

# TEXAS REGISTER

## In This Issue...

Emergency rules on determination of well categories adopted by Railroad Commission of Texas; effective date—November 27 ..... 4179

Criminal Justice Division's state plan proposed for January 5, 1979, adoption ..... 4184

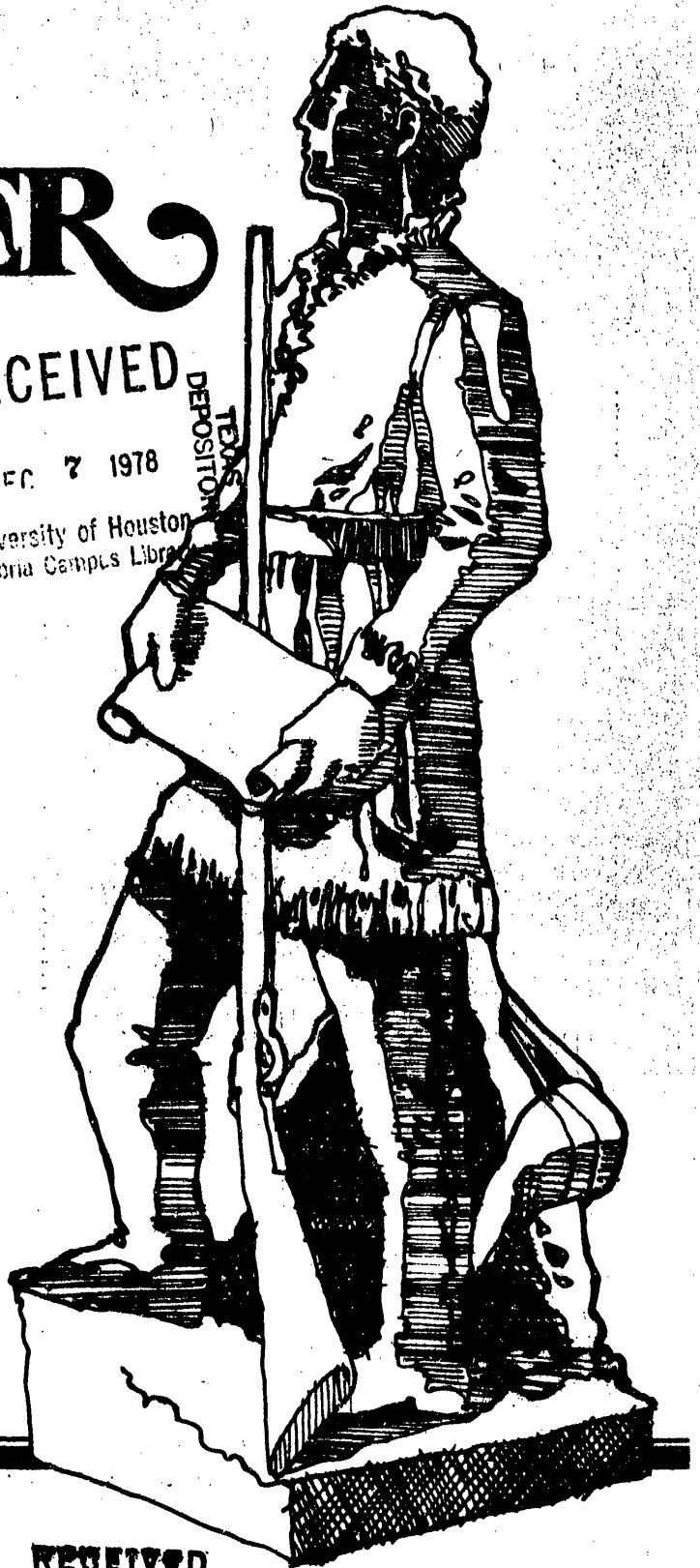
Adoption of Department of Human Resources' rules on community care services; effective date—December 15 ..... 4193

Mobile home requirements amended by Department of Labor and Standards for December 19 effective date ..... 4204

Wastewater project funding rules adopted by Department of Water Resources; effective date—December 20 ..... 4208

Guide to agency activity during November ..... 4245

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Federal legislation which set a December 1, 1978, effective date for natural gas ceiling prices has prompted the adoption of emergency rules by the Railroad Commission of Texas. Rules of the commission's Oil and Gas Division have been adopted to implement and clarify Federal Energy Regulatory Commission regulations. The rules concern procedures for determination of well categories under the Natural Gas Policy Act of 1978.

The Criminal Justice Division of the Governor's Office is proposing to adopt an updated state plan for the allocation of federal funds in 1979. The document is published annually, outlining how Texas spends its Law Enforcement Assistance Administration grants.

The Texas Department of Water Resources is adopting rules which have been in effect on an emergency basis. The rules define procedures for developing the Project Priority Funding List, which allocates federal grants for wastewater treatment plants. The Environmental Protection Agency has granted Texas \$183,262,800 for the wastewater projects during 1979. A revision of the rules will be considered by the board next spring before it prepares a new priority funding list. The new list is to be adopted before the next federal fiscal year, beginning October 1, 1979.

*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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Secretary of State*

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## The Governor

### Appointments

4177 *Second Judicial District Court of Texas*

## The Attorney General

### Requests for Opinions

4178 *RQ-2007 (use of Texas Adult Probation Commission state aid to judicial districts by probation departments)*

## Emergency Rules

### Texas Department of Human Resources

4179 *Adult Denture Program*

### Railroad Commission of Texas

4179 *Oil and Gas Division*

## Proposed Rules

### Office of the Governor

4184 *Criminal Justice Division*

### State Board of Insurance

4184 *Rating and Policy Forms*

### Railroad Commission of Texas

4185 *Commission-Wide*

### Texas Department of Water Resources

4186 *Effluent Standards*

## Adopted Rules

### Comptroller of Public Accounts

4189 *Tax Administration*

### Office of the Governor

4189 *Criminal Justice Division*

### Texas Department of Human Resources

4189 *Food Stamps*

4190 *Medical Transportation*

4191 *Intake and Eligibility*

4192 *Purchased Social Services*

### State Board of Insurance

4203 *Rating and Policy Forms*

### Texas Department of Labor and Standards

4204 *Mobile Home Division*

### Texas Savings and Loan Department

4205 *Charter Applications*

4205 *Loans*

4205 *Savings and Deposit Accounts*

4206 *Reorganization, Merger, and Consolidation*

### Texas Department of Water Resources

4206 *Grants Administration*

4221 *Private Sewage Facilities*

## The Courts

### 12th Court of Civil Appeals

4230 *Texas Health Facilities Commission v. Baptist General Convention*

## Open Meetings

4231 *Texas Aeronautics Commission*

4231 *Texas Air Control Board*

4231 *Texas Commission on the Arts and Humanities*

4231 *State Banking Board*

4232 *Texas Department of Community Affairs*

4232 *Texas County and District Retirement System*

4232 *Texas Commission for the Deaf*

4232 *Texas Department of Health*

4233 *Texas Health Facilities Commission*

4233 *Texas Department of Human Resources*

4234 *State Board of Insurance*

4234 *Texas Advisory Commission on Intergovernmental Relations*

4235 *Texas Department of Mental Health and Mental Retardation*

4235 *State Board of Morticians*

4236 *Texas Municipal Retirement System*

4236 *State Occupational Information Coordinating Committee*

4236 *Texas Optometry Board*

4236 *Board of Pardons and Paroles*

4236 *Texas Department of Public Safety*

4237 *Public Utility Commission of Texas*

4238 *Railroad Commission of Texas*

4238 *School Land Board*

4238 *School Tax Assessment Practices Board*

4238 *Secretary of State*

4239 *State Securities Board*

4239 *Sunset Advisory Commission*

4239 *Texas Southern University*

4239 *Texas State Technical Institute*

4240 *Texas Water Commission*

4241 *Texas Water Development Board*

4241 *Regional Agencies*

## In Addition

**Texas Air Control Board**

4244 *Applications for Construction Permits*

**Department of Banking**

4244 *Notice of Application*

**Texas Department of Community Affairs**

4244 *Request for Program Proposal*

**Comptroller of Public Accounts**

4245 *Administrative Decisions*

**Texas Legislative Council**

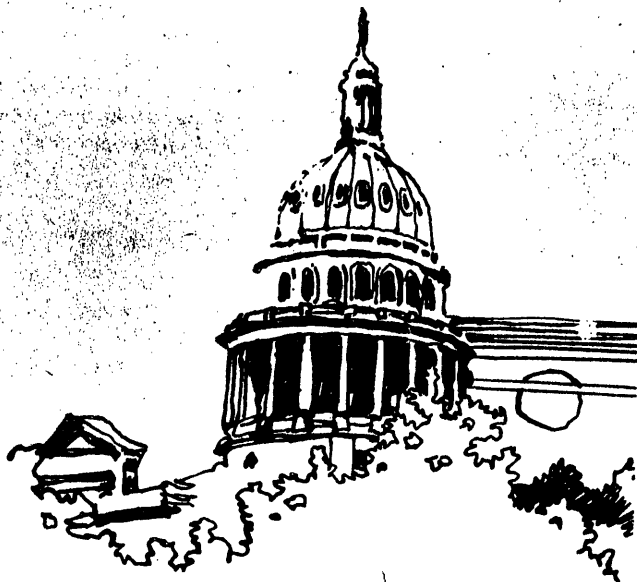
4245 *Property Tax Advisory Committee*

**Texas Register**

4245 *Guide to Agency Activity—November*

**Texas Youth Council**

4255 *Consultant Proposal Request*



## Appointments

### Second Judicial District Court of Texas

*To be judge in Cherokee County until the next general election and until his successor shall be duly elected and qualified:*

Morris W. Hassell  
1300 East Copeland  
Rusk, Texas 77585

Mr. Hassell is replacing Judge J. W. Summers of Rusk, Cherokee County, who was elevated to the position of chief justice of the 12th Court of Civil Appeals.

Issued in Austin, Texas, on November 22, 1978.

Doc. No. 787799      Dolph Briscoe  
Governor of Texas

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

## Requests for Opinions

### Summary of Request for Opinion RQ-2C07

Request from Don R. Stiles, Texas Adult Probation Commission, Austin.

#### Summary of Request:

(1) Can the Texas Adult Probation Commission state aid to judicial districts be used by probation departments to provide supervision to persons released from custody on pretrial bond as contemplated by Vernon's Texas Civil Statutes, 2372p2?

(2) Can the Texas Adult Probation Commission state aid to judicial districts be used by probation departments to pro-

vide supervision to persons under pretrial diversion programs?

(3) If your answer to either of the above questions is in the affirmative, can the Texas Adult Probation Commission promulgate a rule requiring any fees collected by these programs be deposited in or transferred to the judicial district fund from which the probation department operates to be used solely to defray the expenses of these services?

Issued in Austin, Texas, on November 27, 1978.

Doc. No. 787798

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

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

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

**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 italica*. [Brackets] indicate deletion of existing material.

## Texas Department of Human Resources

### Adult Denture Program

#### Program Benefits 326.41.03

The Texas Department of Human Resources adopts on an emergency basis Rule 326.41.03.006 in its Adult Denture Program rules, concerning termination of the program. Due to the decision by the board of the Texas Department of Human Resources, the Adult Denture Program has been terminated. All requests for services made before November 26, 1978, will be processed. Eligible recipients will receive services as authorized by approved treatment plans.

Federal regulations require that those affected by the reduction or termination of assistance be provided timely and adequate notice. The Department of Health and DHR began notifying recipients and providers of the proposed termination on November 10, 1978.

Historically, the Adult Denture Program provided only new denture units, either full or partial. In July 1977, relines and repairs were added as allowable benefits. Despite these services, the program was criticized for its lack of mouth preparation benefits. In May 1978, mouth preparation procedures necessary for denture units were added as a benefit. This action, recommended by the Medicaid Blue Ribbon Task Force, improved the quality of the program. It also enabled recipients who previously could not afford to pay for mouth preparation to receive denture services.

The projected expenditures resulting from the current demand for services has now approached the level of appropriated funds for fiscal year 1979. HEW regulations do not allow partial or selective services under the existing program, therefore the program is being terminated. For this reason, the following rule is being adopted on an emergency basis.

This rule 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.

**.006. Program Termination.** No requests for denture service will be approved if made after November 25, 1978. All re-

quests for denture service made before November 26, 1978, will be processed. Eligible recipients will receive services as authorized by approved treatment plans.

Issued in Austin, Texas, on November 22, 1978.

Doc. No. 787768 Jerome Chapman  
Commissioner  
Texas Department of Human Resources

Effective Date: November 22, 1978

Expiration Date: March 22, 1979

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

## Railroad Commission of Texas

### Oil and Gas Division

#### Natural Gas Policy Act (NGPA) Determination Procedures 051.02.03

The Railroad Commission adopts on an emergency basis Rules 051.02.03.001-.004, concerning the procedures for determination of well categories under the Natural Gas Policy Act of 1978. These rules are being adopted on an emergency basis due to the December 1, 1978, effective date of ceiling prices for natural gas under this federal legislation. The failure of the commission to adopt a rule with immediate effect would cause severe disruption or uncertainty in the supply of natural gas for public consumption during a winter period, and the commission thus finds that an imminent peril to the public welfare requires this emergency action. These rules are designed to implement and clarify applicable Federal Energy Regulatory Commission regulations as they apply to Texas with the minimum possible imposition of a regulatory burden, and are to become effective November 27, 1978, for a period of 120 days, unless further extended.

These rules are promulgated under the authority of Article 6252-13a, Texas Revised Civil Statutes Annotated (Vernon Supplement 1978), Title 3, Texas Natural Resources Code Annotated (Vernon's 1978), and the Natural Gas Policy Act of 1978, Public Law 95-621.

#### .001. Definitions.

(a) "Commission" and "RRC" mean the Railroad Commission of Texas.

(b) "FERC" means the Federal Energy Regulatory Commission.

(c) "Operator" means a person acting for himself or as an agent for others and designated to the commission as the one who has primary responsibility for complying with its rules and regulations in any and all acts as may be permitted, required, or prohibited herein.

(d) "Sections 102, 103, 107, and 108" mean those sections of the Natural Gas Policy Act of 1978 (NGPA).

#### .002. Application Procedure.

(a) All categorical determinations will be initiated by the application of an operator on the form(s) prescribed by the FERC and the RRC supplemental Form F-1, and will be made on a well and completion location (perforation or other applicable point in well bore) basis. An application may relate to a new determination or a request for a change affecting an existing determination. An application may be

amended or withdrawn by the applicant at any time prior to a commission determination. The commission will not forward affidavits required to be filled directly with the FERC in support of interim price collection measures.

(b) The application will contain the information necessary to support the category(ies) sought by the operator, including but not limited to:

- (1) the name and address of the operator;
  - (2) well and completion location identification, location, RRC identification number, field and/or reservoir designation, RRC district number;
  - (3) a designation of the category(ies) applied for and the specific NGPA sections relied upon;
  - (4) the supporting documents designated in Rule .003 herein and in applicable FERC regulations as minimum requirements for each category applied for;
  - (5) identification and addresses of operators directly offsetting the proration unit, identified purchaser(s) of natural gas, and, where state or school land mineral interests are involved, that information;
  - (6) a certificate of service indicating that copies of the application, less required supporting documents, have been served upon the persons named in (5) and, where necessary, on the General Land Office and the University of Texas system.
- (c) The outside cover of the application and all correspondence dealing with these rules should be clearly marked "NGPA."

### .003. Documents Supporting Application.

(a) The documents in this section are the minimum required by the commission in support of a request for a categorical determination. All applicants must comply with the minimum requirements imposed by the FERC, as those requirements are more specifically defined herein. Additional support may be required by the commission in the notice of hearing, at the hearing itself, or by other means. In the event the FERC prescribes greater or lesser minimum requirements or procedures for a particular category, the commission may adjust these requirements accordingly.

(b) All applications must contain, prior to hearing, copies of the W-1 (Application to Drill, Deepen, or Plug Back) and the current G-1 (Gas Well Back Pressure Test, Completion, or Recompletion Report) or current W-2 (Oil Well Potential Test, Completion, or Recompletion Report and Log), whichever is applicable, from the official files of the commission. These documents will cover commission requirements for determinations under Section 102(c)(1)(C), except as indicated in Rule .003(c)(1) herein; Section 103, except as indicated in Rule .003(c)(2) herein; Section 107; and Section 108, except as indicated in Rule .003(c)(3) herein. Except as provided herein, all copies of commission documents required herein must be from the official files of the commission. An operator may submit true and correct copies of the required commission documents on file with the commission, accompanied by a verification that such copies from the operator of the required commission documents are true and correct copies of the required commission documents filed by the current or previously designated operator and on file with the commission. This exception shall not apply to other sections herein, nor following any notice to an operator that a copy from the commission's files is required. The commission or an examiner may, where deemed appropriate, require cer-

tified copies of the required commission documents to be filed in lieu of the above provisions.

(c) Special documentation.

(1) New gas determinations under Section 102.

(A) Requests for a determination under Section 102(c)(1)(B), based on a claim of horizontal or vertical separation, must be accompanied by a map or plat covering at least 2.5 miles in all directions from the well for which the determination is sought on a scale not smaller than 1:4000, with the affidavit required by the FERC that the map and well locations thereon conform to those reflected in available public records. In the event that any well or completion location is shown within 2.5 miles of the applicant's well, the application shall contain copies from the commission's records of the W-1 form, the current G-1 or W-2 as applicable, and the production record of each such well for the period from January 1, 1970, to April 20, 1977. If the number of wells or completion locations within 2.5 miles exceeds 10, the applicant shall instead furnish a list of all such wells, indicating for each such well the deepest completion reflected by the applicable completion report in the files of the commission, the identification or well and lease number of the well, and a notation as to whether or not any production occurred from such well between January 1, 1970, and April 20, 1977, together with an affidavit as required by the FERC that such information was obtained from and is identical to that contained in the official files of the commission. The commission or an examiner may, in a notice of hearing or at the hearing itself, require the filing of copies from its records of all or part of the summarized material. In the event a directional survey was required to be filed with the commission on the well subject to this determination, a copy of the survey from the commission's files shall be included for the well completion in question.

(B) If the applicant is seeking a determination under Section 102(c)(1)(C), he shall include with his application copies of the order or notice of commission action in the prior commission proceeding that determined the new reservoir and/or new field status, the application, plat, and complete well log from the files of the commission, and the affidavit required by the FERC to negate the behind-the-pipe and withheld gas exclusions, if applicable. An original copy of the complete well log prepared by the logging company may be submitted in lieu of a copy of the log from the commission's files.

(2) New onshore production wells under Section 103.

Any application under this section shall include copies of any commission orders in Rule 37 or 38 proceedings or any other proceedings which modify the otherwise applicable proration unit and the current G-1 and field rules (temporary or permanent) where in effect.

(3) Stripper wells under Section 108. An application under this section must include a record of any production during the preceding 12 months. For wells from which an increase in average daily production above 60 Mcf is alleged to be attributable to an enhanced recovery program or as may otherwise be permitted by FERC regulations, appropriate supporting evidence as prescribed by FERC regulations is required.

