownsville), and Texas State Bank (McAllen); interim charter applications for Collegiate State Bank of Fort Worth (Fort Worth), New Citizens Bank (Baytown), and Texas A&M State Bank (College Station); motions for rehearing on Allied Bank (Nederland), Allied Bank (Montgomery County), and Continental Bank (Garland); final action on the proposed amendment to Rule 055.03.02.006; and a review of charter applications approved, but not yet open.

Additional information may be obtained from Dan Krohn, 2601 North Lamar, Austin, Texas 78705, telephone (512) 475-4451.

Filed: November 8, 1978, 3:45 p.m.
Doc. No. 787395

Monday, November 27, 1978, 9 a.m. The State Banking Board will meet at 2601 North Lamar, Austin, to conduct a hearing on the proposed domicile change for First State Bank, Trinidad, to move to Seven Points, as summarized in the agenda.

Additional information may be obtained from Dan Krohn, 2601 North Lamar, Austin, Texas 78705, telephone (512) 475-4451.

Filed: November 8, 1978, 3:45 p.m.
Doc. No. 787396

Wednesday, November 29, 1978, 9 a.m. The State Banking Board will meet at 2601 North Lamar, Austin, to conduct a consolidated hearing on the charter applications for Citizens Bank and First Community Bank, both to be located in DeSoto, as summarized in the agenda.

Additional information may be obtained from Dan Krohn, 2601 North Lamar, Austin, Texas 78705, telephone (512) 475-4451.

Filed: November 8, 1978, 3:45 p.m.
Doc. No. 787397

Monday, December 4, 1978, 9 a.m. The State Banking Board will meet at 2601 North Lamar, Austin, to conduct a hearing on the proposed charter application for Citizens State Bank, to be located in Watauga, as summarized in the agenda.

Additional information may be obtained from Dan Krohn, 2601 North Lamar, Austin, Texas 78705, telephone (512) 475-4451.

Filed: November 8, 1978, 3:45 p.m.
Doc. No. 787398

Thursday, December 7, 1978, 9 a.m. The State Banking Board will meet at 2601 North Lamar, Austin, to conduct a hearing on the proposed charter application of Bent Tree Bank, to be located in Addison, as summarized in the agenda.

Additional information may be obtained from Dan Krohn, 2601 North Lamar, Austin, Texas 78705, telephone (512) 475-4451.

Filed: November 8, 1978, 3:45 p.m.
Doc. No. 787399

State Board of Barber Examiners

Sunday, November 12, 1978, 4 p.m. The State Board of Barber Examiners met in emergency session at the Day's Inn, Interstate Highway 20 and Las Vegas Street, Fort Worth, to discuss a report of the Sunset Committee proposal in executive session.

Additional information may be obtained from Charles F. Blackburn, Suite H-111, 5555 North Lamar, Austin, Texas 78751, telephone (512) 458-2241.

Filed: November 7, 1978, 3:39 p.m.
Doc. No. 787332

Texas Deepwater Port Authority

Wednesday, November 15, 1978, 1:30 p.m. The Board of Commissioners of Texas Deepwater Port Authority will meet in Suite 500, 3131 West Alabama, Houston, to consider the following items: application status including Federal Energy Regulatory Commission procedure; and Department of Transportation licensing procedure and other permits.

Additional information may be obtained from Carole Speranza, Suite 500, 3131 West Alabama, Houston, Texas 77098, telephone (713) 523-2202.

Filed: November 6, 1978, 2:41 p.m.
Doc. No. 787301

State Board of Education

Saturday, November 11, 1978, 8:30 a.m. The State Board of Education made an emergency addition to the agenda of a meeting held in the board room, Riverside Square North, 150 East Riverside Drive, Austin, to include consideration of a proposed amendment to Policy 7103, Appeals to the State Board of Education (emergency adoption and first reading, filing authorization).

Additional information may be obtained from M. L. Brochette, 201 East 11th Street, Austin, Texas 78701, telephone (512) 475-3271.

Filed: November 7, 1978, 10:09 a.m.
Doc. No. 787321

Saturday, November 11, 1978, 8:30 a.m. The State Board of Education made an emergency addition to the agenda of a meeting held in the board room, Riverside Square North, 150 East Riverside Drive, Austin, to include approval of contract amendment with Arthur Young and Company for completion of the financial management information implementation.

Additional information may be obtained from M. L. Brochette, 201 East 11th Street, Austin, Texas 78701, telephone (512) 475-3271.

Filed: November 7, 1978, 2:27 p.m.
Doc. No. 787329

Texas Election Code Revision Commission

Friday, November 17, 1978, 9 a.m., and Saturday, November 18, 1978, 8:30 a.m. The Texas Election Code Revision Commission will meet in the Speaker's Committee Room, Room 236, State Capitol, Austin, to consider the following items: committee reports on voting systems; election recounts and contests; political funds reporting and disclosure; and discussion of contents of the commission's report to the 66th Legislature.

Additional information may be obtained from Walter Fisher, P.O. Box 12128, Austin, Texas 78711, telephone (512) 475-1127.

Filed: November 7, 1978, 2:05 p.m.
Doc. No. 787325

General Land Office

Thursday, November 16, 1978, 2:30 p.m. The Board for Lease of Sam Houston State University will meet in Room 835, Stephen F. Austin Building, 1700 North Congress Avenue, Austin, to consider approval of nominations, terms, conditions, and procedures for February 6, 1979, oil and gas lease sale, as summarized in the agenda.