### .004. Commission Action on Applications.

(a) Upon receipt of an application, the commission will assign a docket number that identifies the case as a NGPA category determination and provides any other necessary in-



formation. All further correspondence must include this docket number. A notice of receipt, identifying the operator, well, and categor(y)(ies) determination sought, together with the docket number, will be sent to the operator in each case. An examination will be made to determine the nature of the categor(y)(ies) sought and ensure that the minimum requisite documentation is attached prior to issuance of a notice of hearing. In the event the requisite documentation is not enclosed with the application, the applicant (operator) will be notified and required to furnish the additional material prior to issuance of notice of hearing. Each Friday, notices of hearing will be issued for those complete applications received during that week until noon Friday, setting a hearing date on either the Tuesday or Wednesday following the next Friday, unless a change is necessitated by a holiday. Assignment of the date shall be based on an appropriate division of the total completed applications received. Where the commission deems it necessary, other dates may be set for any of the proceedings herein. The notice of hearing will be sent to each person whom the applicant has notified as well as any other person the commission deems necessary, and will also be made available in the office of the commission secretary. Such notice shall provide that persons with a justiciable or administratively cognizable interest may appear and intervene at the hearing. A minimum of 10 days' notice prior to the hearing will be provided consistent with Article 6252-13a, Texas Revised Civil Statutes Annotated (Vernon Supplement 1978).

(b) An appearance may be required in any case. Dockets may be handled without sworn testimony from witnesses at the hearing on the basis of the documentation filed as part of the application. In other cases, or if required by the examiner, an evidentiary hearing with sworn testimony will be required to complete a record for the determination. In such cases, the areas of required proof include but are not limited to the following:

(1) New gas determinations under Section 102(c)(1)(B) where horizontal or vertical distance is an issue:

(A) the accuracy and authenticity of the map or plat presented; and

(B) the accuracy of any representations concerning the location and production status of wells and completion locations within the 2.5 mile radius.

(2) New onshore reservoir determinations under Section 102(c)(1)(C) where the affidavit required by the FERC is inadequate to negate exclusions: other pertinent evidence bearing on the exclusions.

(c) Dockets in which an intervention in protest is entered prior to or at the scheduled hearing will be recessed until Thursday of the week in which they are scheduled, at which time the hearing will be conducted. Failure to appear at such hearing where an intervention in protest is entered will be deemed a withdrawal by the applicant (operator) or any intervenor/protestant. An intervenor/protestant will be allowed to participate in a proceeding pending a final ruling on the intervention by the commission. A ruling on the intervention in protest shall be made in the final commission order.

(d) All cases heard in a given week in which a waiver of proposal for decision (examiner's initial decision) on the reverse side of the commission's Form F-1 is executed will be posted Friday morning of that week for consideration by the commission in conference on the second Monday following. This posting will also include those protested cases that can

be completed in the week they are heard, together with any cases completed by an examiner from prior weeks. This is in compliance with the Open Meetings Act, Article 6252-17, Texas Revised Civil Statutes Annotated (Vernon Supplement 1978), requiring posting and publication in the *Texas Register*. Where a waiver of proposal for decision is not filed, a proposal for decision shall be issued by the examiner within such time as he may designate at the close of the hearing. Exceptions to the proposal for decision may be filed by any party within 13 days after service of the proposal for decision, and replies to the exceptions may be filed within 18 days after service of the proposal. Exceptions and replies must be served on all other parties and be received by the commission within these times in order to be considered. When the time for replies to exceptions has expired, the case will be posted for consideration by the commission in compliance with the procedures set out above for unprotested cases.

(e) Unprotested dockets with waivers of proposals for decision will be consolidated for presentation at conference and the entry of a single commission order. Protested dockets and those involving proposals for decision will be consolidated for a single commission order to the greatest extent practicable.

(f) In the event a person with a justiciable or administratively cognizable interest has not been given notice prior to the open meeting notice, he may file a written motion in intervention by the date of open meeting showing good cause for the commission to grant the intervention, remand the proceeding, or take other appropriate action. The commission may rule upon such motion in the manner it deems appropriate.

(g) Upon entry of an order by the commission, any party to the hearing may file a motion for rehearing within 15 days after service of the order by the commission. A reply thereto may be filed within 25 days after service of the order by any other party to the hearing. Motions for rehearing and replies thereto must be received by the commission within these times in order to be considered. The commission may grant rehearing; deny the motion; or take no action, in which case the motion shall be overruled by operation of law 45 days after the entry of the order.

(h) Within five days after the last day for filing a motion for rehearing or, if such a motion is filed, within 15 days after it is denied or overruled by operation of law, the commission shall transmit by certified mail or other appropriate means to the FERC a copy of its order of determination, together with the record on which the determination is based.

(i) In the event that a commission determination is reversed by the FERC, an applicant may file a new application based on additional or supplemental evidence in support of the determination sought, making reference to the previous docket number. Where the FERC remands a commission determination, notice of the remand will be sent to all those listed in the original application and to those later permitted to intervene. Notice of hearing on remand will be scheduled at the earliest practicable time.

Issued in Austin, Texas, on November 27, 1978.

Doc. No. 787779      Mack Wallace  
Chairman  
Railroad Commission of Texas

Effective Date: November 27, 1978

Expiration Date: March 27, 1979

For further information, please call (512) 475-4686.

(Editor's note: The following forms are printed here at the request of the Railroad Commission of Texas. They are available by writing the

Office of Information Services, P.O. Box 12967, Austin, Texas 78711, or by calling (512) 475-3200.)

RAILROAD COMMISSION OF TEXAS  
OIL AND GAS DIVISION  
WELL CLASSIFICATION SECTION

Form F-1  
11/27/78

NATURAL GAS POLICY ACT SUPPLEMENTAL APPLICATION  
(See NGPA Determination Procedures)

Docket No. F-

OPERATOR INFORMATION				
1. Operator		Operator No.	2. Address	
			Zip Code	
3. District No.	4. <input type="checkbox"/> Lease & Well No. or <input type="checkbox"/> ID No. (Check one)		5. Field and/or Reservoir Name	
WELL CATEGORY INFORMATION				
Mark appropriate blocks for category(ies) sought and documents attached. Except as indicated or otherwise provided by rule, these documents must be legible copies from the official files of the Commission.				
<input type="checkbox"/> 1. Categor(y)(ies) sought (specify Section # of NGPA) _____				
<input type="checkbox"/> 2. All Applications				
<input type="checkbox"/> a. W-1 (Application to Drill, Deepen, or Plug Back) <input type="checkbox"/> b. G-1 (Gas Well Back Pressure Test, Completion, or Recompletion Report and Log), as applicable, or W-2 (Oil Well Potential Test, Completion, or Recompletion Report and Log), as applicable <input type="checkbox"/> c. Data pertaining to category sought (See FERC requirements) <input type="checkbox"/> d. Certificate of service prescribed by rule 051.02.03.003				
<input type="checkbox"/> 3. New Gas under § 102(c)(1)(B) (Relying on 2.5 mile or 1000 ft. interval				
<input type="checkbox"/> a. Map or plat covering 2.5 mile radius <input type="checkbox"/> b. W-1, G-1 or W-2 as applicable, and production record from 1/1/70 to 4/20/77 for wells within 2.5 mile radius; or, if in excess of 10 wells, a list of such wells pursuant to rule 051.02.03.003 <input type="checkbox"/> c. Any directional survey required to be filed on the subject well				
<input type="checkbox"/> 4. New Gas under § 102(c)(1)(C) (New Onshore Reservoir)				
<input type="checkbox"/> a. Application for new reservoir determination under conservation rules and plat <input type="checkbox"/> b. Commission order or notice of Commission action <input type="checkbox"/> c. Complete well log <input type="checkbox"/> d. FERC required affidavit negating behind-the-pipe and withheld gas exclusions				
<input type="checkbox"/> 5. New Onshore Production Well under § 103				
<input type="checkbox"/> a. Commission order in any proceeding establishing or modifying the otherwise applicable proration unit <input type="checkbox"/> b. Plat covering proration unit indicating any other wells therein, if not otherwise shown on W-1 <input type="checkbox"/> c. Field Rules (Temporary or Permanent where in effect)				
<input type="checkbox"/> 6. Stripper Wells under § 108				
<input type="checkbox"/> a. Record of any production during the preceding 12 months <input type="checkbox"/> b. Other evidence required pursuant to rule 051.02.03.003 (c)(3)				
<input type="checkbox"/> 7. Other (as indicated) _____				
<b>CERTIFICATE:</b> I declare under penalties prescribed in Sec. 91.143, Texas Natural Resources Code, that I am authorized to make this report, that this report was prepared by me or under my supervision and direction, and that data and facts stated therein are true, correct, and complete, to the best of my knowledge.				
SIGNATURE		TITLE	DATE	Phone A/C NUMBER

SEE REVERSE SIDE

DOCKET NUMBER MUST APPEAR ON ALL CORRESPONDENCE  
AFTER INITIAL APPLICATION

**INSTRUCTIONS FOR WAIVER OF PROPOSAL FOR DECISION**

If an operator wishes to expedite the determination procedure, he/she may file a waiver of proposal for decision on this form. Only the portions entitled "Operator Information" and "Pre - Hearing Waiver" should be completed for initial applications.

If the application is protested, the pre - hearing waiver is automatically withdrawn. During or after the hearing all parties may agree to waive the requirement of a proposal for decision. If so, the operator and all other parties appearing at the hearing should also complete the lower portion of this form, entitled "Post - Hearing Waiver" and file the form with the Commission. A continuation sheet identifying the docket may be used for additional signatures.

<b>PRE - HEARING WAIVER</b>	
Pursuant to Tex. Rev. Civ. Stat. Ann. Art. 6252-13a, sec. 15, the operator hereby waives the requirement of a proposal for decision. In the event of a protest or intervention in this NGPA category determination proceeding, this waiver shall be deemed withdrawn without further action.	
_____ (Title)	_____ (Signature)
_____ (Date)	_____ (Name -- type or print)
<b>POST - HEARING WAIVER</b>	
Pursuant to Tex. Rev. Civ. Stat. Ann. Art. 6252-13a, sec. 15, I/we hereby waive the requirement of a proposal for decision in this NGPA category determination proceeding.	
<b>OPERATOR:</b>	
_____ (Title)	_____ (Signature)
_____ (Date)	_____ (Name -- type or print)
<b>INTERVENORS/PROTESTANTS:</b>	
_____ (Title)	_____ (Signature)
_____ (Date)	_____ (Name -- type or print)
_____ (Title)	_____ (Signature)
_____ (Date)	_____ (Name -- type or print)
_____ (Title)	_____ (Signature)
_____ (Date)	_____ (Name -- type or print)
_____ (Title)	_____ (Signature)
_____ (Date)	_____ (Name -- type or print)
_____ (Title)	_____ (Signature)
_____ (Date)	_____ (Name -- type or print)
_____ (Title)	_____ (Signature)
_____ (Date)	_____ (Name -- type or print)

(THIS FORM MAY BE REPRODUCED FOR PERSONAL USE)

# PROPOSED RULES

4184

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.

## Office of the Governor

### Criminal Justice Division

#### State-Federal Relations 001.55.02

The Criminal Justice Division proposes to amend Rule 001.55.02.009 by adding the *1979 Criminal Justice Plan for Texas*. This document is published annually and represents Texas' action plan for expenditure of Law Enforcement Assistance Administration funds during fiscal 1979.

The Criminal Justice Division has determined that there will be no fiscal implications for the state or for units of local government.

Written comments are invited and may be sent to Willis Whatley, general counsel, Criminal Justice Division, 411 West 13th Street, Austin, Texas 78701, within 30 days of publication in the *Texas Register*.

The amendment is proposed under the authority of Public Law 90-351, Title I, Omnibus Crime Control and Safe Streets Act of 1968 as amended by Public Law 91-644, Omnibus Crime Control Act of 1970, Public Law 93-83, Crime Control Act of 1973, and Public Law 94-503, Crime Control Act of 1976; Public Law 93-415, Juvenile Justice and Delinquency Prevention Act of 1974 as amended by Public Law 95-115, Juvenile Justice Amendments of 1977; rules and guidelines promulgated by the Law Enforcement Assistance Administration; and the provisions of Article 6252-13, Section 10(a)(3), Vernon's Annotated Civil Statutes.

.009. *Criminal Justice Division State Plans Adopted by Reference*. The CJD adopts by reference the following criminal justice plans for Texas:

- (a) *1969 Criminal Justice Plan for Texas.*
- (b) *1970 Criminal Justice Plan for Texas.*
- (c) *1971 Criminal Justice Plan for Texas.*
- (d) *1972 Criminal Justice Plan for Texas.*
- (e) *1973 Criminal Justice Plan for Texas.*
- (f) *1974 Criminal Justice Plan for Texas.*

- (g) *1975 Criminal Justice Plan for Texas.*
- (h) *1976 Criminal Justice Plan for Texas.*
- (i) *1977 Criminal Justice Plan for Texas.*
- (j) *1978 Criminal Justice Plan for Texas.*
- (k) *1979 Criminal Justice Plan for Texas.*

Issued in Austin, Texas, on November 20, 1978.

Doc. No. 787795      Robert C. Flowers  
Executive Director  
Criminal Justice Division

Proposed Date of Adoption: January 5, 1979

For further information, please call (512) 475-6065.



## State Board of Insurance

### Rating and Policy Forms

#### Fixing Rate of Automobile Insurance

##### 059.05.01

The State Board of Insurance proposes to amend Rule 059.05.01.001, which adopted by reference the Rules and Rates Governing the Insuring of Automobiles and Standard Endorsements. The amendment is attached and incorporated herein by reference for all intents and purposes.

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

The proposed amendment is to adopt a new optional mechanical breakdown broad form coverage endorsement for use with the prescribed mechanical breakdown policy. The proposed broad form coverage endorsement extends the standard mechanical breakdown coverage to include certain additional parts, to increase the rental reimbursement limits, and to increase the maximum permitted mileage. This proposed amendment also includes amendments to Texas Automobile Manual Rule 138—Mechanical Breakdown—to include an additional rule and rating procedure for the proposed broad form coverage endorsement.

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 Articles 5.01 and 5.06 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 *March* [January] 1979. 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 November 17, 1978.

Doc. No. 787802 Pat Wagner  
Chief Clerk  
State Board of Insurance

Proposed Date of Adoption: January 5, 1979  
For further information, please call (512) 475-3486.

## Railroad Commission of Texas

### Commission-Wide

#### General Conservation of Statewide

#### Application 051.01.02

The Railroad Commission of Texas is proposing to adopt Rules 051.01.02.001-.002, concerning permitting and ecological analyses of projects occurring in the coastal area of Texas and consideration of national interest. These rules are necessary in order to produce an acceptable coastal management program.

The staff of the commission has determined that under present conditions the proposed rules will have no fiscal impact on state government.

Comments on the proposed change should be submitted within 30 days after publication to Bob R. Harris, chief engineer, Oil and Gas Division, Railroad Commission of Texas, P.O. Box 12967, Austin, Texas 78711.

These rules are proposed under the authority of Texas Revised Civil Statutes Annotated, Article 6252-13(a) (Vernon Supplement 1978), and Titles 2 and 3, Texas Natural Resources Code (Vernon 1970).

#### .001. *Permitting within the Coastal Area.*

(a) Application. This rule shall be effective only in regard to applications for permits to conduct activities which are located in coastal natural resource areas as defined by Section 32, Texas Revised Civil Statutes Annotated, Article 5415e-1.5 (Vernon's Supplement 1978), and for which a federal environmental impact statement is required, as they are further identified by commission rule.

(b) Information requirements. To be granted a permit, the applicant must submit information to the commission which:

(1) provides estimates of those impacts of the proposed action which the agency is required by the applicable statutes and regulations to consider in acting on the permit application, or

(2) demonstrates that the granting of the application will have no significant impacts which the agency is required to consider. The commission will not assess those impacts which are outside its jurisdiction.

(c) Procedures. The procedures used for preparing estimates of impacts must:

(1) specify geographic areas of impacts, and shall provide a model or checklist of the major components for each natural system in those areas which is relevant to agency policy determinations;

(2) provide an explicit definition of the terms and methods used to describe the magnitude, direction, duration, and probability of impacts estimated;

(3) provide sufficient documentation of methods and calculations to reasonably allow a person who did not perform the procedure to tract the reasoning process and professional judgments used to reach a conclusion; and

(4) produce a clear and concise summary of the significant impacts of the proposed action in a form understandable to policy makers and the general public.

(d) Determination of procedure. The commission shall determine whether a procedure meets the criteria of this rule. The commission recognizes that, among other methodologies, the procedures set forth in Texas Coastal Management Program, *Social and Economic Component*, *User's Manual*, and *Ecological Systems Component*, *User's Manual*, Austin, September 15, 1978, substantially satisfy the criteria of this rule as regards those impacts which the above-cited procedures are designed to address.

In making the determination that a procedure meets the criteria in this rule, the commission will avoid requiring the submission of data or analysis not necessary for a reasonably precise and accurate estimation of impacts. The demands on the applicant will be no more than commensurate in scale with the anticipated impacts of the proposed action. The commission will determine whether a procedure proposed by an applicant meets the criteria of this rule. Identification and approval of such procedures shall be within reasonable expenditures of time and money by applicants.

The commission shall further make all reasonable efforts to coordinate requirements of information from the applicant by the commission with related requirements by other state and federal agencies so as to avoid unnecessary expense to applicants.

.002. *Consideration of the National Interest.* It is the policy of this agency to provide for adequate consideration of the national interest in permitting decisions relevant to planning for, and in the siting of, facilities, including energy facilities (a) which are in or which significantly affect the Texas coastal zone, and (b) which are necessary to meet requirements which are other than local in nature.

Issued in Austin, Texas, on November 28, 1978.

Doc. No. 787828 Bob R. Harris  
Chief Engineer  
Railroad Commission of Texas

Proposed Date of Adoption: January 5, 1979  
For further information, please call (512) 475-3003.

## Texas Department of Water Resources

### Effluent Standards

#### Domestic Wastewater Treatment Plants

156.18.05

The general counsel of the Texas Department of Water Resources is proposing to amend Rules 156.18.05.001-.004, entitled "Domestic Wastewater Treatment Plants." The proposal amends the rules on two separate matters: (1) it provides for the utilization of sewage effluent for irrigation purposes; and (2) it changes the total suspended solids (TSS) limitations applicable to certain oxidation pond processes.

The utilization of sewage effluent for irrigation purposes will serve to dispose of treated effluent and/or to further enhance the quality of the effluent prior to discharge. The proposal takes into consideration existing water and land uses and water rights.

The TSS limitations changes are necessary in order to make those limitations consistent with existing oxidation pond technology. The State of Texas has approximately 470 sewage treatment plants that utilize oxidation ponds as part of the treatment process. About 300 of these plants discharge effluent to waters of the state. Of the 300 that discharge, about 170 use oxidation ponds as the sole process for secondary treatment. Operation and maintenance data indicate that a number of those plants using oxidation ponds as the sole process for secondary treatment are meeting the 30 mg/l BOD<sub>5</sub> limitations on a long-term basis. However, the 30 mg/l suspended solids limitations are frequently exceeded due to algae growth. Historically, pond performance has been measured in terms of BOD<sub>5</sub> alone and not suspended solids. It is recognized that suspended solids due to live algae in pond effluents have fundamentally and substantially different characteristics than sewage solids or solids from other treatment processes.

The Environmental Protection Agency (EPA) recently amended the secondary treatment information regulation 40 Code of Federal Regulations, Part 133 to allow upward adjustment of the suspended solids limitations in those cases where properly designed and operated waste stabilization ponds are used for secondary treatment and are not capable of achieving the suspended solids limitations previously promulgated on August 17, 1973. The amendment authorizes the regional administrator (or the state) "to adjust the effluent limitations set forth in paragraphs (b)(1), (b)(2), and (b)(3) . . . based on the solids concentrations achievable by the best waste stabilization pond technology . . ." The term "best waste stabilization pond technology" means a suspended solids value which is equal to the effluent concentration achieved 90 percent of the time by waste stabilization ponds that are achieving the levels of effluent quality established for biochemical oxygen demand. The EPA regulations allow this adjustment provided that: (1) waste stabilization ponds are the sole process used for secondary treatment; (2) the maximum facility design capacity is two million gallons per day or less; and (3) operation and maintenance data indicate that the requirements of paragraphs (b)(1), (b)(2), and (b)(3) of Section 133.102 cannot be achieved.

EPA Region VI has designated 90 mg/l as the "best waste stabilization pond technology" in its contiguous geographical area. NPDES permits for Texas oxidation plants meeting requirements in the Region VI policy will be written to limit 30-day average TSS of 90 mg/l, with no seven-day average specified, providing that the state does not require more stringent effluent limitations.

The proposal would also eliminate the TSS limitations in Rules .001-.004 applicable to grab and/or composite samples from ponds. This will result in a major de-emphasis of suspended solids as a regulatory parameter for pond plants, leaving BOD removal capacity as the primary factor used in determining the adequacy of wastewater oxidation pond design and performance.

The general counsel of the department has determined that the proposed amendments of the rules will have no fiscal impact to the state or units of local government.

Public comment on the proposed amendments to Rules .001-.004 is invited. Persons should submit their comments in writing to Bruce Bigelow, general counsel, Texas Department of Water Resources, P.O. Box 13087, Austin, Texas 78711, by December 29, 1978.

These amendments are proposed under the authority of Sections 5.131 and 5.132, Texas Water Code.

#### .001. Introduction and Purpose.

(a) From the standpoint of proper management of a system of permits and with the onset of federal regulations and standards for municipal effluents, it now appears appropriate to promulgate a set of effluent quality standards which would be consistent with given classes of treatment processes and which would be applied as necessary to meet treatment requirements based on water quality conditions. "Secondary treatment" by a publicly owned treatment plant is being defined by EPA, *with exceptions applicable to certain oxidation pond processes*, as reduction to the following effluent quality:

	30-Day Average	7-Day Average
BOD, mg/l	30	45
Suspended Solids (TSS), mg/l	30	45
pH, units	Within limits of 6.0-9.0	

Furthermore, in this definition, the reduction of BOD and TSS through a treatment plant shall be a minimum of 85 percent. *For oxidation ponds meeting certain conditions, the EPA allows adjustment of suspended solids levels to conform to that achievable with best waste stabilization pond technology. In the EPA Region VI contiguous area, this level is 90 mg/l TSS.*

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

#### .002. Rationale for Effluent Sets. (No change.)

#### .003. Instructions.

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

(d) *Oxidation ponds. Use Set X for oxidation ponds that meet the following criteria:*

(1) *oxidation ponds are the sole process used for secondary treatment;*

(2) *the maximum facility design capacity is two million gallons per day or less;*

(3) operation and maintenance data for existing ponds indicate that the facility achieves the BOD level defined in Rule .001(a) of these rules; or in the case of new ponds, the design is in accordance with such criteria as to assure that the BOD level defined in Rule .001(a) will be achieved;

(4) operation and maintenance data for existing ponds demonstrate that the facility cannot achieve a 30-day average TSS of 30 MG/l nor a 45-day average TSS of 45 mg/l; and

(5) for existing facilities, the ponds are properly designed and constructed in accordance with design criteria in effect at the time of construction.

Ponds not meeting the above requirements will be governed by set O.

(e) The practice of utilizing sewage effluent for irrigation purposes is permitted when it can be shown that this practice will not alter the uses of the existing groundwaters or detrimentally affect the surface waters of the State of Texas. Each project will also be consistent with laws regulating water rights in the State of Texas. Project types will fall into three categories: irrigation, infiltration-percolation, or overland flow. The purpose of a project will be to dispose of treated effluent or to further enhance the quality of the effluent prior to discharge or a

combination of the two. When land disposal systems will utilize lands to which the public has access for the ultimate disposal of effluent, the effluent applied shall be treated to a degree equivalent to existing secondary level standards. When agricultural lands are to be irrigated, primary effluent may be utilized consistently with environmental safeguards and the protection of ground and surface water. Primary treatment means solids separation as may be accomplished by primary clarifiers, Imhoff tanks, and other units designed in accordance with all applicable requirements of the most recent design criteria for sewerage systems promulgated by the department.

.004. Table 1, Effluent Standards for Domestic Wastewater Treatment Plants (Attached).

(Editor's note: See chart, page 4188.)

Issued in Austin, Texas, on November 20, 1978.

Doc. No. 787848      Bruce Bigelow  
                                 General Counsel  
                                 Texas Department of Water Resources

Proposed Date of Adoption: January 5, 1979

For further information, please call (512) 475-7836.

Table 1

**Effluent Standards For Domestic Wastewater Treatment Plants**

Effluent Set	10-DAY AVERAGE			24-Hr. Composite			Grab Samples		
	BOD	TSS	NH <sub>3</sub> N	BOD	TSS	NH <sub>3</sub> N	BOD	TSS	NH <sub>3</sub> N
Oxygen Demand	30	90		70			50		
1	30	30	45	70	50	50	100	100	100
2	20	20	30	45	35	35	65	65	65
3	10	15	15	25	20	25	35	60	60
4	5	10	10	20	10	20	30	60	60
2-N	5	5	4	20	20	10	30	30	30
3-N	10	15	5	25	15	15	35	60	15
4-N	5	10	5	20	10	15	30	60	15
Disinfection:	5	5	3	20	20	10	30	30	15
A(5)									
Nutrient Removal	5	10	2	20	35	7	10	20	4
	5	5	1	20	20	4	10	10	2

(1) When examining 5 consecutive grab samples randomly collected on separate days by the same entity, the pollutant concentration shall not exceed the specified level. **IN MORE THAN 2 SAMPLES.**

(2) Single grab sample (instantaneous) limit

(3) Not less than

(4) Detention time in minutes

(5) Any combination of detention time and chlorine residual where the product of Cl<sub>2</sub> (mg/l) x t (min.) equals or exceeds 20 is satisfactory except that the minimum detention time shall be 20 minutes and the minimum residual shall be 0.5 mg/l. Disinfection is not required where secondary treatment is provided by properly designed and constructed stabilization ponds unless: (1) the discharge is made within five miles of a reservoir or lake covered by a Septic Tank Board Order, or (2) it is deemed necessary to protect public health, or (3) it is necessary to meet the stream standards of the receiving waters.

Treatment Process Corresponding to Effluent Set

**SET X - OXIDATION PONDS MEETING REQUIREMENTS IN SECTION .003(D) OF THESE RULES.**

**[Set] - OTHER OXIDATION PONDS (existing ponds only)**

- 1 - secondary (conventional design)
- 2 - modified secondary (enhanced solids separation)
- 3 - set 2 with chemical addition
- 4 - set 3 with filters

- Set 2-N - set 2 with biological nitrification
- 3-N - set 3 with biological nitrification
- 4-N - set 4 with biological nitrification
- 3-P - chemical addition in biological process
- 4-P - chemical precipitation after biological treatment



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.

## Comptroller of Public Accounts

### Tax Administration

#### Motor Vehicle Sales and Use Tax 026.02.06

Under the authority of Texas Taxation—General Annotated, Article 6.02 (1969), the Comptroller of Public Accounts has adopted Rule 026.02.06.001 to read as follows:

.001. *Credit for Motor Vehicle Sales or Use Tax Paid to Another State*—(Article 6.01(2)). A credit is allowed to a person, firm, or corporation that as a purchaser has paid legally imposed sales or use tax on a motor vehicle to another state and thereafter that vehicle becomes subject to the Texas motor vehicle use tax, as provided for under Article 6.01(2). The credit allowed is the amount of the prior payment to the other state. Credit is not allowed for the \$15 new resident tax which is provided for under Article 6.01(3). Consequently, any motor vehicle which is brought into this state by a new resident of this state and has been previously registered in the new resident's name in any other state or foreign country must pay the \$15 new resident tax.

Issued in Austin, Texas, on November 29, 1978.

Doc. No. 787845      Bob Bullock  
Comptroller of Public Accounts

Effective Date: December 20, 1978

For further information, please call (512) 475-6897.

## Office of the Governor

### Criminal Justice Division

#### State-Federal Relations 001.55.02

The Criminal Justice Division adopts by reference Law Enforcement Assistance Administration Notice N7350.2 which

supersedes N7350.1. This directive was received by the Criminal Justice Division subsequent to the federally mandated effective date, hence the abbreviated notice period.

Under the authority of Public Law 90-351, Title I, Omnibus Crime Control and Safe Streets Act of 1968 as amended by Public Law 91-644, Omnibus Crime Control Act of 1970, Public Law 93-83, Crime Control Act of 1973, and Public Law 94-503, Crime Control Act of 1976; Public Law 93-415, Juvenile Justice and Delinquency Prevention Act of 1974 as amended by Public Law 95-115, Juvenile Justice Amendments of 1977; rules and guidelines promulgated by the Law Enforcement Assistance Administration; and the provisions of Article 6252-13, Section 10(a)(3), Vernon's Annotated Civil Statutes, the Criminal Justice Division amends Rule 001.55.02.006 as follows:

.006. *LEAA External Directives Adopted by Reference*. The Criminal Justice Division adopts by reference the following LEAA external directives:

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

(c) Notices.

(1) (No change.)

(2) N7350.2, dated August 14, 1978, Principles for Determining Travel Costs Applicable to LEAA Grants.

A copy of the notice is available for inspection at the Criminal Justice Division, 411 West 13th Street, Room 1104, Austin, Texas.

Issued in Austin, Texas, on November 20, 1978.

Doc. No. 787794      Robert C. Flowers  
Executive Director  
Criminal Justice Division

Effective Date: August 14, 1978

For further information, please call (512) 475-6065.

## Texas Department of Human Resources

### Food Stamps

The Department of Human Resources adopts the following rules and amendments to its rules about certification policies and procedures for applicants in the Food Stamp Program. These rule changes are adopted as a result of federal regulations issued by the United States Department of Agriculture (USDA) and have a federally mandated effective date of December 23, 1977. The following changes relate to households which fail to supply information needed for certification. Households which submit timely applications for continued benefits must furnish information needed for certification prior to the end of the expiring certification period. All other applicant households are allowed 30 days from the date of application to furnish needed information.

#### Responsibilities 326.15.12

This amendment is adopted under the authority of Article 695c, Texas Revised Civil Statutes, pursuant to federal requirements, effective December 23, 1977.

**.003. Prompt Action.**

(a) The department must provide an Application for Assistance form to any person upon request and must accept an identifiable application when submitted. An identifiable application is an application form which has been signed and contains a legible name and address. The department must comply with applicable time limits for accepting and processing initial or subsequent applications, providing required notices, and giving eligible households an opportunity to purchase their coupon allotments.

(b) (No change.)

Doc. No. 787758

## Non-PA Application 326.15.25

This amendment is adopted under the authority of Article 695c, Texas Revised Civil Statutes, pursuant to federal requirements, effective December 23, 1977.

**.002. Non-PA Application Form.**

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

(c) The date of application is the date on which a signed application form containing a legible name and address is first received by DHR. The period allowed for determination of eligibility begins on this date, even though the form may be returned to the household for completion of other items.

(d) (No change.)

Doc. No. 787759

## Notice 326.15.27.001, .012-.013

These amendments are adopted under the authority of Article 695c, Texas Revised Civil Statutes, pursuant to federal requirements, effective December 23, 1977.

**.001. Notice of Eligibility.**

(a) (No change.)

(b) When an initial application or an application from a currently uncertified household is pending because additional information is needed, the household is allowed 30 days from receipt of the identifiable application by DHR to supply the information. If the household does not supply the information, its application is denied effective on the 30th day. Denials for missed appointments are handled in the same manner.

The worker may establish reasonable suspense dates within the 30-day period for the household to provide the requested information or for another appointment. If the suspense date is not met or the appointment is not kept, a denied application letter should be sent to the household immediately. The effective date of denial, the 30th day from receipt of the application, is entered on the letter. The computer form will not be processed until the allowed 30-day period has expired. No further action is needed unless the household contacts DHR prior to the end of the 30-day period.

(c) When the needed information is provided on or before the 30th day, an eligibility determination will be made and the household will be certified or denied within the 30-day period. In no case may the eligibility decision be delayed past the 30th day. If the 30th day falls on a weekend or holiday, the period allowed for furnishing the information will expire on the last prior working day.

**.012. Opportunity to Purchase.** An eligible household which submitted a timely application for continued certification must have an opportunity to purchase its allotment in the first issuance cycle of the following month. If the eligibility decision is delayed through DHR error so this time limit is not met, a manual ATP must be issued in order to provide the household an immediate opportunity to purchase its allotment. A household certified for one month or less, which made timely application for continued certification, must, if eligible, be provided an opportunity to purchase not later than 30 days after the date of the last eligibility decision to ensure that benefits are received at the same time in the succeeding month.

**.013. Recipient Failure to Submit Timely Application.**

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

Doc. No. 787760

## 326.15.27.015

This new rule is adopted under the authority of Article 695c, Texas Revised Civil Statutes, pursuant to federal requirements, effective December 23, 1977.

**.015. Households Applying for Continued Certification.**

When a timely application for continued certification is pending because additional information is needed, the household must provide the information before the end of the expiring certification period so that an eligibility determination can be made. The application may not be denied until the last working day of the month in order to give the household the maximum time for submitting the needed information. Households whose applications for continued certification were not timely are treated as described in Rule .001.

Doc. No. 787761

## Definition of Income 326.15.41

This amendment is adopted under the authority of Article 695c, Texas Revised Civil Statutes, pursuant to federal requirements, effective December 23, 1977.

**.020. Income Deductions.**

(a)-(e) (No change.)

(f) The client may elect not to claim the deduction and participate at a lower level of benefits instead of providing verification. The household's decision must be documented in the case record.

Issued in Austin, Texas, on November 22, 1978.

Doc. No. 787762

Jerome Chapman  
Commissioner

Texas Department of Human Resources

Effective Date: December 23, 1977

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

## Medical Transportation

### General Information 326.43.01

The Department of Human Resources adopts the repeal of Rules 326.43.01.002-.004 in its Medical Transportation rules,

as proposed in the September 15, 1978, issue of the *Texas Register* (3 TexReg 3246). The Medical Transportation Program provides transportation services, with certain limitations, for eligible Medicaid recipients to Title XIX medical providers.

The repeal of Rules .002-.004 was proposed because in all cases addressed in these rules the department is responsible for assuring the provision of necessary transportation, regardless of the method of service delivery or the condition of an eligible recipient, to providers of Title XIX services. The department is currently developing a transportation provider manual; the deletion of inaccurate or inappropriate material will ensure the compatibility of Medical Transportation rules with the provider manual policies. Should it be necessary, the department will propose new rules prior to the implementation of the provider manual policies. No comments were received on the proposed repeals.

The repeal of Rules .002-.004 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.

Doc. No. 787763

### Program Limitations 326.43.02

The Department of Human Resources adopts the repeal of Rule 326.43.02.003 in its Medical Transportation rules, as proposed in the September 15, 1978, issue of the *Texas Register* (3 TexReg 3247). The Medical Transportation Program provides transportation services, with certain limitations, for eligible Medicaid recipients to Title XIX medical providers.

The repeal of Rule .003 was proposed because in all cases the department is responsible for assuring the provision of necessary transportation, regardless of the condition of an eligible recipient, to providers of Title XIX services. The department is currently developing a transportation provider manual; the deletion of inaccurate or inappropriate material will ensure the compatibility of Medical Transportation rules with the provider manual policies. Should it be necessary, the department will propose new rules prior to the implementation of the provider manual policies. No comments were received on the proposed repeal.

The repeal of Rule .003 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.

Doc. No. 767764

### Attendant Services 326.43.03

The Department of Human Resources adopts the amendment to Rule 326.43.03.002 in its Medical Transportation rules, as proposed in the September 15, 1978, issue of the *Texas Register* (3 TexReg 3247). The Medical Transportation Program provides transportation services, with certain limitations, for eligible Medicaid recipients to Title XIX medical providers.

The amendment to Rule .002 removed reference to Sections (f) and (g), which are provided for in the transportation contract or are negotiated in the request for proposal process.

Section (h) was omitted because it was inaccurate. Attendants ride only when medically necessary. Therefore, to deny an attendant is to deny a necessary service. The department is currently developing a transportation provider manual; the deletion of inaccurate or inappropriate material will ensure the compatibility of Medical Transportation rules with the provider manual policies. Should it be necessary, the department will propose new rules prior to the implementation of the provider manual policies. No comments were received on the amendment; therefore, it is adopted without changes to the proposed text.

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.

.002. *Restrictions and Limitations.* Federal regulations under Title XIX do allow for the provision of attendant services with the following restrictions and limitations:

(a)-(e) (No change.)

Issued in Austin, Texas, on November 22, 1978.

Doc. No. 787765 Jerome Chapman  
Commissioner  
Texas Department of Human Resources

Effective Date: December 13, 1978

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

## Intake and Eligibility

### Eligibility 326.52.22

The Department of Human Resources adopts amendments to its rules regarding eligibility for social services as published in the August 15, 1978, issue of the *Texas Register* (3 TexReg 2851). The amendments incorporate the concept of the Community Care for the Aged, Blind, and Disabled worker as case manager and include the prohibition of discrimination on the basis of handicap in the provision of social services by department staff. These amendments supplement other rule amendments and repeals which were published in the June 30, 1978, issue of the *Texas Register* (3 TexReg 2220).

Public comments received following publication focused primarily on the requirement that contract provider agencies must refer applicants for CCABD services to the local DHR office for further intake steps, including eligibility determination. In view of comments questioning this policy, the decision was made to allow local DHR staff to permit contract agencies to perform eligibility determination. This arrangement will be on a contract-by-contract basis for a limited period of time and will not be allowed beyond the date of conversion to Family Care Services contracts in a region. Rule .009 has been altered to reflect this clarification of policy. Therefore, these rules are adopted with changes to the proposed text.

These amendments are adopted under the authority of Article 695c, Texas Revised Civil Statutes, and with the approval of the Texas Board of Human Resources.