Additional information may be obtained from Linda Fisher, Room 834, Stephen F. Austin Building, 1700 North Congress Avenue, Austin, Texas 78701, telephone (512) 475-2071.

Filed: November 8, 1978, 11 a.m.
Doc. No. 787366

Friday, December 15, 1978, 9 a.m. and 7 p.m. The Texas Coastal Management Program of the General Land Office will conduct a public hearing in the Continuing Education Center, University of Houston campus, Houston, to invite public comment on the program, as summarized in the agenda.

Additional information may be obtained from Elizabeth Christian Wilds, 1705 Guadalupe, Austin, Texas 78701, telephone (512) 472-7765.

Filed: November 7, 1978, 11:53 a.m.
Doc. No. 787355

Good Neighbor Commission

Friday, November 17, 1978, 10 a.m. The Good Neighbor Commission will meet in Room 510, Sam Houston Building, Austin, to consider the following items, as summarized: status report of action by the Sunset Advisory Commission; report of Study of CNC conducted by Speaker Clayton; GNC program activities report since Sept. 27, 1978; financial report; presentations by Texas Cultural Alliance, Organization of U.S. Border Cities, Greater South Texas Cultural Basin Commission, and Southwest Border Regional Commission; remarks by Mexican Consul General (Austin) and Consul General of Honduras (San Antonio), chairman of Mexican American Legislative Caucus, and State Director of the League of United Latin American Citizens.

Additional information may be obtained from Eddie Aurispa, P.O. Box 12007, Austin, Texas 78711, telephone (512) 475-3581.

Filed: November 6, 1978, 4:37 p.m.
Doc. No. 787308

Texas Department of Health

Saturday, November 18, 1978, 9:30 a.m. The Technical Advisory Committee on Crippled Children's Services of the Texas Department of Health will meet in Conference Room T-803, 1100 West 49th Street, Austin, to consider the following items, as summarized: presentation regarding role of oral surgeon in cleft palate correction; review of standards for cystic fibrosis treatment centers and for hospitals desiring to participate in the program; and discussion of possible modification of professional fee schedule.

Additional information may be obtained from Punam Myer, M.D., 1100 West 49th Street, Austin, Texas 78756, telephone (512) 458-7241.

Filed: November 7, 1978, 3:42 p.m.
Doc. No. 787333

Texas Health Facilities Commission

Thursday, November 16, 1978, 10 a.m. The Texas Health Facilities Commission will meet in Suite 305, Jefferson Building, 1600 West 38th Street, Austin. The commission will consider the following applications:

Clear Lake Dialysis Center, Webster—certificate of need
Pasadena Dialysis Center, Pasadena—certificate of need
Mesquite Memorial Hospital, Mesquite—certificate of need
Spohn Hospital, Corpus Christi—certificate of need
Southwestern Union Conference Association of Seventh-Day Adventists for Huguley Memorial Seventh-Day Adventist Medical Center, Fort Worth—declaratory ruling

Additional information may be obtained from Dan R. McNery, P.O. Box 15023, Austin, Texas 78761, telephone (512) 475-6940.

Filed: November 8, 1978, 3:29 p.m.
Doc. No. 787378

Thursday, November 22, 1978, 10 a.m. The Texas Health Facilities Commission will meet in Suite 305, Jefferson Building, 1600 West 38th Street, Austin. The commission will consider the following applications:

Memorial Hospital, Nacogdoches—certificate of need
Wells Nursing and Convalescent Center, Wells—certificate of need
Nacogdoches Medical Center, Nacogdoches—exemption certificate
Collin Memorial Hospital, McKinney—exemption certificate
Navarro County Memorial Hospital, Corsicana—exemption certificate
Hays Memorial Hospital, San Marcos—exemption certificate
Nan Travis Memorial Hospital, Jacksonville—two exemption certificates
Citizens General Hospital, Houston—exemption certificate
Twelve Oaks Hospital, Houston—exemption certificate
Westbury General Hospital, Houston—exemption certificate

Additional information may be obtained from Dan R. McNery, P.O. Box 15023, Austin, Texas 78761, telephone (512) 475-6940.

Filed: November 8, 1978, 3:29 p.m.
Doc. No. 787379

Texas Department of Human Resources

Thursday, November 16, 1978, 8:30 a.m. The Texas Board of Human Resources will meet at the Richmond/Rosenberg Holiday Inn, Richmond, to consider the following items: rural health clinics; extension of purchased health services contract; Title XIX audit exceptions; report on Management Operations Plan; technical amendments; and approval of final rules.

Additional information may be obtained from Bill Woods, John H. Reagan Building, Austin, Texas 78701, telephone (512) 475-6297.

Filed: November 8, 1978, 11:26 a.m.
Doc. No. 787389

State Board of Insurance

Thursday, November 9, 1978, 2 p.m. The Commissioner's Hearing Section of the State Board of Insurance met in emergency session in Room 343, 1110 San Jacinto, Austin, to consider reopening of original incorporation hearing regarding Summit Life Insurance Company (Houston) to consider additional evidence. This hearing was continued from August 30, 1978.

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

Filed: November 8, 1978, 3:29 p.m.
Doc. No. 787377

Monday, November 20, 1978, 3 p.m. The Commissioner's Hearing Section of the State Board of Insurance will conduct a hearing in Room 343, 1110 San Jacinto, Austin, regarding Norton Drilling Company, Lubbock. The board will review a workers compensation ruling denying the continuation of credit modifier, pursuant to .078 and .005 of the Rules of Practice and Procedure before the State Board of Insurance and the commissioner of insurance.