.003. *Rights and Responsibilities of Individuals Applying for Services.*

(a) (No change.)

(b) Applicants shall be informed of the following:

(1) (No change.)

(2) Nondiscrimination. In accord with the Civil Rights Act of 1964, there shall be no discrimination on the basis of race, color, national origin, or handicap in regard to receiving social services.

(3)-(4) (No change.)

.006. Authorization.

(a) (No change.)

(b) Reauthorization by completion of a new form must take place at intervals appropriate for the particular service if services are to continue.

.007. Redetermination.

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

(c) For adult protective services, the direct delivery staff redetermines eligibility on a six-month basis.

(d) (No change.)

.008. Determination of Eligibility for AFDC, SSI, or Income-Eligible Individuals.

(a) (No change.)

(b) Such eligibility determination shall be made by department social services staff for individuals receiving services directly from the department (including services delivered under individual provider agreement) and for individuals receiving CCABD services from a contract provider agency or by contract provider agency staff for individuals receiving services, other than CCABD, purchased by the department under a purchase of services contract. When an individual is receiving services from both the department and one or more contract provider agencies, the eligibility determination must be made individually by the department and each agency. For services purchased under individual provider agreement, eligibility determinations are made by department staff.

.009. Application for Social Services.

(a) Each individual wishing to apply for social services is ensured the opportunity to do so without delay. An application may be made directly to the department or to an agency providing social services funded under Title XX through contract with the department. In the Community Care for Aged, Blind, and Disabled Adults (CCABD) program, when a request for CCABD services is received by a contract provider agency, the agency must refer the applicant to the local DHR office for further intake steps, including eligibility determination. However, at the discretion of DHR regional staff, procedures such as eligibility determination for out-of-home services may be performed by a contract agency for a limited period of time on a contract-by-contract basis. This exception may be justified where DHR staff time is limited and will not be allowed beyond the date of conversion to Family Care Service contracts in a region. Other state agencies, such as TDMH/MR, TRC, and TCB, are not covered by this provision and they must determine the eligibility of the individuals served.

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

(d) Prompt decision on application.

(1) (No change.)

(2) In the CCABD program, the department is responsible for the determination, notification, and redetermination of eligibility. Department staff determines eligibility by use of the Application and Eligibility Certification for Social Services form. DHR staff forwards a copy of this form to the contract provider agency when an individual

is referred for services. The contract provider agency must have this form to document that the individual is eligible to receive services. Contract provider agencies are subject to audit exceptions for services provided to individuals who do not have these forms.

.012. Eligibility Verification for Income-Eligible Individuals.

(a) When social services are requested by individuals on the basis of having a gross monthly income equal to or less than the prescribed percentage of the state's median income as adjusted for family size, the eligibility is based upon the number of family members and their income.

(b)-(e) (No change.)

.023. Individuals Eligible for Social Services.

(a) (No change.)

(b) Individuals eligible by income status. An individual is eligible for social services if the individual's family's monthly gross income is equal to or less than a prescribed percentage of the state's median income for a family of four adjusted for family size. The prescribed percentage is published annually in the Catalogue of Services in the CASPP. Individuals who meet these guidelines are referred to as income eligibles or as MAO income eligibles.

(c) (No change.)

Issued in Austin, Texas, on November 28, 1978.

Doc. No. 787836

Jerome Chapman  
Commissioner

Texas Department of Human Resources

Effective Date: December 19, 1978

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

## Purchased Social Services Standards 326.64.90.001-.005

The Department of Human Resources has adopted the repeal of Rules 326.64.90.001-.005, concerning standards for the organization and administration of agencies contracting to provide community care for aged, blind, and disabled adults in Texas. The proposed repeals were published in the September 8, 1978, issue of the *Texas Register* (3 TexReg 3143). Concurrent with the repeal of these rules, a new set of rules is being adopted which contains revised standards for the organization and administration of agencies contracting to provide community care for aged, blind, and disabled adults in Texas.

These rule changes result from the establishment, within the Social Services Branch of the department, of a service control system and of a process for the "competitive negotiation" for the delivery of Title XX services by contract agencies. The service control system, when complete, will have a definition of the minimum level of quality (standards) expected in DHR direct and purchased services and a process by which to assess whether services meet these standards.

While the rule changes involve a reordering and an elaboration of existing standards, additional standards for contracted services which previously were not subject to such guidelines are also involved. These new sets of standards apply to health assessment services, family care services, home-

delivered and congregate meal services, and protective services. In each service area there has been an emphasis on the establishment of standards for staff qualifications and staff development. Comments received during the public comment period focused on the new rules, and changes were made in these for clarification purposes.

Rules .001-.005 are repealed under the authority of Article 695c, Texas Revised Civil Statutes, and with the approval of the Texas Board of Human Resources.

Doc. No. 787766

### 326.64.90.006-.019

The Department of Human Resources adopts Rules 326.64.90.006-.019, that replace Rules 326.64.90.001-.005, the repeal of which is presently being adopted. This action concerns rules which establish minimum standards for the organization and administration of agencies contracting to provide community care services for aged, blind, or disabled adults, and minimum standards for the administration and supervision of individuals contracting to provide community care services for aged, blind, or disabled adults. The rules will be adopted as of December 15, 1978. Agencies will be in compliance with the rules (standards) as of the effective date of their contract for services or as of December 15, 1978, whichever date comes later.

These rule changes result from the establishment, within the social services branch of the department, of a Service Control System and of a process for the "competitive negotiation" for the delivery of Title XX services by contract agencies. The Service Control System, when complete, will have a definition of the minimum level of quality (standards) expected in DHR direct and purchased services and a process by which to assess whether services meet these standards.

While the rule changes involve a reordering and an elaboration of existing standards, additional standards for contracted services which previously were not subject to such guidelines are also involved. These new sets of standards apply to Health Assessment Services, Family Care Services, Home-Delivered and Congregate Meal Services, and Protective Services. In each service area, there has been an emphasis on the establishment of standards for staff qualifications and staff development.

The repeals of and additions to the above rules concerning standards were published in the September 8 issue of the *Texas Register*. Interested persons were afforded an opportunity to submit written comments. One respondent was an agency contracting with CCABD, another respondent was an agency that is not contracting with CCABD, and seven respondents were DHR staff.

The majority of recommendations were received in a two-day conference of Department of Human Resources regional and state office staff and Title XX contract agency staff which was held in Austin on October 11-12, 1978. At that meeting the participants dispersed into seven workshops in which they reviewed, discussed, and submitted recommendations on the proposed standards. Recommendations were submitted from groups rather than from individuals, and they were processed on that basis. Each group submitted recommendations on that portion of the proposed standards which applied

to the CCABD service they were assigned to (Rules .012-.019).

At the conference, respondents commented that they needed more time in which to be in compliance. Thus, the date on which the standards become effective was changed from "at publication" to "the effective date of the agency's contract."

The following items were deleted from the proposed rules because they are requirements in the Social Services Contract which all Title XX contractors utilize: Section (b) of Rule .006 on confidentiality; Section (b)(2) of Rule .007 on federal regulations; Section (a) of Rule .009 on discrimination; and Section (a) of Rule .010 on evaluation.

Section (a) of Rule .006, "Notification of Serious Occurrences," was considered to be unreasonable by one workshop at the conference, and other respondents questioned the intent and wording of the standard. Because agencies are already required to notify and consult with the department concerning service plan changes and changes in plans-of-operations, it was decided that this standard was needed and would therefore be retained. The language was clarified.

Regarding Rule .007, comments were received from a non-contract agency and from DHR regional staff that contracting agencies should not be required to be nonprofit. These comments were not addressed.

The necessity for Section (f)(3) of Rule .007, the requirement for "tax exempt status," was questioned by two of the workshops since agencies are required to be nonprofit. The standard was retained because the Internal Revenue Service exemption constitutes an additional check on agencies filing as nonprofit corporations with the state. For clarification purposes, this requirement was moved to Section (b) of Rule .007.

Sections (f)(5) and (6) of Rule .007 in the proposed rules, titled "minutes of board meetings," were deleted because they were not needed in addition to other required documentation. Section (g) was deleted because Section (d) sufficiently covered the requirements that agencies make documents available to the department on request and meet with the department when necessary.

Regarding Rule .008, "Advisory Committee," recommendations were submitted to the effect that the advisory committee should meet every six months or every 12 months. However, it was felt that the functions of an advisory committee were of sufficient importance to continue the requirement for three-month meetings.

Regarding Rule .010, the rule name has been changed from "Evaluation" to "Complaint Procedures" to more accurately reflect its content. The requirement for documenting requests for services, as specified in Section (b) of the proposed rule, was considered to be unnecessary since agencies are required to document "information and referral" service provided by them for DHR clients and because the department has a record of its referrals to agencies. The standard was therefore deleted.

The two requirements for investigating and reporting on complaints received numerous comments. Clarification of the wording addressed most of the recommendations; however, comments that the requirements are too encompassing and too restrictive were not addressed. Most

reviewers considered the complaint procedures delineated by these items to be necessary. Agencies are already required under present rules to comply with the major tenets of the items. The standards simply clarify these requirements and specify notification procedures. They were therefore retained with minor rewording for the purpose of clarification.

Regarding Rule .011, "Documentation," the itemization of financial records in Section (a) of the proposed rule was deleted because those items are required by department forms and procedures. The general requirement of maintaining financial records was retained and "in a central location" was added as a result of a recommendation.

The requirement for agencies to maintain waiting lists, Section (b)(2), was dropped because clients were referred to agencies by the department. If an agency cannot serve additional clients, then the department does not make a referral.

A few recommendations asked for a "grandfather clause" in order that present agency staff would not be required to meet the standards for staff qualifications. It was decided that current and future employees should be equally qualified since the intent of the standards is to ensure the delivery of the best service possible. That recommendation was therefore not adopted.

Many comments were received regarding supervisory qualifications, supervisor-worker ratios, supervisory home visits, workers' age requirements, and training requirements in the three services. One group thought these requirements should be comparable across the three services because the tasks to be performed in each one were so similar, particularly in family care and homemaker services. But the homemaker/chore workshop at the conference thought the differences should be even greater because homemaker and chore are more professional services than family care; the supervisors and workers are expected to be more highly qualified and trained and better supervised in order to deliver service in a more skillful manner.

Another task force thought that family care workers should receive more supervision than homemakers because of their lower qualifications and lower training requirements. However, the lower rate per hour precludes a higher supervisor-worker ratio for family care service. An additional consideration is the average worker-client ratio of one to 1.5 in family care service and one to six in homemaker service.

As a result of the foregoing considerations, the supervisors' qualifications were left the same except for some rewording, and the supervisor-worker ratios were changed to one to 100 in family care service, one to five in homemaker service, and one to 30 in chore service. However, the frequency of supervisory visits to workers in clients' homes was increased in family care service to every two months and increased in homemaker and chore services to once a month.

Training requirements for supervisory staff remain the same in family care and chore services, but they were increased from 40 to 56 hours in homemaker service. Training requirements for worker staff were lowered from eight to four hours in family care service, increased from 24 to 40 hours in homemaker service, and left the same in chore service. An additional requirement in homemaker and chore services is that agencies must have a written staff development plan.

The minimum age requirements for agency staff were deleted from family care, homemaker, and chore services. Recommendations indicated that federal and state labor laws and agency discretion would constitute sufficient regulation in this area. In addition, a literacy requirement was added for homemaker and chore workers.

As a result of recommendations from the department's Medical Care Advisory Committee, a requirement was clarified to specify that agencies must notify clients' physicians about the plan of service to be delivered in family care, homemaker, and chore services. In addition, the requirement regarding "health care tasks" was deleted from the three services as a result of comments received at public hearings held in July, 1978.

Regarding Rule .015, "Standards for Day Activity Service," all standards regarding rehabilitative day care were deleted. When the standards were being developed, it was possible that CCABD might add that as a service. However, under Title XX regulations, only social rehabilitation and not physical rehabilitation may be delivered as a service.

The requirements regarding health care tasks and minor medical care were deleted because workers may no longer provide such tasks. The requirement for health assessments was deleted because it is repeated in the standards for the health assessment service. Recommendations from the workshop on meals services resulted in the clarification that a nutritionist will approve menus.

Regarding Rules .015 and .016, "Day Activity and Meals Services," recommendations were received to delete or decrease the ratio of one commode for every 15 clients and to delete or decrease the required square footage of building space for clients. These standards were considered to be minimal requirements by the contractors who developed them, and they were therefore retained.

Regarding Rule .017, "Health Assessment Service," the qualifications for supervisors were increased as a result of recommendations from contractors at the conference who deliver the service. The required staff development of 24 hours for direct service staff was considered to be excessive by the same workshop, and it was reduced to 16 hours. As a result of a recommendation from the department's Medical Care Advisory Committee, a clarification was made to the effect that a client's physician will be contacted when the assessment indicates the necessity.

In Rule .019, "Standards for the Administration and Supervision of Individual Providers of CCABD Services," the age requirements for providers in the item referring to health care tasks were deleted for the reasons previously cited under Rule .012, "Standards for Family Care Services."

Remaining alterations may be accounted for by minor technical changes in the wording and organization of the material which were made for the purposes of clarification and simplification.

These rules are adopted under the authority of Article 695c, Texas Revised Civil Statutes, and with the approval of the Texas Board of Human Resources.

#### .006. General Information.

(a) The person legally responsible for the contract agency, or his or her representative, will notify the Texas

Department of Human Resources and the appropriate authorities of any serious occurrences involving agency facilities, staff, or clients such as fire, accident, injury, serious communicable disease, or death of a client. Notification will occur by telephone by the next calendar day after awareness of the occurrence and in writing no later than five working days.

(b) Staff will perform services in accordance with the client's general service plan, detailed task-assignment service plan, and with the contract agency's plan-of-operations.

*.007. Standards for Governing Board or Board of Directors.*

(a) A contracting agency, except those providing family care services, will be a public or private nonprofit corporation of the State of Texas.

(b) The contract agency will secure and make available to the department a statement of tax exempt status from the Internal Revenue Service or other written documentation of the statutory basis for tax exempt status.

(c) The contract agency will have a governing board of directors which will be responsible for the establishment and operation of the program in compliance with the following:

(1) the Title XX Social Services Comprehensive Annual Services Program Plan for Texas;

(2) the policies, procedures, and standards of the Texas Department of Human Resources as they are set forth in the Social Services Handbook.

(d) The governing board or chief executive will meet upon request with the appropriate department staff to review the initial application, documentation, and operating policies and procedures of the agency.

(e) The governing board or chief executive will upon request meet with the appropriate department staff to present such evidence as may be required to demonstrate the agency's fiscal stability and accountability or, in the case of a newly established agency, its ability to achieve and maintain fiscal stability and accountability.

(f) The governing board or chief executive will make the following available for review by the department:

- (1) a copy of the articles of incorporation;
- (2) a copy of the certificate of incorporation;
- (3) a copy of the corporation's constitution or bylaws.

(g) The governing board will notify the department in writing and in advance of the following:

- (1) changes in membership of the governing board;
- (2) changes of director or chief executive;
- (3) change in location of central and/or branch offices;
- (4) change in agency hours of operation.

*.008. Standards for the Advisory Committee.*

(a) The governing board will designate an advisory committee of at least five members in order to gain community participation in policy and program development and implementation. Contract agencies with a clientele of fewer than 30 may establish alternate procedures, with the approval of the department, for securing such participation. The advisory committee will provide to the governing board the advice and recommendation of citizens and groups outside the agency and of clientele within the contract agency.

(b) Committee membership will consist of clients; representatives of agencies and organizations having special interest in and knowledge of problems related to aged, blind, or disabled persons; and interested citizens. Geographic bal-

ance and equal representation of minority groups and of both sexes should also be provided.

(c) The committee will periodically submit recommendations on the development and improvement policies.

(d) The committee will meet at least once every three months, and minutes of the proceedings will be recorded and maintained as a part of agency business.

(e) The contract agency will provide for such staff support as is necessary to enable the advisory committee to carry out its functions.

*.009. Standards for Personnel Policies.* Copies of job descriptions, job levels and salary increments, and an explanation of opportunities for career advancement will be made available to and discussed with employees.

*.010. Complaint Procedures.*

(a) The contract agency will have a procedure for registering and evaluating client complaints. Clients will be notified in writing of this procedure.

(b) The contract agency will investigate all complaints, problems, deficiencies, and noncompliance with policies, procedures, and standards which are observed by its staff or reported to it in no more than one week from awareness of the situation. The contract agency will report in writing to DHR the results of its investigation, the resolution of or attempt to resolve or attempt/plans to resolve all complaints, problems, deficiencies, and noncompliance with policies, procedures, and standards which are reported to it by DHR in no less than 10 working days from receipt of the report.

*.011. Standards for Documentation.*

(a) Financial records will be maintained in a central location at the contract agency.

(b) Statistical records will be maintained in a central location by the contract agency and shall include as a minimum:

- (1) the unduplicated and total number of clients being served each month by the contracting agency;
- (2) the number of staff employed.

(c) Records will be maintained in a central location at the contract agency for every client served by the agency and will include at least the following information:

- (1) the client's eligibility for services;
- (2) the department's social assessment of the client's need for services;
- (3) the general service plan and detailed task-assignment plan, including the date of service initiation, the estimated date for services to be terminated, the amount and types of service, and/or the hours of each type of service to be provided to the client;
- (4) the name(s) and title(s) of the staff person(s) responsible for providing direct services to the client;
- (5) a record of the delivery of service, including the hours and schedule for the staff member delivering the service;
- (6) special conditions, considerations, and/or instructions in delivering the service;
- (7) significant changes reported about client;
- (8) dates and results of all supervisory visits.

(d) The contract agency will document the type and amount of training each staff member receives.

(e) Other financial, statistical, and client records will be maintained as required by the department, as specified

elsewhere in these rules, and as specified in the contract between the contract agency and the department.

**.012. Standards for Family Care Services.**

(a) Staff qualifications and requirements.

(1) Director or chief executive.

(A) There will be a director.

(B) The director will be responsible for the overall operation of the program, including administration, planning, public relations, training, and other staff and program functions.

(C) The director will have graduated from an accredited four-year college or university and will have had no less than one year of experience in working with people and/or in managing a social services related program. One additional year of experience may be substituted for two years of the required college so that college is not required with three years of experience.

(2) Supervisory/surveyor staff.

(A) The contract agency will have at least one supervisor for every 100 workers.

(B) Each supervisor will visit each worker at a client's home at least once every two months at the time the service is being provided.

(C) Supervisors will have a high school diploma or a G.E.D.

(3) Family care workers will meet the following minimum qualifications:

(A) be able to communicate with the client and/or the family for whom service is being provided;

(B) be physically and emotionally able to perform the tasks required;

(C) at the time of employment and annually thereafter, worker and supervisor staff will obtain a health card or a physician's statement which certifies that he or she is in good physical health, free of communicable disease, has had TB and blood serology tests, and is able to perform the required duties;

(D) staff with communicable disease or illness will not provide services directly to clients.

(4) Program staff will include individuals who are bilingual and/or bicultural if the service is to be delivered in a community where there is a significant number of community residents whose first language is not English or whose culture is different from the dominant culture in the community.

(5) The contract agency will notify by phone or in writing the client's physician, if he or she has one, of the plan of services to be provided to the client, prior to the initiation of service.

(b) Staff development.

(1) The contract agency will provide supervisors with 24 hours of in-class and/or on-the-job training in the following during the first six months of employment:

(A) the department's social assessment of the client's need for services;

(B) service plan development and implementation;

(C) orientation to community resources;

(D) basic principles of supervision and personnel management;

(E) contract agency policies and procedures;

(F) DHR policies and procedures.

(2) The contract agency will provide four hours of initial training to worker and supervisor staff which will include but not be limited to the following:

(A) personnel policies;

(B) job description;

(C) client characteristics/needs;

(D) contract agency purpose and functions;

(E) safety and emergency procedures.

(3) The contract agency will provide a minimum of 12 hours of on-going training to direct service staff each year which will include but not be limited to the following:

(A) basic nutritional needs;

(B) positioning;

(C) client mobility;

(D) special dietary needs;

(E) special skin care needs;

(F) reality orientation/remotivation;

(G) death and dying;

(H) safety and emergency procedures.

**.013. Standards for Homemaker Service.**

(a) Staff qualifications and requirements.

(1) Director or chief executive.

(A) There will be a paid director.

(B) The director will be responsible for the overall operation of the program, including administration, planning, public relations, training, and other staff and program functions.

(C) The director will have graduated from an accredited four-year college or university and will have had no less than one year of experience working in and/or in managing social and/or health related programs. Eighteen months of experience may be substituted for each year of the required college so that no college credit is required with seven years of experience.

(2) Supervisory staff.

(A) The contract agency will have at least one supervisor for every 15 workers.

(B) Each supervisor will visit each homemaker in at least three different clients' homes at least once each month at the time service is being provided.

(C) The supervisor will have graduated from an accredited four-year college or university. One year of full-time experience in related social and/or health programs may be substituted for each year of college so that no college credit is required with four years of experience.

(3) Homemakers will:

(A) be able to read, write, and follow instructions;

(B) be able to communicate with the client and/or the family;

(C) be physically and emotionally able to perform the required tasks.

(4) At the time of employment and annually thereafter, worker and supervisor staff member will obtain a health card or a physician's statement which certifies that he or she is in good physical health, free of communicable disease, has had TB and blood serology tests, and is able to perform the required duties.

(5) Direct service staff with communicable disease or illness will not provide services directly to clients.

(6) The contract agency will notify by phone or in writing the client's physician, if he or she has one, of the plan of services to be provided to the client, prior to the initiation of service.



(7) Program staff will include individuals who are bilingual and/or bicultural if the service is to be delivered in a community where there is a significant number of community residents whose first language is not English or whose culture is different from the dominant culture in the community.

(b) Staff development.

(1) The agency will provide supervisors with 16 hours of in-class or on-the-job training in the following during the first three months of employment:

- (A) the department's social assessment of the client's need for services;
- (B) service plan development and implementation;
- (C) orientation to community resources;
- (D) basic principles of supervision and personnel management;
- (E) contract agency policies and procedures;
- (F) DHR policies and procedures.

(2) The contract agency will provide homemaker and supervisor staff with 40 hours of in-class and/or on-the-job training within the first three months of employment in the following:

- (A) contract agency forms, including the detailed task-assignment service plan and daily reports;
- (B) personal care, including emotional support needs of aged, blind, and disabled persons, personal hygiene, feeding techniques, ambulation, exercise, positioning, bowel and bladder needs, grooming techniques, and skin care;
- (C) interrelationship skills specifically for working with client and family;
- (D) home management skills, including marketing, budgeting, teaching, and housekeeping skills;
- (E) meal preparation, including basic nutrition, meal planning, food storage techniques, cooking food, and special dietary requirements;
- (F) general knowledge and basic techniques of working with aged, blind, and disabled persons, including death and dying;
- (G) basic first aid.

(3) Homemakers will be trained in personal care before they provide personal care tasks.

(4) The contract agency will provide homemakers performing any unit of service with on-going in-service training of at least two hours per month.

(5) The contract agency will have a written plan for the required staff development which will include the schedule for training and the curriculum to be utilized.

*.014. Standards for Chore Service.*

(a) Staff qualifications and requirements.

(1) Director or chief executive.

(A) There will be a paid director.

(B) The director will be responsible for the overall operation of the program, including administration, planning, public relations, training, and other staff and program functions.

(C) The director will have graduated from an accredited four-year college or university and will have had no less than one year of experience in working in and/or managing social and/or health related programs. Eighteen months of experience may be substituted for each year of the required college so that no college credit is required with seven years of experience.

(2) Supervisory staff.

(A) The contract agency will have at least one supervisor for every 30 workers.

(B) Each supervisor will visit each chore worker in at least two different clients' homes at least once each month at the time service is being provided.

(C) The supervisor will have graduated from an accredited college or university. One year of full-time experience in related social and/or health programs may be substituted for each year of college so that no college credit is required with four years of experience.

(3) Chore workers will:

(A) be able to read, write, and follow instructions;

(B) be able to communicate with the client and/or the family for whom service is being provided;

(C) be physically and emotionally able to perform the required tasks.

(4) At the time of employment and annually thereafter, worker and supervisor will obtain a health card or a physician's statement which certifies that he or she is in good physical health, free of communicable disease, has had TB and blood serology tests, and is able to perform the required duties.

(5) Staff members with symptoms of any communicable disease or illness will not provide services directly to clients.

(6) Program staff will include individuals who are bilingual and/or bicultural if the service is to be delivered in a community where there is a significant number of community residents whose first language is not English or whose culture is different from the dominant culture in the community.

(7) The contract agency will notify by phone or in writing the client's physician, if he or she has one, of the plan of services to be provided to the client, prior to initiation of service.

(b) Staff development.

(1) The contract agency will provide supervisors with 16 hours in-class and/or on-the-job training in the following during the first three months of employment:

- (A) the department's social assessment of the client's need for services;
- (B) service plan development and implementation;
- (C) orientation to community resources;
- (D) basic principles of supervision and personnel management;
- (E) contract agency policies and procedures;
- (F) DHR policies and procedures.

(2) The contract agency will provide worker and supervisor staff with 24 hours of in-class and/or on-the-job training within the first three months of employment in the following:

- (A) contract agency forms, including the detailed task-assignment service plan and daily reports;
- (B) interrelationship skills specifically for working with client and family;
- (C) housekeeping techniques;
- (D) product and home safety;
- (E) marketing and food storage;
- (F) general knowledge and basic techniques of working with aged, blind, and disabled persons;
- (G) basic first aid.

(3) The contract agency will provide chore workers with on-going in-service training of at least one hour per month.

(4) The contract agency will have a written plan for the required staff development which will include the schedule for training and the curriculum to be utilized.

*.015. Standards for Day Activity Service.*

(a) Staff qualifications and requirements.

(1) Director or chief executive.

(A) There will be a paid director.

(B) The director will be responsible for the overall operation of the program, including administration, planning, public relations, training, and other staff and program functions.

(C) The director will have graduated from an accredited four-year college or university and will have had no less than one year of experience in working with people and/or in managing a social services related program. One additional year of experience may be substituted for two years of the required college so that college is not required if there are three years of experience.

(D) The contract agency will have a director or assistant director at the site of the center.

(2) There will be at least one direct-service staff member present at the center during the hours of operation for every 12 clients (a ratio of one to 12). Volunteer and part-time staff may be utilized.

(3) All staff involved in meal preparation and serving will meet the Texas Department of Health standards for food handlers.

(4) Drivers transporting passengers will have a current Texas chauffeur's license in accordance with the requirements of the Texas Department of Public Safety for transporting over 12 passengers.

(5) Drivers delivering meals will have a current Texas operator's license in accordance with the requirements of the Texas Department of Public Safety.

(6) At least one staff member with current certification by the Red Cross in emergency health procedures, which will include first aid and cardio-pulmonary-resuscitation techniques, will be on the premises at all times.

(7) A dietician or nutritionist will approve all menus prior to use.

(8) The dietician or nutritionist will have a bachelor of science in home economics.

(9) At the time of employment and annually thereafter, each direct service staff member will obtain a health card or a physician's statement which certifies that he or she is in good physical health, free of communicable disease, has had TB and blood serology tests, and is able to perform the required duties.

(10) Staff with communicable disease or illness will not be present in the center.

(11) Program staff will include individuals who are bilingual and/or bicultural if the service is to be delivered in a community where there is a significant number of community residents whose first language is not English or whose culture is different from the dominant culture in the community.

(b) Staff development.

(1) The agency will provide direct service staff with 24 hours of initial training in the following:

(A) orientation to community resources;  
(B) contract agency policies, procedures, and forms;

(C) DHR policies, procedures, and forms;  
(D) general knowledge and basic techniques of working with aged, blind, or disabled persons;

(E) scope and limits of the law;

(F) confidentiality as required by law;

(G) applicable fire, health, and safety codes, ordinances, and regulations.

(2) The contract agency will provide staff and clients with training in the emergency/disaster procedures and evacuation plan.

(3) All direct service staff will receive a minimum of eight hours of training in emergency health procedures, which will include first aid and cardio-pulmonary-resuscitation techniques, within six months from the date of employment.

(c) Buildings and grounds.

(1) The day center will provide at least 35 square feet of indoor space for each ambulatory participant present at the center and 50 square feet for each nonambulatory participant present at the center. The space shall:

(A) be measured wall-to-wall using inside dimensions of rooms used by clients;

(B) be exclusive of kitchen, bathrooms, office, halls, stairways, and storage areas.

(2) The premises and equipment of the center will be clean and in good repair.

(3) Doors and pathways will be clear of obstruction to the movement of clients and staff.

(4) Housekeeping, such as sweeping, mopping, and dusting, will not be done in rooms when they are occupied by clients.

(5) All garbage and trash will:

(A) be kept in receptacles covered tightly with lids and emptied at least once a day;

(B) be kept outside the areas used by clients.

(6) If provided, outdoor space will:

(A) be well drained;

(B) be free from sharp objects, poisonous plants, highly inflammable materials, open wells, drainage ditches, sewage disposal equipment, dangerous machinery, and garbage;

(C) have level walkways;

(D) include areas for gardening activities.

(7) The outdoor area will have some shaded areas, which may be shade provided by buildings.

(8) If the day center portion of the buildings and grounds is used for other purposes when the center is in operation, approval will be obtained from the Texas Department of Human Resources.

(9) The design of the building will permit the evacuation of all occupants within three minutes in the event of an emergency.

(10) All exterior doors will be unlocked during the hours of operation.

(11) Screens will be used when windows and outside doors remain open.

(12) Walls and ceilings will have cleanable and fire-resistant surfaces.

(13) Floors and steps will:

(A) have a nonslippery surface without splinters;

(B) be dry when they are in use by the clients.

(14) There will be separate toilet facilities for males and females which will include accommodations for wheelchairs.

(A) There will be a commode and lavatory in each toilet room.

(B) There will be one commode for every 15 clients.

(15) In all rooms used by the clients, there will be sufficient light, controlled to limit glare.

(16) Heating and cooling of the facility is required to maintain temperatures between 68 and 80 degrees.

(17) All rooms will be adequately ventilated as evidenced by the absence of objectionable levels of odors, heat, and humidity.

(18) The day center will comply with all applicable fire, health, and safety laws, ordinances, and regulations.

(19) The Federal Architectural Barrier Act will be complied with by 1980.

(d) Supplies, furnishings, and equipment.

(1) The center will accommodate wheelchair clients and furniture, such as tables, and will be equipped accordingly.

(2) There will be an adequate supply of materials in order that all clients can participate.

(3) There will be sufficient chairs and tables to meet the needs of the clients.

(4) The day center will provide, as a minimum, the following equipment, materials, and activities:

(A) sewing supplies (cloth, thread, etc.);

(B) reading materials;

(C) table games;

(D) arts and crafts materials;

(E) field trips.

(5) The day center will have a supply of comfortable reclining type chairs and/or cots with mattresses equal to the number of clients wishing to have a rest period during the day.

(6) Gas water heaters and space heaters will be vented to the outside.

(7) Water heaters and heating devices will be safely enclosed.

(8) All gas heaters will have metal tubing for the gas connection.

(9) The center will have the number and type of fire extinguishers required by local fire authorities.

(10) Fire extinguishers will be maintained in locations accessible to staff.

(11) Vehicles utilized by the agency to transport clients and/or deliver meals will be insured.

(12) Vehicles utilized by the agency will be maintained in a condition to meet the vehicle inspection requirements of the Texas Department of Public Safety.

(13) First aid supplies will be available on the premises.

*.016. Standards for Home-Delivered and Congregate Meals Service.*

(a) Staff qualifications and requirements.

(1) Director or chief executive.

(A) There will be a paid director.

(B) The director will be responsible for the overall operation of the program, including administration, planning, public relations, training, and other staff and program functions.

(C) The director will have graduated from an accredited four-year college or university and will have had not less than one year of experience in working with people and/or in managing a social services related program. One additional year of experience may be substituted for two years of the required college so that college is not required if there are three years of experience.

(2) All staff involved in meal preparation and packaging will meet the Texas Department of Health standards for food handlers.

(3) Drivers transporting passengers will have a current Texas chauffeur's license in accordance with the requirements of the Texas Department of Public Safety for transporting over 12 passengers.

(4) Drivers delivering meals will have a current Texas operator's license in accordance with the requirements of the Texas Department of Public Safety.

(5) There will be at least one congregate meals staff member on the premises at all time who is certified by the Red Cross in emergency health procedures which will include first aid and cardio-pulmonary-resuscitation techniques.

(6) A dietician or nutritionist will approve all menus prior to use.

(7) The dietician will have a bachelor of science in home economics.

(8) At the time of employment and annually thereafter, each staff member working with food or clients will obtain a health card or a physician's statement which certifies that he or she is in good physical health, free of communicable disease, has had TB and blood serology tests, and is able to perform the required duties.

(9) Staff members with communicable disease or illness will not provide services directly to clients.

(10) The program staff will include individuals who are bilingual and/or bicultural if the service is to be delivered in a community where there is a significant number of community residents whose first language is not English or whose culture is different from the dominant culture in the community.

(b) Staff development. The agency will provide direct service staff with 12 hours of the following training in the first three months:

(1) orientation to community resources;

(2) contract agency policies, procedures, and forms;

(3) DHR policies, procedures, and forms;

(4) general knowledge and basic techniques of working with aged, blind, and disabled persons;

(5) scope and limits of the law;

(6) confidentiality of information;

(7) applicable fire, health, and safety codes, ordinances, and regulations.

(c) The facility.

(1) The facility will provide at least 35 square feet of indoor space for each participant present at the facility. The space will:

(A) be measured wall-to-wall using inside dimensions of rooms used by clients;

(B) be exclusive of kitchen, bathrooms, office, halls, stairways, and storage areas.

(2) The premises and equipment of the center will be clean and in good repair.

(3) Doors and pathways will be clear of obstructions to the movement of clients and staff.

(4) Housekeeping, such as sweeping, mopping, and dusting, will not be done in rooms when they are occupied by clients.

(5) All garbage and trash will:

(A) be kept in receptacles covered tightly with lids and emptied at least once a day;

(B) be kept outside the areas used by clients.

(6) Outdoor space (entrances and exits) will:

(A) be well drained;

(B) be free from sharp objects, poisonous plants, highly inflammable materials, open wells, drainage ditches, sewage disposal equipment, dangerous machinery, garbage receptacles, and garbage;

(C) have level walkways.

(7) If the meal service portion of the building is used for other purposes during the day, approval will be obtained from the Texas Department of Human Resources.

(8) The design of the building will permit the evacuation of all occupants within three minutes in the event of an emergency.

(9) All doors, interior and exterior, will be unlocked during the hours of operation.

(10) Screens will be secured when windows and outside doors remain open.

(11) Walls and ceilings will have cleanable and fire-resistant surfaces.

(12) Floors and steps will:

(A) have a nonslippery surface without splinters;

(B) be dry when they are in use by the clients.

(13) There will be adequate toilet facilities, including accommodations for wheelchairs, as follows:

(A) a commode and lavatory in each toilet room;

(B) one commode for every 15 clients.

(14) In all rooms used by the clients, there will be sufficient light, controlled to limit glare.

(15) Heating and cooling of the facility is required to maintain temperatures between 68 and 80 degrees.

(16) All rooms will be adequately ventilated as evidenced by the absence of objectionable levels of odors, heat, and humidity.

(17) The service area will comply with all applicable fire, health, and safety laws, ordinances, and regulations.

(18) The Federal Architectural Barrier Act will be complied with by 1980.

(d) Supplies, furnishings, and equipment.

(1) The congregate meals facility will accommodate wheelchair clients, and furniture will be equipped accordingly.

(2) There will be an adequate supply of materials to accommodate the participation of all clients.

(3) There will be sufficient chairs and tables at the congregate meals facility to seat all of the clients at one time.

(4) Gas water heaters and space heaters will be vented to the outside.

(5) Water heaters and heating devices will be safely enclosed.

(6) All gas heaters will have metal tubing for the gas connection.

(7) The center will have the number and type of fire extinguishers required by local fire authorities.

(8) Fire extinguishers will be maintained in locations accessible to staff.

(9) Vehicles utilized by the agency to transport clients and/or deliver meals will be insured.

(10) Vehicles utilized by the contract agency will be maintained in a condition to meet the vehicle inspection requirements of the Texas Department of Public Safety.

(11) First aid supplies will be made available on the premises.

#### 017. Standards for Health Assessment Service.

(a) Staff qualifications and requirements.

(1) Director or chief executive.

(A) There will be a paid director.

(B) The director will be responsible for the overall operation of the program, including administration, planning, public relations, training, and other staff and program functions.

(C) The director will have graduated from an accredited four-year college or university and will have had not less than one year of experience in working with people and/or in managing a social services related program. One additional year of experience may be substituted for two years of the required college so that college is not required if there are three years of experience.

(2) Supervisory staff will possess the following minimum qualifications:

(A) registered nurse currently licensed in Texas and four years of full-time experience in working as a registered nurse, two years of which must have been spent in working with adults; or

(B) an RN plus graduation from an accredited college or university with a bachelor of science degree in nursing, plus two years of experience in work with adults.

(3) Staff who conduct health assessments will possess the following minimum qualifications:

(A) registered nurse currently licensed in Texas;

(B) two years of full-time paid experience in working with adults as a registered nurse.

(4) The contract agency will have at least one supervisor for every 12 full-time registered nurses who are providing assessments.

(5) At the time of employment and annually thereafter, each direct service staff member will obtain a health card or a physician's statement which certifies that he or she is in good physical health, free of communicable disease, has had TB and blood serology tests, and is able to perform the required duties.

(6) Staff members with communicable disease or illness will not provide services directly to clients.

(7) The program staff will include individuals who are bilingual and/or bicultural if the service is to be delivered in a community where there is a significant number of community residents whose first language is not English or whose culture is different from the dominant culture in the community.