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

Filed: November 6, 1978, 4:17 p.m.
Doc. No. 787305

Wednesday, November 29, 1978, 10 a.m. The State Board of Insurance will meet in Room 408, 1110 San Jacinto, Austin, to consider a petition of Texas Automobile Insurance Service office for adoption of passive restraint system discount for private passenger automobiles.

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

Filed: November 8, 1978, 9:39 a.m.
Doc. No. 787360

Wednesday, November 29, 1978, 2 p.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 343, 1110 San Jacinto, Austin, to consider the application of David Chavis for license to service portable fire extinguishers, pursuant to Article 5.43-1, Section 7, of the Texas Insurance Code and Board Order 28451, as amended by Board Order No. 29423.

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

Filed: November 6, 1978, 4:17 p.m.
Doc. No. 787306

Wednesday, November 29, 1978, 2 p.m. The Fire Marshal's Office of the State Board of Insurance will conduct a hearing in Room 343, 1110 San Jacinto, Austin, regarding the application of David Chavis (Dallas) for license to service portable fire extinguishers, pursuant to Article 5.43-1, Section 7, of the Texas Insurance Code, and Board Order No. 28451, as amended by Board Order No. 29423. This notice is a correction of the notice filed November 6.

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

Filed: November 8, 1978, 3:29 p.m.
Doc. No. 787376

Legislative Budget Board

Monday, November 20, 1978, 8:30 a.m. The Legislative Budget Board will meet in Room 301, State Capitol, Austin, to continue consideration of appropriation requirements for the 1980-1981 biennium.

Additional information may be obtained from Thomas M. Keel, Room 207-A, State Capitol, Austin, Texas 78701, telephone (512) 475-3426.

Filed: November 8, 1978, 11:37 a.m.
Doc. No. 787370

State Board of Morticians

Wednesday, November 8, 1978, 9 a.m. The State Board of Morticians made an emergency addition to the agenda of a meeting held at 1513 South Interstate Highway 35, Austin. As summarized, the agenda included the following: appearance of three persons in regard to reciprocal license; consideration of reinstatement of license that lapsed on May 31, 1978; apprentice request for consideration on apprenticeships served previously; discussion and setting of dates for March 1979 examinations; discussion of procedures to be followed in printing of Annual for 1978-1979; review of state retirement program; and discussion of upcoming EEO workshops.

Additional information may be obtained from Ann Lloyd, 1513 South Interstate Highway 35, Austin, Texas 78741, telephone (512) 442-6721.

Filed: November 7, 1978, 2:05 p.m.
Doc. No. 787326

Board of Pardons and Paroles

Monday through Wednesday, November 20-22, 1978, 9 a.m. daily. The Board of Pardons and Paroles will meet in Room 711, Stephen F. Austin Building, Austin. As summarized, 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 and 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 the agency; and take action upon gubernatorial directives.

Additional information may be obtained from Ken Casner, Room 711, Stephen F. Austin Building, Austin, Texas 78701, telephone (512) 475-3363.

Filed: November 7, 1978, 9:07 a.m.

Doc. No. 787309

Texas Parks and Wildlife Department

Tuesday, November 21, 1978, 10 a.m. The Parks and Wildlife Commission will meet in Building B, Headquarters Complex, 4200 Smith School Road, Austin, to consider the following items, as summarized: state park classification system/naming policy; capital improvement programs for Galveston Island and Bentsen-Rio Grande Valley State Parks; potentially harmful fish/fish eggs importation rules amendment; Temple-Eastex Public Use Area administration (Wildlife); Cities Service Gas Company right-of-way request, Gene Howe Wildlife Management Area; STM Corporation geophysical operations request, Chaparral Wildlife Management Area; gas/oil lease nomination, Engeling Wildlife Management Area; wildlife management area surface-use agreements; cash bonds; other business; and proposed legislation.

Additional information may be obtained from Maurine Ray, 4200 Smith School Road, Austin, Texas 78744, telephone (512) 475-4954.

Filed: November 9, 1978, 10:19 a.m.

Doc. No. 787409

Wednesday, November 22, 1978, 9 a.m. The Parks and Wildlife Commission will meet in Building B, Headquarters Complex, 4200 Smith School Road, Austin, to consider the following items, as summarized: grass carp; Caddoan Mounds State Historic Site preservation plan/program/budget; increased staffing/budget for Mustang Island State Park and Lost Maples State Natural Area operations; L.J.H. Corporation concession contract amendment, Eisenhower Marina, Eisenhower State Recreation Area; acquisition projects, Caprock Canyons State Park and Cameron County Park site; requests to nominate for oil/gas leases in portions of Hale Ranch Park site, Tyler State park, and Copper Breaks State Park; Kerrville State Recreation Area Water System Improvement Project; Inks Lake State Park

additional facility development; potentially harmful fish/fish eggs importation rules amendment; sand/gravel permit application contested case hearing, LTT Sand and Gravel, Inc.; mandatory separations; protective kraft covers for Texas Parks and Wildlife Magazine; Temple-Eastex Public Use Area administration (Wildlife); Mexican Duck deletion from endangered fish and wildlife regulation 127.30.09.001-.006; Cities Service Gas Company right-of-way request, Gene Howe Wildlife Management Area; STM Corporation geophysical operations request, Chaparral Wildlife Management Area; gas/oil lease nomination, Engeling Wildlife Management Area; wildlife management area surface-use agreements; cash bonds; and Lake Livingston State Recreation Area contract dispute.