(8) Staff will contact the client's physician or clinic, if the client has one, in no more than five working days from the date of the health assessment when the client's physical or mental condition requires a physician's intervention.

(b) Staff development.

(1) The contract agency will provide direct service staff with 16 hours of training within the first month of employment in the following areas:

(A) orientation to community resources;

(B) agency policies, procedures, and forms;

(C) DHR policies, procedures, and forms;

(D) general knowledge and basic techniques of working with aged, blind, and disabled persons;

(E) confidentiality of information;

(F) scope and limits of the law.

(2) The contract agency will provide each nurse with a minimum of 24 hours each calendar year of in-service training or continuing education which will include but not be limited to gerontological issues related to the delivery of both nursing and social services.

*.018. Standards for Protective Services.*

(a) Staff qualifications and requirements.

(1) Director or chief executive.

(A) There will be a paid director.

(B) The director will be responsible for the overall operation of the program, including administration, planning, public relations, training, and other staff and program functions.

(C) The director will have graduated from an accredited four-year college or university and will have not less than one year of experience in working with people and/or in managing a social services related program. One additional year of experience may be substituted for each year of college.

(2) Supervisory staff will possess one of the following minimum qualifications:

(A) graduation from an accredited four-year college or university plus two years of full-time experience in a professional capacity in social welfare work or as a medical social worker;

(B) one additional year of experience may be substituted for one year of the required college, with a maximum substitution of two years;

(C) completion of a sequence of social welfare courses in undergraduate studies approved by the Council on Social Work Education, or completion of an undergraduate social work program accredited by the Council on Social Work Education may be substituted for one year of the required experience; or one year of graduate training in an approved school of social work or health care administration may be substituted for the required experience;

(D) completion of two years of graduate study in an accredited school of social work or health care administration plus six months of satisfactory experience.

(3) Protective services workers will possess the following minimum qualifications:

(A) graduation from an accredited college or university;

(B) one year of full-time paid experience in direct social service work may be substituted for one year of the required college work, with a maximum substitution of two years.

(4) The program staff will include individuals who are bilingual and/or bicultural if the service is to be delivered in a community where there is a significant number of community residents whose first language is not English or whose culture is different from the dominant culture in the community.

(b) Staff development.

(1) The contract agency will provide supervisors with 40 hours of initial training in the following:

(A) the department's social assessment of the client's need for services;

(B) basic principles of supervision and personnel management;

(C) the contract agency's 24-hour orientation training.

(2) The contract agency will provide direct service staff and others performing any unit of service, prior to their performing such units, with a minimum of 24 hours of orientation training in the following:

(A) scope and limits of the law; professional and legal restrictions;

(B) DHR and contract agency policies, procedures, and forms including eligibility and priority requirements, appeals process, and confidentiality of information;

(C) community and agency resources;

(D) recognition of emergencies; distinguishing between crisis and noncrisis situations;

(E) protective services as defined in the contract;

(F) social work ethics, and the appropriate professional ethics of the contract agency;

(G) counseling techniques.

(3) The agency will provide staff performing any unit of service with ongoing in-service training of at least two hours per month pertaining to the delivery of protective services.

(4) The agency will provide training in the development of psycho-social diagnosis of clients to staff who are assigned to develop such diagnosis; this will consist of training in the social, cultural, psychological, medical, and economic factors necessary to the development of psycho-social diagnosis; in assessing the mental capabilities of the client; and in determining the effect of those capabilities on the client's well-being and safety.

(5) The contract agency will provide training to staff involved in legal intervention in the following:

(A) legal resources;

(B) the effect of legal intervention on clients;

(C) the limitation of legal intervention.

*.019. Standards for the Administration and Supervision of Individual Providers of CCABD Services.*

(a) Family care services.

(1) Administration and supervision. The family care services provider will:

(A) upon request provide the client with information and evidence sufficient to determine that he or she meets the standards for the provision of family care services;

(B) provide services in accordance with provisions stated in the Service Authorization Provider Agreement;

(C) certify the provision of family care services on such forms and records as required by the Texas Department of Human Resources;

(D) respect the right of each client to confidentiality and privacy concerning the status and relationship of the client with the provider and with the department; all information concerning the client will be held in strict confidence.

(2) Qualifications and responsibilities.

(A) If not a member of the client's family, the family care services provider will have the capacity for establishing friendship or a family-like relationship with the client in order to accomplish the emotional support and companionship purposes of the family care program.

(B) If requested by the worker, the family care services provider will provide the client with three references

(other than relatives) who may be contacted for information regarding his or her reliability, competence, and integrity.

(C) At the time of service initiation, and yearly thereafter, the family care service provider will obtain a health card or a physician's statement which certifies that the provider is in good physical health, free of communicable disease, has had TB and blood serology tests, and is capable of performing the required duties.

(D) In the worker's judgment, the family care services provider will:

(i) be mentally and physically capable of performing assigned tasks;

(ii) be able to communicate effectively.

(E) The family care services provider will participate in applicable training programs when offered by the department.

(F) The provider will report emergency (life-endangering) situations to the client's family, doctor, and/or health officials within one hour from awareness of the occurrence.

(G) The provider will report all significant changes in the client's circumstances (physical, psychological, environmental), including emergencies, to the DHR caseworker within one calendar day from awareness of the occurrence.

(b) Alternate living plans.

(1) General information.

(A) The provider of the service, or his representative, will notify the Texas Department of Human Resources of any serious occurrences involving the provider, the facilities, or the clientele, such as fire, accident, injury, serious communicable disease, or death. Notification will occur by telephone not later than the next working day after the occurrence and in writing not later than five working days.

(B) The provider of the service will respect the right of each client to confidentiality and privacy concerning the status and relationship of the client with the provider and with the department; all information concerning the client will be held in strict confidence.

(C) The provider will be in compliance with the Civil Rights Act of 1969 and the Rehabilitation Act of 1973. The providers will not discriminate on the basis of age, sex, ethnicity, religion, national origin, or handicap.

(2) Administration and supervision.

(A) The provider of service will:

(i) upon request provide the client with information and evidence sufficient to determine that he or she meets the standards for the provision of the service;

(ii) notify the department in writing of any occurrence which affects compliance with the standards;

(iii) provide services in accordance with the following: the provisions stated in the Service Authorization-Provider Agreement; the policies and procedures of the Texas Department of Human Resources as they are set forth in the Social Services Handbook; and the Title XX Social Services Comprehensive Annual Services Program Plan for Texas;

(iv) certify the provision of services on forms and records as required by the Texas Department of Human Resources;

(v) have procedures for registering and evaluating client complaints. Clients will be notified in writing of this procedure.

(B) The following information will be maintained for every client:

(i) the name, address, and telephone number of the client, the person to be notified in case of emergency, and the client's physician;

(ii) a written statement, signed by the client or client's representative, indicating any special needs or problems of the client, such as dietary needs, special medications, or known physical limitations.

(C) There shall be no roomers, boarders, or other foster family residents in the alternate living plan home, except those approved by the Texas Department of Human Resources.

(3) Qualifications and responsibilities.

(A) The provider of service will be at least 18 years old and unrelated to the clients.

(B) The provider of service should have the capacity for establishing friendship or a family-like relationship with the client in order to accomplish the emotional support and companionship purposes of the service.

(C) The provider of service will provide the DHR worker with three personal references (other than relatives) who may be contacted for information regarding his or her reliability, competence, and integrity.

(D) At the time of certification and annually thereafter, each provider will obtain a health card or a physician's statement which certifies that he or she is in good physical health, free of communicable disease, has had TB and blood serology tests, and is able to perform the required duties.

(E) In the judgment of the social services worker of the department, the provider of service will:

(i) be mentally and physically capable of performing the required duties/tasks;

(ii) be able to communicate effectively.

(F) The provider of service will participate in applicable training programs when requested by the department.

(G) The provider will not be totally dependent on the income from alternate living plan services.

(H) The provider will report emergency (life-endangering) situations to the client's family, doctor, and/or health officials within one hour from occurrence.

(I) The provider will report all significant changes in the client's circumstances (physical, psychological, environmental), including emergencies, to the agency supervisor or DHR caseworker by the next working date.

(4) The facility.

(A) The facility will comply with all applicable fire, health, zoning, and safety codes, ordinances, and regulations.

(B) The facility will have a conspicuously posted emergency/disaster evacuation plan that specifies what residents will do in case of emergency and disaster.

(C) The facility will have a plan and means for notification of fire, police, ambulance, hospital, doctor, and/or next of kin, in case of emergency.

(D) The facility will provide safeguards to eliminate all possible safety hazards to residents. This includes but is not limited to elimination of the following:

(i) slippery floors;

(ii) slippery rugs;

(iii) slippery bottoms in bathtubs and showers;

(iv) frayed and/or otherwise dangerous electrical

cords.

(E) The facility will provide the following:

(i) metal fire guards on all heating appliances that have flame or heating elements open to direct contact with residents' clothing;

(ii) working system for sewage disposal and garbage collection;

(iii) metal tubing and fresh air ventilation when gas spaceheaters are used;

(iv) a safe, working plumbing system that complies with appropriate local/state codes and ordinances;

(v) dishwashing procedures that ensure sanitary dishes and utensils used by residents;

(vi) a ventilation system to maintain a living environment free of offensive odors, smoke, accumulation of dirt, grease, grime, rubbish, and dust;

(vii) handrails for stairs.

(F) The facility will provide the following:

(i) no less than 100 square feet of bedroom space for a single client or no less than 72 square feet of bedroom space for each person when two clients (residents) reside in one room;

(ii) space and/or partitions to achieve privacy, yet provide access to the room;

(iii) for each resident, a bed, sufficient drawer and closet space for clothing, other personal belongings, and toilet articles;

(iv) at least one chair in each bedroom for each client;

(v) at least one dining table that accommodates residents;

(vi) space and furniture accommodations for the resident's visitors;

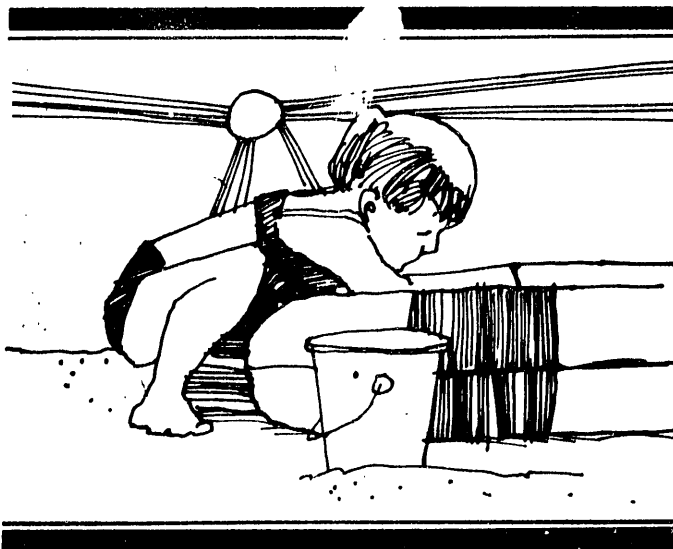
(vii) illumination for stairs, corridors, rooms, and any other area accessible to residents.

Issued in Austin, Texas, on November 22, 1978.

Doc. No. 787767 Jerome Chapman  
Commissioner  
Texas Department of Human Resources

Effective Date: December 15, 1978

For further information, please call (512) 475-4801.



## State Board of Insurance Rating and Policy Forms

### Fixing Rate of Automobile Insurance 059.05.01

The State Board of Insurance has amended, effective January 1, 1979, Rule 059.05.01.001, which adopted by reference the Rules and Rates Governing the Insuring of Automobiles and Standard Endorsements. The amendments are attached and incorporated herein by reference for all intents and purposes.

Amendment 1 modifies Rule 21 of the Texas Automobile Manual to eliminate any premium surcharges in the Texas Automobile Insurance Plan for certain types of motor vehicle violations of the Texas Motor Vehicle Laws. This amendment is adopted under the authority of Article 5.01 of the Texas Insurance Code.

Amendment 2 modifies the Texas Automobile Manual to eliminate all reference to a 1,500 pound weight limitation as respects classification and rating of eligible vehicles of the pickup body, sedan delivery, panel truck, or van type as private passenger automobiles. In addition, such weight limitation is also being removed for vehicles eligible for Commercial Class 6 and the appropriate farm classes. This amendment also includes a new mandatory family automobile policy endorsement modifying the definitions of "utility automobile" and "farm automobile" to eliminate the 1,500 pound weight limitation. Changes in the various "individual named insured" endorsements are included. Editorial changes in several manual rules to track the changes outlined above and to eliminate several outdated provisions are included. This amendment is adopted under the authority of Articles 5.01 and 5.06 of the Texas Insurance Code.

Amendment 3 modifies Section 14 of the Texas Automobile Insurance Plan to allow 30 calendar days for issuance of original or renewal policies for applications assigned through the plan. Previous rules provide for only two working days for issuance of original policies and no time limit existed for issuance of renewal policies. This amendment is adopted under the authority of Articles 5.01 and 5.10 of the Texas Insurance Code.

Amendment 4 modifies Rule 125 relating to boat trailers and small utility trailers by adding provisions to permit comprehensive coverage to be afforded on boat trailers and increasing the maximum original price-new-at-factory limits from \$1,000 to \$3,000. The amendment also includes revised rates for the coverages permitted by the manual rule and a revised boat trailer endorsement. This amendment is adopted under the authority of Articles 5.01 and 5.06 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. The 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.

Doc. Nos. 787803-787806

### Policy Forms and Endorsements 059.05.06

The State Board of Insurance has amended, effective January 1, 1979, Rule 059.05.06.002, which adopted by reference the Standard Provisions for Automobile Policies Written on and after April 1, 1955. The amendment is attached and incorporated herein for all intents and purposes.

The amendment adds a new mandatory endorsement applicable to all family automobile policies written or renewed effective on and after January 1, 1979. The endorsement amends the definitions of "farm automobile" and "utility automobile" in family policies to eliminate references to any weight or load capacity limitations.

This amendment is adopted under the authority of Article 5.06 of the Texas Insurance Code.

.002. *Standard Provisions for Automobile Policies Written on and after April 1, 1955.* The State Board of Insurance adopts by reference the attached Standard Provisions for Automobile Policies Written on and after April 1, 1955, as amended in January 1979. 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 November 20, 1978.

Doc. No. 787807 Pat Wagner  
Chief Clerk  
State Board of Insurance

Effective Date: January 1, 1979

For further information, please call (512) 475-3486.

## Texas Department of Labor and Standards

### Mobile Home Division

#### Standards and Requirements 063.55.07

The following rule is amended under authority of Article 5221f, Texas Civil Statutes, and Article 6252-1-a, Texas Civil Statutes.

.006. *Approval of Ground Anchor Systems.* To secure approval of their product, each ground anchor manufacturer must submit to the department the following data:

- (a) (No change.)
- (b) Each model anchor must be tested to destruction and certified by a recognized independent testing laboratory, in compliance with the requirements of MHD-GA-001. Fifteen pull-out tests shall be performed on each anchor model for which approval is sought (see subsection (4) below), and the average failure load for all 15 tests must equal or exceed 4,725 pounds for single-headed anchors or 6,610 pounds for double-headed anchors, in order for the anchor model to

qualify for approval. The independent testing laboratory must certify that 15 and only 15 pull-out tests were performed on each anchor model.

(1) Strap or cable connection to anchor head, loaded in direction of expected applied loads. Failure shall not be less than 4,725 pounds for single-headed anchors or 6,610 pounds for double-headed anchors.

(2) Anchor head connection to a shaft or other member, which will extend below the ground surface, loaded in the direction of reactions caused by load on the strap or cable. Failure shall not be less than 4,725 pounds for single-headed anchors or 6,610 pounds for double-headed anchors.

(3) Shaft or member connection to a soil-bearing device, loaded in the direction of reactions caused by load on the strap or cable. Failure shall not be less than 4,725 pounds for single-headed anchors or 6,610 pounds for double-headed anchors.

(4) The ground anchor installed, with strap or cable attached, in a soil type(s) for which it is specified and loaded in the direction of expected applied loads. For purposes of evaluation, failure shall not occur at less than 4,725 pounds for single-headed anchors or 6,610 pounds for double-headed anchors, or three inches of movement in the direction of the axis of the anchor.

(5) (No change.)

(c)-(f) (No change.)

(g) The department, upon receipt of new or additional information relating to the performance of any anchoring system, may request from the manufacturer of that anchoring system, or any similar anchoring system, any additional tests or supplemental information necessary to assure compliance with these standards.

(h) The department may, on spot-check basis, direct each manufacturer to test randomly selected anchors of each model type approved. These spot-check tests will be performed by a recognized independent testing laboratory under the observation of a qualified representative of the department. The department's representative will be responsible for selection of the random samples tested.

(i) The department will consider for approval single-headed anchors which do not meet the minimum ultimate load requirements of Section (b)(4) above, under the following conditions:

(1) The manufacturer must clearly state the maximum allowable working load of the anchor (including a 1.5 safety factor); i.e., for a maximum pull-out load test average of 4,000 pounds. The maximum allowable working load would be 4000 divided by 1.5 equals 2,666.67 pounds.

(2) The manufacturer must clearly state the additional number of anchors needed to equal the pull-out resistance of a standard anchor with a maximum allowable working load of 3,150 pounds. All fractions must be rounded up to the next highest integer; i.e., 1.18 anchors with a 2,666.67-pound maximum allowable working load equals one anchor with a maximum allowable working load of 3,150 pounds (3,150 divided by 2,666.67 equals 1.18). The number of anchors required in this example to equal one standard anchor with a maximum allowable working load of 3,150 pounds would be two.

(3) The manufacturer must clearly state that these anchors are to be used at diagonal ties only.

(4) The manufacturer must provide printed installation instructions for all anchor models approved under this section which clearly state the requirements of Sections



(i)(1), (i)(2), and (i)(3) above. A copy of these installation instructions must be provided to this department with the application for approval.

Issued in Austin, Texas, on November 28, 1978.

Doc. No. 787827      G. L. "Lynn" Tate  
Commissioner  
Texas Department of Labor and  
Standards

Effective Date: December 19, 1978

For further information, please call (512) 475-5712.

## Texas Savings and Loan Department

### Charter Applications 056.01.00

Under the authority of Article 342-114, Texas Revised Civil Statutes, the Savings and Loan Section of the Finance Commission of Texas and the Savings and Loan Commissioner of Texas have adopted the following amendment to Rule 056.01.00.005 to read as follows:

*.005. Notice to Associations.* The commissioner shall mail notice of such hearing to all state and federal savings and loan associations with offices in the county of the proposed location or in any adjoining or adjacent counties within a proximity that might be served or affected by the proposed association.