Additional information may be obtained from Maurine Ray, 4200 Smith School Road, Austin, Texas 78744, telephone (512) 475-4954.

Filed: November 9, 1978, 10:20 a.m.

Doc. No. 787410

Tuesday, November 28, 1978, 2 p.m. The Fisheries Division/Resource Protection Branch of the Texas Parks and Wildlife Department will meet in Room A-200, Headquarters Building, 4200 Smith School Road, Austin, to discuss an application of Southwestern Bell Telephone Company for a permit to remove marl by means of backhoe from two sites in the Arroyo Colorado at Harlingen, Cameron County: Site No. 1, approximately 10 feet southwest of the Commerce Street Bridge, approximately 275 yards of marl; Site No. 2, approximately 40 feet northeast of U.S. Highway 83-77, approximately 250 cubic yards of marl. The purpose of the project is to place metal duct carrier conduits in the streambed for telephone cable.

Additional information may be obtained from Chester Harris, 4200 Smith School Road, Austin, Texas 78744, telephone (512) 475-4831.

Filed: November 8, 1978, 3:53 p.m.

Doc. No. 787402

Wednesday, November 29, 1978, 2 p.m. The Fisheries Division/Resource Protection Branch Division of the Texas Parks and Wildlife Department will meet in Room A-200, 4200 Smith School Road, Austin, to consider an application of Columbia Community Inc., for a permit to remove approximately 2,157 cubic yards (total) by means of dragline from Clear Lake for the purpose of constructing a marina. The project is located adjacent to 3701 Nasa Road 1 in Seabrook, Harris County (Corps of Engineers Public Notice No. 12696).

Additional information may be obtained from Harold D. Irby, 4200 Smith School Road, Austin, Texas 78744, telephone (512) 475-4831.

Filed: November 8, 1978, 3:53 p.m.

Doc. No. 787403

Thursday, November 30, 1978, 2 p.m. The Wildlife Division of the Texas Parks and Wildlife Department will meet at 4200 Smith School Road, Austin, to obtain comments on proposed amendments to Rules 127.70.15.001-.002, relating to transporting, shipping, or exporting bobcat pelts.

Additional information may be obtained from Harold D. Irby, 4200 Smith School Road, Austin, Texas 78744, telephone (512) 475-4873.

Filed: November 8, 1978, 3:29 p.m.
Doc. No. 787375

Thursday, December 7, 1978, 2 p.m. The Parks Division of the Texas Parks and Wildlife Department will meet in Room A-100, Headquarters Building, 4200 Smith School Road, Austin, to discuss proposed development work at Eisenhower Recreation Area, Grayson County, as summarized. Work will include installation of a fishing pier and installation of six additional boat marinas including associated road and parking.

Additional information may be obtained from Harold D. Toy, 4200 Smith School Road, Austin, Texas 78744, telephone (512) 475-4995.

Filed: November 7, 1978, 2:05 p.m.
Doc. No. 787322

Thursday, December 7, 1978, 2:15 p.m. The Parks Division of the Texas Parks and Wildlife Department will meet in Room A-100, Headquarters Building, 4200 Smith School Road, Austin, to discuss construction of additional facilities at Goliad State Historical Park, Goliad County, as summarized. The proposed work includes the construction of a swimming pool, office space, road and parking area, walks, fencing, site work, and associated utility extensions.

Additional information may be obtained from Harold D. Toy, 4200 Smith School Road, Austin, Texas 78744, telephone (512) 475-4995.

Filed: November 7, 1978, 2:05 p.m.
Doc. No. 787323

Thursday, December 7, 1978, 2:30 p.m. The Parks Division of the Texas Parks and Wildlife Department will meet in Room A-100, Headquarters Building, 4200 Smith School Road, Austin, to consider the construction of park facilities at Goose Island State Recreation Area in Aransas County, as summarized. Proposed work improvements include: pier improvements; parking; shade shelter for fish cleaning; additional water service; nature study area; parking at boat ramp facility; picnic area; shelter for fish cleaning facility; additional parking at recreational building; tent camping area; a restroom with showers; improvements to existing tent camping area and existing multi-use camping area; additional trailer dump station; improvements to existing dump station and water system; a bird watching and nature study area; trail work; display; parking; and tree maintenance. A reforestation and tree care and maintenance program are also planned.

Additional information may be obtained from Harold D. Toy, 4200 Smith School Road, Austin, Texas 78744, telephone (512) 475-4995.

Filed: November 7, 1978, 2:05 p.m.
Doc. No. 787324

Texas Prosecutors Coordinating Council

Thursday, November 16, 1978, 1 p.m. The Texas Prosecutors Coordinating Council will meet in the Holiday Inn, USI 10 at Airways Boulevard, El Paso, to consider the following items: report of executive director (continuation grant for 1979, 1980-1981 state budget request; present expenditures; grant adjustment for 1978; report on office space); pending complaints (in executive session); proposed recommendations to the legislature (amendments to Article 332d, Article 1811); and setting of next meeting date.

Additional information may be obtained from Andy Shuval, sixth floor, Texas Law Center, Austin, Texas 78701, telephone (512) 475-6825.

Filed: November 6, 1978, 4:04 p.m.
Doc. No. 787304

Texas State Board of Examiners of Psychologists

Thursday through Sunday, November 16-19, 1978, 9 a.m. daily. The Texas State Board of Examiners of Psychologists will conduct meetings as follows: November 16, Building H-126, 5555 North Lamar; November 17, Room 117, Sam Houston Building; November 18, Room 100-B, John H. Reagan Building; November 19, Building H-126, 5555 North Lamar.

As summarized, the board will consider the following items: rules and regulations; ethical matters; requests for board opinion; administrative matters; hearings for ethical matters and reconsiderations of applications; interviews; meetings with persons associated with areas related to psychology; and applications.

Additional information may be obtained from Patti Smith Bizzell, Suite 126, Building H, 5555 North Lamar, Austin, Texas 78751, telephone (512) 458-3295.

Filed: November 7, 1978, 4:46 p.m.
Doc. No. 787336

Public Utility Commission of Texas

Tuesday, November 21, 1978, 1:30 p.m. The Hearings Division of the Public Utility Commission of Texas will conduct a prehearing conference in Suite 400N, 7800 Shoal Creek Boulevard, Austin, regarding an application of Bee Mobilradio, Inc., to amend its certificate of convenience and necessity in Bee County (Docket No. 2214), as summarized in the agenda.

Additional information may be obtained from Philip F. Ricketts, Suite 400N, 7800 Shoal Creek Boulevard, Austin, Texas 78757, telephone (512) 458-0100.

Filed: November 8, 1978, 9:39 a.m.
Doc. No. 787362

Monday, December 4, 1978, 9 a.m. The Hearings Division of the Public Utility Commission of Texas will conduct a final hearing in Suite 400N, 7800 Shoal Creek Boulevard, Austin, regarding an application of the City of Crandall. As summarized, the applicant seeks Metro Telephone Service by Southwestern Bell Telephone Company with rates equal to those of other communities in Kaufman County (Docket No. 2097).

Additional information may be obtained from Philip F. Ricketts, Suite 400N, 7800 Shoal Creek Boulevard, Austin, Texas 78757, telephone (512) 458-0100.

Filed: November 9, 1978, 9:34 a.m.
Doc. No. 787407

Monday, December 11, 1978, 10 a.m. The Hearings Division of the Public Utility Commission of Texas will conduct a hearing in Suite 400N, 7800 Shoal Creek Boulevard, Austin, regarding an application of Belfalls Electric Cooperative, Inc. As summarized, the applicant seeks a rate change in Bell, Falls, and Milam Counties (Docket No. 2112).

Additional information may be obtained from Philip F. Ricketts, Suite 400N, 7800 Shoal Creek Boulevard, Austin, Texas 78757, telephone (512) 458-0100.

Filed: November 9, 1978, 9:34 a.m.
Doc. No. 787406

Texas Real Estate Commission

Monday, November 20, 1978, 10 a.m. The Texas Real Estate Commission will meet in the Spanish Room, Paso Del Norte Hotel, 115 South El Paso, El Paso, to consider the following items, as summarized: staff reports for September and October 1978; education and school matters; final action on proposed Rules 402.04.02.001-.007; appointment to Advisory Committee of Real Estate Research Center; article for *Tierra Grande*; request for hearing by Mr. and Mrs. J. G. Moore; obligations of Article 6252-9b; and date and place of next meeting. An executive session will also be held.

Additional information may be obtained from Camilla S. Shannon, P.O. Box 12188, Austin, Texas 78711, telephone (512) 475-4250.

Filed: November 7, 1978, 9:07 a.m.
Doc. No. 787312

School Tax Assessment Practices Board

October 23-27, October 30-November 3, November 13-17, 1978, 8:20 a.m. until recess each day. The Appeals Panel of the School Tax Assessment Practices Board will conduct hearings of appeals by school districts in Suite 500, 3301 Northland Drive, Austin. The complete schedule of hearings for November 14 is posted in the east wing of the State Capitol.

Additional information may be obtained from Russell Graham, Suite 500, 3301 Northland, Austin, Texas 78731, telephone (512) 454-5781.

Filed: November 6, 1978, 4:36 p.m.
Doc. No. 787307

October 23-27, October 30-November 3, November 13-17, 1978, 8:20 a.m. until recess each day. The Appeals Panel of the School Tax Assessment Practices Board will conduct hearings of appeals by school districts in Suite 500, 3301 Northland Drive, Austin. The complete schedule of hearings for November 15 is posted in the east wing of the State Capitol.

Additional information may be obtained from Russell Graham, Suite 500, 3301 Northland, Austin, Texas 78731, telephone (512) 454-5781.

Filed: November 7, 1978, 3:52 p.m.
Doc. No. 787337

October 23-27, October 30-November 3, November 13-17, 1978, 8:20 a.m. until recess each day. The Appeals Panel of the School Tax Assessment Practices Board will conduct hearings of appeals by school districts in Suite 500, 3301 Northland Drive, Austin. The complete schedule of hearings for November 16 is posted in the east wing of the State Capitol.

Additional information may be obtained from Russell Graham, Suite 500, 3301 Northland, Austin, Texas 78731, telephone (512) 454-5781.

Filed: November 8, 1978, 4:58 p.m.
Doc. No. 787305

Advisory Council for Technical-Vocational Education in Texas

Wednesday, November 15, 1978, 9 a.m. to 3 p.m. The Steering Committee of the Advisory Council for Technical-Vocational Education in Texas met in emergency session in Suite 604, 815 Brazos, National Building, Austin, to review the joint report of the council to the governor and the legislature in view of plans for a study of vocational education in the state.