Doc. No. 787829

### Loans 056.08.00.007

Under the authority of Article 342-114, Texas Revised Civil Statutes, the Savings and Loan Section of the Finance Commission of Texas and the Savings and Loan Commissioner of Texas have adopted the following amendment to Rule 056.08.00.007 to read as follows:

*.007. Property Improvement Loans.* Any association may make improvement loans, secured or unsecured, for the maintenance, repair, modernization, improvement, and equipment of real estate, provided the net amount advanced, which shall not include future interest or premium charges for health, accident, and/or property insurance which may be added to the amount of the note, on any such loan shall not exceed the sum of \$20,000, and such loan is to be repaid in equal monthly installments of principal and interest sufficient to amortize the debt, both interest and principal, 241 months or less from the date the loan is made.

Doc. No. 787830

### 056.08.00.008

Under the authority of Article 342-114, Texas Revised Civil Statutes, the Savings and Loan Section of the Finance Commission of Texas and the Savings and Loan Commissioner of Texas have adopted the following amendment to Rule 056.08.00.008(a)(2), (c), and (g)(2) to read as follows:

*.008. Consumer and Mobile Home Loans.* With regard to consumer and mobile home loans:

(a) (No change.)

(1) (No change.)

(2) An association may make loans on which the net amount advanced does not exceed \$20,000 to borrowers, and it may purchase participations in like loans, as are secured by real estate which has an appraised value of as much as the net amount advanced, and provided the loan shall be repayable in equal monthly installments of not more than 241 months from the date the loan is made.

(b) (No change.)

(c) An association may make mobile home loans or purchase participation in such loans, provided proper security instruments are obtained, and further provided the net amount advanced to any one borrower shall not exceed \$20,000, or an amount equal to 5 percent of the association's net worth, whichever is greater. On all loans authorized by this Section (c) and made as "floor plan" or inventory loans to dealers, the association shall be secured by valid security instruments in amounts not in excess of dealer's cost. On all loans authorized by this Section (c), the association shall maintain evidence that the value of the security therefor equals or exceeds the net unpaid balance of the loan at the time the loan was consummated, and that the payments on said loan are collected by the association, another insured institution, or an approved F.H.A. mortgagee or a subsidiary of an insured institution; provided, however, nothing herein shall prohibit the association from taking as additional collateral a lien or liens on real estate.

(d)-(f) (No change.)

(g) Definitions.

(1) (No change.)

(2) As used in the provisions of Rule .008, the term "net amount advanced" shall mean all funds disbursed to the borrower or to others for the borrower's account to cover costs or expenses required in connection with loan, but shall not include the amount of future interest or premium charges for health, accident, and/or property insurance which may be added to the amount of the note.

(3) (No change.)

Doc. No. 787831

## Savings and Deposit Accounts 056.09.00

Under the authority of Article 342-114, Texas Revised Civil Statutes, the Savings and Loan Section of the Finance Commission of Texas and the Savings and Loan Commissioner of Texas have adopted the following amendment to Rule 056.09.00.008(a) and (b) to read as follows:

*.006. Provisions for Distribution of Earnings on Other than Regular Accounts.* Subject to the provisions of this section, the board of directors of an association may provide for the distribution or payment of earnings on other than regular accounts on the following terms. The account is represented by a certificate of savings or certificate of deposit of not more than 10 years in a form approved by the savings and loan commissioner of Texas.

Doc. No. 787832

## Reorganization, Merger, and Consolidation 056.10.00

Under the authority of Article 342-114, Texas Revised Civil Statutes, the Savings and Loan Section of the Finance Commission of Texas and the Savings and Loan Commissioner of Texas have adopted the following amendment to Rule 056.10.00.004 to read as follows:

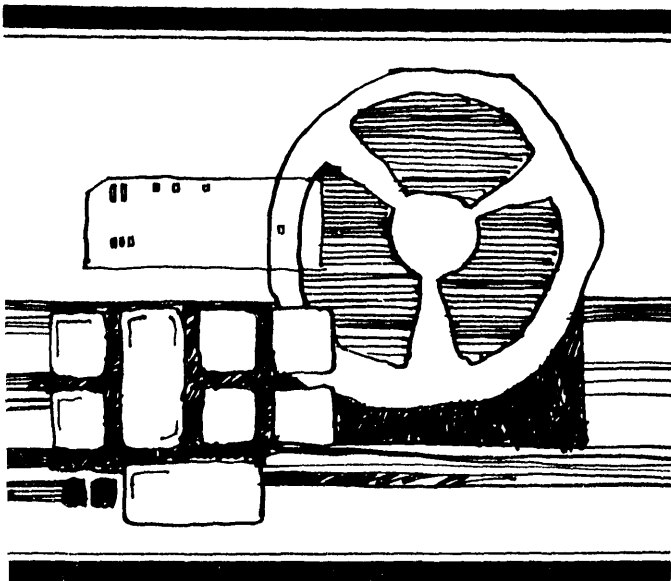
.004. *Notice and Hearing.* Each application will be set to be heard within 90 days of filing and notice will be sent by mail to the associations involved and those associations with offices in the same counties as any of the offices of the applying associations. If, from the evidence adduced at hearing, the commissioner finds that the plan (1) is equitable to the members of each association and (2) does not impair the usefulness and success of any properly conducted association, he shall enter an order approving the plan and at the same time notify all associations in the county or counties in which the reorganizing, merging, and/or consolidating associations have offices giving them 10 days from delivery within which to request a hearing on the issue of whether the approved plan would materially constrict their ability to compete. The order and notice shall be deemed delivered three days after placing in the United States mail properly addressed and postage prepaid. If hearing is timely requested, it shall be set to be heard within 90 days, otherwise the order is final.

Issued in Austin, Texas, on November 28, 1978.

Doc. No. 787833 L. Alvis Vandygriff  
Commissioner  
Savings and Loan Department of Texas

Effective Date: December 19, 1978

For further information, please call (512) 475-7991.



## Texas Department of Water Resources

### Grants Administration

#### Federal Construction Grant Program 156.15.05.001-.004

The Texas Water Development Board has adopted the repeal of Rules 156.15.05.001-.004. The proposed repeal was published in the June 20, 1978, issue of the *Texas Register* (3 TexReg 2071). The repeal of Rules .001-.004 was proposed because of the necessity to have effective rules for the administration of the Federal Construction Grant Program, and because of recent amendments to the Federal Water Pollution Control Act. The Texas Water Development Board has adopted Rules .010-.100 in lieu of repealed Rules .001-.004, to become effective 20 days after filing with the secretary of state.

These rules are repealed under the authority of Sections 5.131 and 5.132, Texas Water Code.

Doc. No. 787849

#### 156.15.05.010-.100

These rules are adopted under the authority of Sections 5.131 and 5.132, Texas Water Code.

.010. *General.* The Construction Grants Program under the Federal Water Pollution Control Act (33 United States Code Annotated 1251, *et seq.*) is a program through which financial aid for constructing public sewage treatment works is provided. The program is administered at the federal level by the United States Environmental Protection Agency (EPA). The Texas Department of Water Resources administers the program in the state. Because the governing procedures are subject to revision at both the federal and state levels, this section of the rules outlines only the basic features of the program as they exist on the date of the adoption of these rules.

.015. *Definitions.* The following definition of terms apply for purposes of this chapter.

(a) "Construction Grant Priority System" means the state priority system describing the methodology used to rate and rank projects that are considered eligible for assistance under the Construction Grants Program and sets forth the administrative, management, and public participation procedures required to develop, revise, and maintain the state Project Priority List.

(b) "Priority rating process" means the process within the Construction Grant Priority System used to rate and rank eligible projects.

(c) "State allocation" means the allotment to the state of funds appropriated by Congress pursuant to the Federal Water Pollution Control Act.

(d) "State's 1974 Needs Survey" means the survey of statewide treatment works needs conducted according to Section 516 of the Federal Water Pollution Control Act.

(e) "Project Priority List" means the list of projects listed in priority rank order which will be considered for funding.

(f) "Project Funding Priority List" means the list of projects taken from the Project Priority List and listed in priority rank order which can be funded.

(g) "Funding period" means that period of time (generally six months) during which a Project Priority Funding List is in effect.

**.020. Eligible Agencies.** Any state, municipality, intermunicipal, or interstate agency is eligible to apply for a construction grant under this program. The term "municipality" is defined in the Federal Water Pollution Control Act as a city, town, borough, county, parish, district, association, or other public body created by or pursuant to state law and having jurisdiction over disposal of sewage, industrial wastes, or other waste, or an authorized Indian tribal organization, or as a designated and approved management agency pursuant to 33 U.S.C.A. 1288.

**.025. Determination of Class Size.**

(a) Eligible population for the purposes of this section will be that population which resides within the legal jurisdiction of the applicant (*i.e.*, city limits). It will be determined from:

(1) information in facility planning (Step 1) and/or 208 areawide planning data, if available; or

(2) other valid information such as adjusted census reports, utility connections, facility planning, or other methods approved by the executive director of the department.

(b) Existing population. For purposes of determining class size, the population utilized will be that population within the city limits existing at the time:

(1) the applicant submits the "Informational Data Request for Prospective Applicants" form to the department;

(2) the applicant is eligible to be considered within the Step 2 ranking group with an approved facility plan or within the Step 3 ranking group; or

(3) the priority list is adjusted or revised.

(c) Class I. Those projects for all eligible communities with a population of more than 2,500.

(d) Class II. Those projects for all eligible communities with a population of 2,500 or less and in addition:

(1) The applicant for the project must be a municipality as defined in the Federal Water Pollution Control Act. It will not include a governmental entity such as a state university, airport authority, or port authority.

(2) The project must be for a community with "substantial human habitation" on October 18, 1972, the date of the enactment of the Federal Water Pollution Control Act. For purposes of this chapter, closely populated areas with average densities of 1.7 persons per acre (one household for every two acres) or more shall be considered to meet the requirement for "substantial human habitation."

**.030. Allocation of Federal Funds.** The amount of funds allocated to the state shall be available for obligation for a two-year period or a period of one year after the close of the fiscal year for which the funds are authorized.

(a) Pursuant to federal regulations, the board will determine a reasonable percentage of the total amount of funds to be reserved for contingencies and grant increases.

(b) After the reserve is set aside, the distribution by class of the remaining federal funds will be in direct proportion to the needs reflected in the state's "1974 Needs Survey" for categories I, II, III, and IV. Class I will receive 85.2 per-

cent and Class II will receive 14.8 percent of the remaining federal funds.

(c) The board will establish the appropriate percentages of the available funds for distribution to the Step 1, 2, and 3 ranking groups within each class.

(1) Step 1 ranking group—that group of projects to receive grant consideration for a facility planning project.

(2) Step 2 ranking group—that group of projects to receive grant consideration for preparation of plans and specifications.

(3) Step 3 ranking group—that group of projects to receive grant consideration for construction projects.

(d) The funds distributed to each class and group will be available for projects of that class or group; but, with the board's approval, the funds may be redistributed as necessary during the last 12 months of the obligation period for the fiscal year allocation to eliminate or minimize the return of the Texas allocation to the U.S. Treasury.

(e) Pursuant to federal requirements, at least 25 percent of the funds allocated to the state shall be obligated for those projects involving one or more of the following:

(1) major sewer system rehabilitation;

(2) new collector sewers and appurtenances;

(3) new interceptors and appurtenances; or

(4) correction of combined sewer overflows.

**.035. Preparation of Project Priority List.**

(a) In April, the executive director will initiate preparation of a project priority list for the first half of the next federal fiscal year for each class of eligible projects that, as of March 1, are in the following categories:

(1) have received a step grant and are to receive continued step grant funding consideration for the project; or

(2) have been included on the current Project Priority List, but the scope of the project has changed; or

(3) have had confirmed changes that justify re-rating and/or reclassification to another population class; or

(4) remain an unfunded project from an existing Project Priority List; or

(5) is a new eligible project that has submitted the "Informational Data Request for Prospective Applicants" form to the department prior to March 1 of the prior calendar year.

(b) The Project Priority List for the second half of the federal fiscal year will be adjusted in January for each class of eligible projects on the approved list that, as of January 1, fall in the categories stated previously for the April list with the exception of category (5). New projects will not be added during the mid-year adjustment of the list.

(c) Once the lists have been completed, the executive director will apply the appropriate class and ranking group percentage of the available allocation to the respective class list to determine the number of step projects that can be funded in each ranking group.

(d) A Project Priority List will be submitted by the executive director to EPA for approval after approval by the board. The Project Priority List will be categorized into Step 1, Step 2, and Step 3 ranking groups. Each project will be ranked in the respective group according to its priority score, regardless of its class. The Project Funding Priority List, which is that portion of the Project Priority List within the available allocation to receive a construction grant, will be submitted to EPA for approval after approval by the board.

(1) The Project Funding Priority List will be extended by the executive director, as necessary, within the available funds distributed to a class to assure timely obligation of all federal allocations. The Project Funding Priority List will be extended by including additional projects from the unfunded portion of the Project Priority List pursuant to their ranking.

(2) Projects that are in, or eligible for, the first ranking group (Step 3) of the first half of the approved fiscal year 1978 list at the time the subsequent list becomes effective shall be given funding consideration over other projects in the Step 3 ranking group unless:

- (A) applicable scheduling provisions are not complied with;
- (B) the project becomes funded;
- (C) the project is removed by the board or EPA.

(3) The Project Funding Priority List will reflect the appropriate priority ranking of all projects that require funding for construction during the funding period of the list. If a project does not require funding during the next 12 months of the funding period of the list, it will not be considered for funding from present available funds. It will be considered for funding as funds are needed and according to its ranking and group from available funds in future federal fiscal years.

#### *.040. Consideration of Projects from Texas Department of Water Resources 208 Municipal Discharge Inventory.*

(a) The Municipal Discharge Inventory Ranking (MDIR) is a board-approved listing of projects which appear within a 208 planning area. Eventually, there will be a Municipal Discharge Inventory Ranking List for all 208 planning areas. The MDIR List will reflect the appropriate ranking of all projects by federal fiscal year. Only projects within a current federal fiscal year portion of the MDIR List will be eligible for consideration of funding.

(b) After the 208 list has been approved by the board, the governor-designated 208 waste treatment management agency may request that projects within the current federal fiscal year of the MDIR List be considered for inclusion on the Project Priority List. Projects will be considered for inclusion on the Project Priority List pursuant to Rule .035 (above).

(c) Projects from a department-approved 208 MDIR List submitted for inclusion on the Project Priority List will be rated and a priority score determined pursuant to these rules. The 208 planning project information and project schedule will be re-evaluated and verified pursuant to these rules.

#### *.045. Approval of Project Priority List.*

(a) The board will hold public hearings to consider adoption of the proposed Project Priority List and revisions. After adoption by the board of the Project Priority List and any revisions thereto, the Project Priority List will be submitted by the executive director to the EPA for approval.

(b) The Project Priority List will remain in effect until a new list has been approved by the board and EPA, at which time the new list supersedes all previous lists.

(c) Any minor revision to the Project Priority List which does not adversely affect the funding of any other project and meets the federal requirements of 40 Code of Federal Regulations, Sections 35.915(e) and (f), 39 Federal Register 5258 (February 11, 1974), may be made by the executive director.

#### *.050. Application Process.*

##### *(a) Authorized applications.*

(1) Applicants for those projects on the Project Funding Priority List will be authorized to submit applications. The executive director will notify applicants by registered mail, return receipt requested, of their eligibility to submit applications for projects. The notification will contain a deadline for submission which will not exceed 30 days beyond the submittal date on the project schedule as reflected on the Project Priority List or revisions.

(2) Application forms. The applicant shall use the forms approved by EPA. The executive director will furnish these forms, together with instructions for their preparation.

(3) Preparation and submission of application. The applicant shall furnish the information specified and submit the completed application to the executive director. The applicant shall furnish such additional information as may reasonably be required by the executive director in support or clarification of the application.

(4) Pursuant to federal requirements, the applicant must show that the applicant has:

- (A) agreed to pay the nonfederal project costs, and
- (B) has the legal, institutional, managerial, and financial capacity to insure adequate construction, operation, and maintenance of the treatment works throughout the applicant's jurisdiction.

##### *(b) Deleted applications.*

(1) If the applicant does not submit the application by the deadline provided in the notice, the executive director shall delete the project from the funding list and notify the applicant. Within 30 days after notice from the executive director, the applicant may request a reconsideration of the deletion by the board at its next regularly scheduled meeting. If a project is deleted, it will subsequently be considered for funding in accordance with Rule .035 (above).

(2) The executive director shall fund additional projects from the Project Priority List with the funds made available from the deleted project.

##### *(c) Submission of a complete application.*

(1) As part of a complete application, the applicant must submit a project schedule approved by resolution of the governing body of the applicant which reflects the planned schedule from initiation of preliminary planning through construction.

(2) The executive director will determine if an application is complete.

(d) Incomplete applications. Applications that are determined by the executive director to be incomplete or inaccurate will be returned to the applicant. The applicant will be given a reasonable period of time for submission of corrected and/or revised data. If the additional information is not timely received by the executive director, the application and project documents will be returned to the applicant. The project will be deleted from the existing funded list, but will subsequently be considered for funding in accordance with Rule .035 (above) when the documents are resubmitted as a complete application.

##### *(e) Projects certified to EPA.*

(1) Applications that are complete and that meet all federal requirements will be certified by the executive director to EPA.

(2) Applications that are certified to EPA for grant consideration as of January 1 or April 1 will maintain their status for the step project for the next funding period if cir-

cumstances are such that the project is unable to be funded by EPA before the expiration of the current funding period.

**.055. Grant Agreement by EPA.** Projects certified by the executive director to EPA will be reviewed by EPA to determine the eligibility of the project to receive a construction grant. If EPA determines the project is eligible, EPA will offer a grant agreement to the applicant.

(a) An approved project schedule will be included in the grant agreement by EPA.

(1) The approved project schedule will include the schedule for the project.

(2) The applicant shall keep the executive director advised of any changes that could affect the priority project schedule or estimated cost of the project.

(3) An applicant that does not meet its project schedule will not be considered for subsequent step funding until the entity submits sufficient information to assure the executive director that it will adhere to the project schedule.

(b) Upon board recommendation, a grant may be cancelled by EPA if the grantee does not complete the project within the approved project schedule.

(1) When such a grant cancellation is proposed, the grantee will be notified by certified mail, return receipt requested, and the proposed grant cancellation placed upon the agenda of the board for the next regular meeting. The board will consider recommending that the grant be cancelled by EPA.

(2) The grantee may request from the board an extension of time to utilize the funds; however, extensions of time will not normally be granted by the board without full and adequate justification. The availability of uncommitted funds for other projects will be considered in granting extensions of time for commitment of funds.

(3) If a grant is cancelled, the recovered funds will be reallocated to other projects in accordance with these rules.

(c) A grantee may request a grant increase to be effected through a grant amendment.

(1) All requests for grant increases must be fully justified in writing.

(2) The request for a grant increase will be submitted to the board. Board consideration will not be required for:

(A) a grant increase for a project that does not exceed 10 percent or \$100,000, unless the cumulative total of grant increases for the project exceeds 10 percent of the original grant agreement or \$100,000;

(B) a grant increase for the costs of a required infiltration/inflow evaluation study or a required environmental impact statement.