Additional information may be obtained from Valeria J. Bieck, Suite 604, 815 Brazos, Austin, Texas 78701, telephone (512) 475-2046.

Filed: November 8, 1978, 9:39 a.m.
Doc. No. 787359

Texas Turnpike Authority

Friday, November 17, 1978, 10:30 a.m. The Board of Directors of the Texas Turnpike Authority will meet in the Texas Room, Baker Hotel, 1400 Commerce Street, Dallas, to consider the following items, as summarized: regarding Dallas North Tollway project, approval of contract for purchase of land and an agreement with the consulting engineers pertaining to modification plans of the operations building; regarding Mountain Creek Lake Bridge project, adoption of recommended toll rates, approval of contract for right-of-way and security fencing, and a construction progress report; regarding the Houston Ship Channel Bridge, a construction progress report and approval of Property Appraisal List No. 2; continuance of Peat, Marwick, Mitchell and Company as independent auditors for the Texas Turnpike Authority; and pending or contemplated litigation with respect to the purchase or value of real property (executive session).

Additional information may be obtained from Harry Kabler, P.O. Box 5547, Arlington, Texas 76011, telephone (512)261-3151.

Filed: November 8, 1978, 9:39 a.m.
Doc. No. 787358

Veterans Land Board

Thursday, November 16, 1978, 2 p.m. The Veterans Land Board will meet in the Stephen F. Austin Building, 1700 North Congress, Austin, to hear a report to the board and to discuss board policy, as summarized in the agenda.

Additional information may be obtained from Richard Keahey, Room 738, Stephen F. Austin Building, Austin, Texas 78701, telephone (512) 475-3766.

Filed: November 7, 1978, 4:21 p.m.
Doc. No. 787335

Texas Water Commission

Tuesday, November 21, 1978, 10 a.m. The Texas Water Commission will conduct a hearing in the Council Chamber, City Hall, 119 Palo Pinto Street, Weatherford, to consider an application by Dowell Division of the Dow Chemical Company, Tulsa, Oklahoma. As summarized, the applicant seeks a permit to authorize the disposal of a volume of wastewater not to exceed an average of 1,000 gallons per day from its oil and gas well service facility in Taylor County.

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

Filed: November 8, 1978, 3:29 p.m.
Doc. No. 787380

Tuesday, November 21, 1978, 10 a.m. The Texas Water Commission will conduct a hearing in the Council Chamber, City Hall, 119 Palo Pinto Street, Weatherford, to consider an application by the City of Jackboro (Water Treatment Plant). As summarized, the applicant seeks an amendment to Permit No. 10994-02 to authorize an increase of its water treatment plant discharge from 12,000 gallons per day to 42,000 gallons per day.

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

Filed: November 8, 1978, 3:29 p.m.
Doc. No. 787381

Tuesday, November 21, 1978, 10 a.m. The Texas Water Commission will conduct a hearing in the Council Chamber, City Hall, 119 Palo Pinto Street, Weatherford, to consider an application by Brown and Root, Inc. (Comanche Peak Steam Electric Station), Glen Rose. As summarized, the applicant seeks an amendment to Permit No. 01885 to authorize an increase in discharge of a volume of wastewater not to exceed an average of 60,000 gallons per day.

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

Filed: November 8, 1978, 3:29 p.m.
Doc. No. 787382

Tuesday, November 21, 1978, 10 a.m. The Texas Water Commission will conduct a hearing in the Council Chamber, City Hall, 119 Palo Pinto Street, Weatherford, to consider an application by North Texas Municipal Water District (Buffalo Creek Plant), Wylie. As summarized, the applicant seeks a permit to allow for a discharge of domestic sewage effluent from a sewage treatment plant to serve a population equivalent of 7,500 people.

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

Filed: November 8, 1978, 3:29 p.m.
Doc. No. 787383

Tuesday, November 21, 1978, 10 a.m. The Texas Water Commission will conduct a hearing in the Council Chamber, City Hall, 119 Palo Pinto Street, Weatherford, to consider an application by the City of Stephenville. As summarized, the applicant seeks an amendment to Permit No. 10290 to accommodate plant expansion.

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

Filed: November 8, 1978, 3:29 p.m.
Doc. No. 787384

Tuesday, November 28, 1978, 9 a.m. The Texas Water Commission will conduct a hearing in Room 618, Stephen F. Austin Building, 1700 North Congress, Austin, to consider an application by Wyoming Mineral Corporation, Lakewood, Colorado. As summarized, the applicant seeks a permit to construct and operate an industrial waste disposal well at the Lamprecht *in situ* uranium mining project in Live Oak County.

Additional information may be obtained from Larry Soward, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-1311.

Filed: November 8, 1978, 3:29 p.m.
Doc. No. 787385

Tuesday, November 28, 1978, 9 a.m. The Texas Water Commission will conduct a hearing in Room 618, Stephen F. Austin Building, 1700 North Congress, Austin, to consider an application by Onion Creek Development Company, Austin. As summarized, the applicant seeks an amendment to Permit No. 11467 to accommodate expansion of sewage treatment facilities.

Additional information may be obtained from Larry Soward, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-1311.

Filed: November 8, 1978, 3:29 p.m.
Doc. No. 787386

Wednesday, November 29, 1978, 10 a.m. The Texas Water Commission will conduct a hearing in the third floor auditorium, Bank of the Southwest, 910 Travis Street, Houston, to consider an application by Harris County Municipal Utility District No. 139, Houston. As summarized, the applicant seeks an amendment to Permit No. 11725-01 to accommodate plant expansion.

Additional information may be obtained from Joe O'Neal, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-2711.

Filed: November 8, 1978, 3:28 p.m.
Doc. No. 787387

Wednesday, November 29, 1978, 10 a.m. The Texas Water Commission will conduct a hearing in the third floor auditorium, Bank of the Southwest, 910 Travis Street, Houston, to consider an application by Galveston County Water Control and Improvement District No. 12, Kemah. As summarized, the applicant seeks a permit to allow for a discharge of domestic sewage effluent from a sewage treatment plant to serve a population equivalent of 5,000 people.

Additional information may be obtained from Joe O'Neal, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-2711.

Filed: November 8, 1978, 3:28 p.m.
Doc. No. 787388

Wednesday, November 29, 1978, 10 a.m. The Texas Water Commission will conduct a hearing in the third floor auditorium, Bank of the Southwest, 910 Travis Street, Houston, to consider an application by Koppers Company, Inc. (Houston Plant), Houston. As summarized, the applicant seeks an amendment to Permit No. 01034 to authorize an increase in discharge of a volume of wastewater not to exceed an average of 22,000 gallons per day.

Additional information may be obtained from Joe O'Neal, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-2711.

Filed: November 8, 1978, 3:28 p.m.
Doc. No. 787389

Wednesday, November 29, 1978, 10 a.m. The Texas Water Commission will conduct a hearing in the third floor auditorium, Bank of the Southwest, 910 Travis Street, Houston, to consider an application by Still Meadows, Inc., Liberty. As summarized, the applicant seeks a permit to allow for a discharge of domestic sewage effluent from a sewage treatment plant to serve a population equivalent of 128 people.

Additional information may be obtained from Joe O'Neal, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-2711.

Filed: November 8, 1978, 3:28 p.m.
Doc. No. 787390

Wednesday, November 29, 1978, 10 a.m. The Texas Water Commission will conduct a hearing in the third floor auditorium, Bank of the Southwest, 910 Travis Street, Houston, to consider an application by Harris County Utility District No. 5 (Kingwood Central Plant), Houston. As summarized, the applicant seeks an amendment to Permit No. 11872 to accommodate plant expansion.

Additional information may be obtained from Joe O'Neal, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-2711.

Filed: November 8, 1978, 3:28 p.m.
Doc. No. 787391

Wednesday, November 29, 1978, 10 a.m. The Texas Water Commission will conduct a hearing in the third floor auditorium, Bank of the Southwest, 910 Travis Street, Houston, to consider an application by Three Lakes Municipal Utility District No. 1, Houston. As summarized, the applicant seeks a permit to allow for a discharge of domestic sewage effluent from a sewage treatment plant to serve a population equivalent of 2,500 people.

Additional information may be obtained from Joe O'Neal, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-2711.

Filed: November 8, 1978, 3:28 p.m.

Doc. No. 787392

Regional Agencies

Meetings Filed November 7, 1978

The Greater East Texas Health Systems Agency, Inc., Executive Committee, will meet at the Woodville Inn, 201 North Magnolia, Woodville, on November 16, 1978, at 7:30 p.m. Further information may be obtained from Larry D. Lacy, 2900 North, Suite 303, Beaumont, Texas, telephone (713) 892-6962.

The Heart of Texas Region MH/MR Center, Board of Trustees, will meet in the gymnasium, 1401 North 18th Street, Waco, on November 16, 1978, at 2 p.m. Further information may be obtained from Dean Maberry, 1401 North 18th Street, Waco, Texas 76703, telephone (817) 752-3451.

The Lower Rio Grande Valley Development Council, Board of Directors, will meet at the Harlingen Chamber of Commerce, 311 East Tyler, Harlingen, on November 16, 1978, at 2 p.m. Further information may be obtained from Robert A. Chandler, First National Bank Building, Suite 207, McAllen, Texas 78501, telephone (512) 682-3481.

The North Texas Municipal Water District, Board of Directors, will meet in the administrative offices, NTMWD Central Plant, Highway 78 East, Wylie, on November 30, 1978, at 4 p.m. Further information may be obtained from Carl W. Riehn, P.O. Drawer C, Wylie, Texas 75098, telephone (214) 442-2217, extension 26.

Doc. No. 787313

The Central Counties Center for MH/MR Services, Board of Trustees, will meet at 302 South 22nd Street, Temple, on November 15, 1978, at 7 p.m. Further information may be obtained from Steven B. Schnee, P.O. Box 1025, Temple, Texas 76501, telephone (817) 778-4841.

The Deep East Texas Council of Governments, Board of Director, will meet in the Livingston City Hall Auditorium, 200 West Church Street, Livingston, on November 16, 1978, at 2:30 p.m. Further information may be obtained from Billy D. Langford, P.O. Drawer 1170, Jasper, Texas 75951, telephone (713) 384-5704.

The Education Service Center, Region VIII, Board of Directors, met at 100 North Riddle, Mount Pleasant, on November 8, 1978, at 7 p.m. Further information may be obtained from Thomas Carney, 100 North Riddle, Mount Pleasant, Texas 75455, telephone (214) 572-6676.

The Guadalupe-Blanco River Authority, Board of Directors, will meet at 933 East Court Street, Seguin, on November 16, 1978, at 10 a.m. Further information may be obtained from John H. Specht, P.O. Box 271, Seguin, Texas 78155, telephone (512) 379-5822.

The Sabine Valley Regional MH/MR Center, Board of Trustees, will meet at 1602 West Grand, Marshall, on November 16, 1978, at 7:30 p.m. Further information may be obtained from Frances H. Willis, P.O. Box 1128, Longview, Texas 75601, telephone (214) 758-8243.

The Tri-Region Health Systems Agency, Nortex Mental Health/Mental Retardation Task, will meet in the dining room, Medicenter Psychiatric Hospital, 1505 Eighth Street, Wichita Falls, on November 14, 1978, at 7 p.m. The West Central Cancer Task Force will meet in the private dining room, Hendrick Medical Center, 19th and Hickory, Abilene, on November 15 at 12:15 p.m. The Concho Valley Mental Health/Mental Retardation Task Force will meet at the Greater West Texas MH/MR Center, 244 North Magdalen, San Angelo, on November 16 at 7 p.m. The West Central Mental Health/Mental Retardation Task Force will meet at 2642 Post Oak Road, Abilene, on November 10 at 7 p.m. Further information regarding the above may be obtained from Bob Caras, 2642 Post Oak Road, Abilene, Texas 79605, telephone (915) 698-9481. The West Central Health Task Force will meet at 2642 Post Oak Road, Abilene, on November 16 at 7 p.m. Further information may be obtained regarding this meeting from Vic Rhoads, 2642 Post Oak Road, Abilene, Texas 79605, telephone (915) 698-9481.

Doc. No. 787364

Meetings Filed November 8, 1978

The Ark-Tex Council of Governments, Emergency Medical Services System Advisory Board, will meet at Guaranty Bond Bank, Mount Pleasant, on November 15, 1978, at 8 p.m. Further information may be obtained from Laura Jacobus, P.O. Box 5307, Texarkana, Texas 75501, telephone (214) 794-3481.

Meetings Filed November 9, 1978

The Gulf Bend MH/MR Center, Board of Trustees, will meet at 2105 Port Lavaca Drive, Victoria, on November 16, 1978, at noon. Further information may be obtained from T. G. Kelliher, Jr., P.O. Box 2238, Victoria, Texas 77901, telephone (512) 578-5262.

Doc. No. 787411

Texas Commission on Law Enforcement Officer Standards and Education

Consultant Contract Award

Law Enforcement Training Needs Survey

Description of Contract. The Texas Commission on Law Enforcement Officer Standards and Education has entered into a contract with Peat, Marwick, Mitchell and Company to perform a study to review and make recommendations concerning the number of regional law enforcement academies needed within the state; to identify alternate methods or systems possible for law enforcement training; to determine present and future costs of operating the regional law enforcement training academies, and cost of the alternate methods of training; to identify alternate funding sources available to the regional academies for future and continued operations; to recommend the proper role of the Texas Commission on Law Enforcement Officer Standards and Education as it pertains to law enforcement training and evaluation of all certified academies; and to recommend the proper role of other state agencies presently involved in regional law enforcement training on a statewide basis. Peat, Marwick, Mitchell and Company is required to submit a final report on their recommendations by October 31, 1979.

Amount of Contract. The amount of the contract with Peat, Marwick, Mitchell and Company is \$98,500.

Issued in Austin, Texas, on November 6, 1978.

Doc. No. 787363 Fred Toler
Executive Director
Texas Commission on Law Enforcement
Officer Standards and Education

Filed: November 8, 1978, 9:49 a.m.

For further information, please call (512) 459-1171.



State Occupational Information Coordinating Committee

Special Purpose Research Program

An announcement in the October 3, 1978, issue of the *Texas Register* (3 TexReg 3495) explained the various aspects of the NOICC/SOICC special purpose research grants which are to be awarded on a competitive basis for research in areas of emphasis specified by NOICC. These grants may be awarded for research, development, or implementation activities. Each must be concerned, however, with furthering the objectives of the legislation under which the NOICC and the SOICCs were created.

In order that grant applications from Texas research groups might be ready for transmittal to Washington, to be considered for funding early in 1979, it is requested that all such research proposals be received by SOICC on or before November 17, 1978. Research proposals received by November 17, 1978, will be carefully reviewed and screened by the members of the Texas SOICC's Technical Steering Group, and those most relevant to NOICC/SOICC stated objectives will be forwarded to NOICC for consideration. In Washington, the Texas proposals will be in competition with those submitted by other states, and NOICC will make the final decision on which research projects are actually to be funded.

Research organizations interested in applying for one of these grants should submit their proposal in accordance with the instructions contained in NOICC Administrative Memorandum 78-7. A copy of this memorandum has already been furnished to every research organization which requested it. Machine copies of the forms which accompanied the NOICC memorandum can be used in making grant applications. In addition, a five to six page summary which contains all of the project's key elements should accompany the complete proposal.

Inquiries concerning any aspect of this special purpose research should be directed to Edmund F. Ney, executive director, Texas SOICC, Room 648, TEC Building, 15th and Congress, Austin, Texas 78778. Mr. Ney can be reached by telephone at (512) 397-4970.

Issued in Austin, Texas, on November 7, 1978.

Doc. No. 787330 Edmund F. Ney
Executive Director
State Occupational Information
Coordinating Committee

Filed: November 7, 1978, 2:53 p.m.

For further information, please call (512) 397-4970.

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