**.060. Project Priority Rating Process.**

(a) As they are received, projects will be promptly subjected to a rating process with each project obtaining a priority score determining its ranking. A project will not be included in the Project Priority List until the next list is adopted as specified in Rule .035 (above). The applicant shall keep the executive director advised of any changes that could affect the priority score, project schedule, and/or estimated cost of its project.

(b) The general factors considered by the board and the executive director in evaluating a project to establish its priority rating score are:

(1) existing treatment facilities and operation and maintenance thereof;

(2) water quality impact;

(3) future treatment requirements;

(4) environmental nuisances;

(5) water quality problem longevity.

Each factor is worth a given number of points. The executive director assigns a score on each factor utilizing the method contained in the appropriate rating sheet. The sum of the scores on all factors is the priority rating score for the project.

(c) The applicant need only submit preliminary planning and engineering information for its project to be considered for a Step 1 grant.

(1) Subsequent Step 2 and Step 3 projects will be re-evaluated and ranked with a priority score only after the executive director has approved the facility planning and engineering information.

(2) In the reevaluation, total "treatment works" needs will be segmented into separate projects and rated individually as one project.

(d) Where a grant is made for a Step 1 project from fiscal year 1973 and later funding authorization, a priority ranking for a subsequent Step 2 or Step 3 project will be determined only from executive director-approved facility planning and engineering information.

**.065. Definition of Terms.** The following definition of terms apply where used in these rules or in proceedings related to the subject of these rules unless otherwise specifically indicated.

(a) Table I—A listing of points utilized to rate the impact of a waste discharge on the water uses of the receiving stream.

(b) Table II—A listing of points utilized to rate the possible environmental nuisances of the waste discharge.

(c) Table III—A listing of points utilized to rate the estimated present flow of a septic tank community.

(d) Table IV—A listing of points utilized to rate the environmental nuisance factor for a relief interceptor.

(e) Table V—A listing of points utilized to rate the environmental nuisance factor for new interceptors and collection facilities.

(f) Figure I—A listing of points utilized to determine the population affected by a waste discharge.

(g) "BOD<sub>a</sub>"—Average effluent biochemical oxygen demand<sub>5</sub> concentration derived from at least six months of the self-reporting data, or if six months is not available, then the best department information available.

(h) "BOD<sub>p</sub>"—Effluent biochemical oxygen demand<sub>5</sub> specified in the applicable waste control order or 30, whichever is smaller.

(i) "SS<sub>a</sub>"—Average effluent suspended solids concentration derived from at least six months of the self-reporting data, or if six months data is not available, then the best department information available.

(j) "SS<sub>p</sub>"—Effluent suspended solids specified in the applicable waste control order or 30, whichever is smaller.

(k) "V<sub>a</sub>"—Average effluent flow in million gallons per day (mgd) received at the existing plant during the latest six months of the self-reporting data, or if six months data is not available, then the best department information available. For septic tank communities, use Table III to obtain V<sub>a</sub>.

(l) "A"—Highest single number derived from Table I determined from the department district prerating inspection report based on the receiving water use and distance downstream of the water use from the discharge along the stream channel.

(m) "B"—Number derived from Figure I by the department using as an abscissa (the horizontal coordinate of the graph), the average population densities of the counties traversed by the receiving stream for a distance of 50 miles downstream from the point of discharge and includes the originating and terminating counties. The population densities of the various counties used will be determined from the latest edition of the *Texas Almanac* using the 1970 population and the county square mile area.

(n) "BOD<sub>r</sub>"—Effluent BOD<sub>5</sub> specified in the applicable waste control order or basin plan for the proposed wastewater treatment facility.

(o) "SS<sub>r</sub>"—Effluent suspended solids specified in the applicable waste discharge permit or basin plan for the proposed wastewater treatment facility.

(p) "N<sub>r</sub>," "P<sub>r</sub>"—Sum of 2.5 (where applicable waste discharge permits or basin plans require nitrogen removal for the proposed wastewater treatment facility) and/or 2.5 (where phosphorus removal is required) included in the future treatment formula.

(q) "V<sub>r</sub>"—Applicable waste discharge permit or basin plan parameter for volume in million gallons per day for the proposed wastewater treatment facility.

(r) "SRF"—Segment ranking factor as developed in the department's continuing planning process for the receiving stream segment and is the degree of noncompliance of the stream segment as compared to the stream standards.

SRF equals .5 plus ((Water Q Segments plus 1) minus Seg Rank) divided by Water Q Segments multiplied by 2 where ((Water Q Segments plus 1) minus Segment Rank) divided by Water Quality Segments multiplied by 2 is less than zero, the SRF equals .5.

(s) "C"—Highest score derived from Table II by the department based on information obtained by the department district prerating inspection and multiplied by average annual-monthly rainfall and the contributing population based on 100 gallons per capita per day. "C" is determined by multiplying the score from Table II by the average rainfall divided by 12 and the present volume of wastewater in million gallons per day based on the present population at 100 gallons per capita per day.

(t) "EPS"—Existing population served by the facility.

(u) "DP"—Design population of the existing facility.

(v) "ENF"—Factor obtained from Table IV based on the frequency of overflow of the existing interceptor/lift station.

(w) "ECF"—Factor obtained from Table V based on the type of environmental conditions to be corrected.

(x) "PSA"—Total population for the service area.

(y) "V<sub>p</sub>"—Applicable waste discharge permit parameter for volume in million gallons per day for the existing wastewater treatment facility.

(z) "E"—Apparent efficiency of the wastewater treatment facility calculated by the following formula:

Influent BOD or SS minus Effluent BOD or SS divided by Influent BOD or SS

Where Influent BOD or SS cannot be verified, 200 mg/1 will be used. Effluent BOD or SS will be the same as BOD<sub>a</sub> or SS<sub>a</sub>.

(aa) Longevity factor will be the number of months since the project was included on a Project Priority List minus 12.

#### .070. Assignment of Priority Rating Sheets to Projects.

(a) Priority rating scores will be computer calculated by utilizing the method reflected on Rating Sheet 1—Replacement Wastewater Treatment Facilities, Rating Sheet 2—Replacement Interceptors/Lift Stations, Rating Sheet 3—New Sewerage Systems, Rating Sheet 4—New Interceptors/Lift Stations, and Rating Sheet 5—Collection Facilities, depending upon the type of project involved. Only one rating sheet will be used per project. Whenever the executive director determines the rating system is not applicable to a particular project, the executive director may derive a special rating score in such a manner as necessary and directly related to water quality management. The manner in which the special rating score was derived and the justification therefor will be presented by the executive director at the public hearing on the list. The reasonableness and propriety of using a special rating score and the comments received at the public hearing regarding the special score for the particular project will be considered by the board upon its approval of the Project Priority List.

(b) Operation and maintenance practices. The Section I score under Rating Sheet 1 will be adjusted for apparent operation and maintenance practices. This adjustment will be computed by multiplying the formulas for BOD and SS by  $V_a/V_p$  (E plus .15), where  $V_a$  is the average effluent flow in mgd,  $V_p$  is the flow in mgd authorized in the waste discharge permit issued by the commission, and E is obtained by the following calculations:

E equals BOD in minus BOD out divided by BOD in and/or E equals SS in minus SS out divided by SS in;

where BOD in and/or SS in cannot be verified, 200 mg/1 will be used. BOD out and SS out will be the same as BOD<sub>a</sub> and/or SS<sub>a</sub>.

(c) Water quality problem longevity. All projects will be adjusted for water quality problem longevity starting 12 months after inclusion on the Priority List. The adjustment will be obtained by multiplying the rating score by 0.042 times the longevity factor and adding this number of points to the rating score.

(d) Maximum values for sections on rating sheets. The maximum totals for each section on the rating sheets shall not exceed the following values:

- (1) Section I: 200 points.
- (2) Section II: 350 points.
- (3) Section III: 200 points.
- (4) Section IV: 50 points.
- (5) Section V: 800 points.

The total score for any rating sheet shall not exceed 800 points.

.075. Rating Sheet 1—Replacement Wastewater Treatment Facilities. Rating Sheet 1 will be used where the project consists of construction of wastewater treatment facilities to replace or improve existing wastewater treatment facilities. The priority rating for a project which replaces or provides improvements to two or more existing treatment facilities will be based on a weighted average of the parameters of the permits issued by the commission. Should the facility plan identify other eligible cost-effective work (e.g., interceptor sewers, collection lines, or other related line work) in addition to the wastewater treatment facility work, then such other work may be considered for Step 2 and Step 3 grant participation under the Rating Sheet 1 priority score only to

the extent that the proposed "other" work does not exceed 15 percent of the total eligible cost of the wastewater treatment plant or \$1.5 million, whichever is less. The eligible cost of the wastewater treatment plant may include the eligible construction costs at the plant site including the effluent outfall line, the eligible sewer rehabilitation costs (as defined by a sewer system evaluation survey report), the eligible lift station and force main construction costs (if the lift station/force main discharges directly to the wastewater treatment plant facilities with no planned intermediate lift stations and/or force main connection), and the eligible engineering costs that are directly associated with these costs. The "other" work includes all eligible costs-not identified as "treatment plant costs."

(a) If the facility plan determines that it is cost-effective to abandon the existing treatment plant and divert to a different location, then the 15 percent described above may be modified to provide enough funds to construct the interceptor system. The 15 percent may be increased to that percent necessary to allow grant participation in the necessary interceptor to the new plant site, provided there are no planned connections to the interceptor. Other types of work in excess of 15 percent of the project cost will be considered in a separate project for rating purposes and will be rated in accordance with the appropriate procedure for the type of work involved. As a prerequisite for Step 2 or Step 3 project included on the Project Funding List regardless of the rating score attained, an appropriate waste discharge permit issued by the commission, if such is required, must be secured before the project will be certified for funding to the Environmental Protection Agency. This procedure is adopted to preclude the possibility of making a grant offer to a project for which a permit cannot be secured.

(b) Where the waste discharge permit issued by the commission provides for "no-discharge," the factors ( $BOD_a - BOD_p$ ) and ( $SS_a - SS_p$ ) shall have a unit value of 1.

.080. *Rating Sheet 2—Replacement Interceptor/Lift Stations.* Rating Sheet 2 will be utilized for all projects involving the replacement or improvement of overloaded interceptor lines and/or interceptor lift stations, with the exception of lift stations which are an integral part of a sewage treatment plant where Sheet 1 will be used. If a project in this classification includes increasing the size of the replacement line to provide additional service, the increase may not exceed 25 percent of the present contributing flow to the line to be replaced and qualify for Rating Sheet 2. Rating Sheet 2 does not include lift stations within the collection system. Other type of work involving new interceptors, lift stations, and/or collection facilities cannot exceed 25 percent of the total eligible costs. That line work in excess of the 25 percent must be rated and stand on its own merits.

.085. *Rating Sheet 3—New Sewerage Systems.* Rating Sheet 3 may be utilized in the instance of a treatment plant project to serve an existing municipality presently without sanitary sewerage service. The Rating Sheet 3 score is applicable to the sewage treatment plant, and/or interceptor,

and/or collection system required to provide sanitary sewerage service to the existing community on septic tanks. Regardless of the rating score attained as a prerequisite for a Step 2 or Step 3 project being included on the Project Funding List under this rating method, an appropriate waste discharge permit issued by the commission, if such is required, must be secured before the project will be certified for funding to EPA. This procedure is adopted to preclude the possibility of making a grant offer to a project for which a permit cannot be secured. The intent is that this rating sheet will only be used for a true septic tank community. It does not include new subdivisions, newly developed urban areas, existing communities with a sewerage system, or new communities. For purposes of Rating Sheet 3, Section 1—existing treatment facilities, specific BOD and SS units will be utilized and related to existing population to be served and septic tank overflow where ( $BOD_a - BOD_p$ ) equals 80 and ( $SS_a - SS_p$ ) equals 1.

.090. *Rating Sheet 4—New Interceptors/Lift Stations.* Rating Sheet 4 will be utilized for a project designed to transfer waste presently being treated in one sewage treatment plant to another sewage treatment plant where such transfer will result in the abandonment of an existing inadequate sewage treatment plant, or will result in relieving the load on the existing treatment plant to such a degree that the existing sewage treatment plant will become compliant with its appropriate permit. As a prerequisite to receiving a score under Sheet 4, the receiving sewage treatment plant, either existing or to be constructed, must have adequate capacity and a waste discharge permit issued by the commission prior to the completion of the interceptor to properly treat the waste being diverted thereto. Rating Sheet 4 will also be used to rate other new interceptor lines, such as an interceptor to serve an unserved area of an existing community.

.095. *Rating Sheet 5—Collection Systems.* Rating Sheet 5 will be utilized in rating projects involving improvements to existing collection systems, including the provisions of sewerage service to existing unsewered area(s) of a community.

.100. *Rating Sheets 1-5, Tables I-V, and Figure I—Population Density Point Curve.* The following items will be used to fulfill the requirements specified in the rules.

(Editor's note: See charts, pages 4212-4220.)

Issued in Austin, Texas, on November 21, 1978.

Doc. No. 787850      Bruce Bigelow  
General Counsel  
Texas Department of Water Resources

Effective Date: December 20, 1978

For further information, please call (512) 475-7836.

## Rating Sheet 1 - REPLACEMENT WASTEWATER TREATMENT FACILITIES

### I. Existing Treatment Facilities

$$(BOD_a - BOD_p) V_a [V_a/V_p \times (E + .15)] = \underline{\hspace{2cm}}$$

$$(SS_a - SS_p) V_a [V_a/V_p \times (E + .15)] = \underline{\hspace{2cm}}$$

$$\text{Subtotal I} = \underline{\hspace{2cm}}$$

$$\text{Subtotal I} \times 0.9 = \underline{\hspace{2cm}}$$

### II. Water Quality Impacts

$$(A+B) \times \text{Subtotal I} \times 0.4 = \underline{\hspace{2cm}}$$

### III. Future Treatment Requirements

$$\left[ \frac{100}{BOD_r + SS_r} + N_r + P_r \right] \times V_r \times SRF \times 0.7 = \underline{\hspace{2cm}}$$

### IV. Environmental Nuisances

$$C \times 0.5 = \underline{\hspace{2cm}}$$

$$\text{RATING SCORE} = \underline{\hspace{2cm}}$$

### V. Water Quality Problem Longevity

$$\text{Rating Score} \times 0.042 \times \text{longevity factor} = \underline{\hspace{2cm}}$$

$$\text{TOTAL SCORE} = \underline{\hspace{2cm}}$$



## Rating Sheet 2 - REPLACEMENT INTERCEPTORS/LIFT STATION

I. Existing Treatment Facilities

= 0

II. Water Quality Impacts

$$\frac{(EPS)^2}{1300 DP} \times ENF$$

= \_\_\_\_\_

III. Future Treatment Requirements

= 0

IV. Environmental Nuisances

$$C \times 0.5$$

= \_\_\_\_\_

RATING SCORE

= \_\_\_\_\_

V. Water Quality Problem Longevity

$$\text{Rating Score} \times 0.042 \times \text{longevity factor}$$

= \_\_\_\_\_

TOTAL SCORE

= \_\_\_\_\_

## Rating Sheet 3 - NEW SEWERAGE SYSTEMS

### I. Existing Treatment Facilities

$$(BOD_a - BOD_p) V_a \times 0.2 = \underline{\hspace{2cm}}$$

$$(SS_a - SS_p) V_a \times 0.2 = \underline{\hspace{2cm}}$$

$$\text{Subtotal I} = \underline{\hspace{2cm}}$$

$$\text{Subtotal I} \times 0.9 = \underline{\hspace{2cm}}$$

### II. Water Quality Impacts

$$(A+B) \times \text{Subtotal I} \times 0.4 = \underline{\hspace{2cm}}$$

### III. Future Treatment Requirements

$$\left[ \frac{100}{BOD_r + SS_r} + N_r + P_r \right] \times V_r \times SRF \times 0.7 = \underline{\hspace{2cm}}$$

### IV. Environmental Nuisances

$$C \times 0.5 = \underline{\hspace{2cm}}$$

RATING SCORE =                     

### V. Water Quality Problem Longevity

$$\text{Rating Score} \times 0.042 \times \text{longevity factor} = \underline{\hspace{2cm}}$$

TOTAL SCORE =

**Rating Sheet 4 - NEW INTERCEPTORS/LIFT STATIONS**

**I. Existing Treatment Facilities**

= 0

**II. Water Quality Impacts**

$$\frac{1.5 (EPS)^2}{3000 PSA} \times ECF$$

= \_\_\_\_\_

**III. Future Treatment Requirements**

= 0

**IV. Environmental Nuisances**

$$C \times 0.5$$

= \_\_\_\_\_

**RATING SCORE**

= \_\_\_\_\_

**V. Water Quality Problem Longevity**

$$\text{Rating Score} \times 0.042 \times \text{longevity factor}$$

= \_\_\_\_\_

**TOTAL SCORE**

= \_\_\_\_\_

## Rating Sheet 5 - COLLECTION FACILITIES

I. Existing Treatment Facilities

- 0

II. Water Quality Impacts

$$\frac{1.5 (EPS)^2}{3500 PSA} \times ECF$$

- \_\_\_\_\_

III. Future Treatment Requirements

- 0

IV. Environmental Nuisances

$$C \times 0.5$$

- \_\_\_\_\_

RATING SCORE

- \_\_\_\_\_

V. Water Quality Problem Longevity

$$\text{Rating Score} \times 0.042 \times \text{longevity factor}$$

- \_\_\_\_\_

TOTAL SCORE

- \_\_\_\_\_

TABLE I

## Impact on Water Uses of Receiving Stream

(Stream Miles From Discharge)

<u>Water Uses</u>	<u>0-5</u>	<u>5-10</u>	<u>10-20</u>	<u>20-40</u>	<u>&gt;40</u>
1. Drinking Water	7.5	6.5	5.0	3.0	1.5
2. Contact Recreation	6.5	5.0	3.0	1.5	0.5
3. Non-Con. Recreation	5.0	3.0	1.5	0.5	0
4. Fish and Wildlife	3.0	1.5	0.5	0	0
5. Shipping	1.5	0.5	0	0	0

TABLE II

## Environmental Nuisances:

A. Department files reflect unavoidable verified bypasses and/or spillages.

Regular - 15                      Intermittent - 9                      Only During Rains - 4

B. Lift Station/interceptor/STP unavoidable bypasses and/or spillages.

Regular - 12                      Intermittent - 7                      Only During Rains - 3

C. Septic tank overflows:

General - 12                      Limited - 7                      Only During Rains - 3

D. Where none exist, C = 0.

TABLE III

## Septic Tank Overflows:

A. General area <u>use</u>	<u>*Population to be served</u>	-
	1 x 10 <sup>4</sup>	
B. Limited area <u>use</u>	<u>*Population to be served</u>	-
	2 x 10 <sup>4</sup>	
C. Only During Rains <u>use</u>	<u>*Population to be served</u>	-
	3 x 10 <sup>4</sup>	

Then this will be the "V<sub>a</sub>" Factor for rating sheet 3 for a new sewerage system.

Note: Selection of General Area, Limited Area, or Only During Rains will be determined from the Environmental Nuisances Section.

\*Existing population to be served by project.

TABLE IV

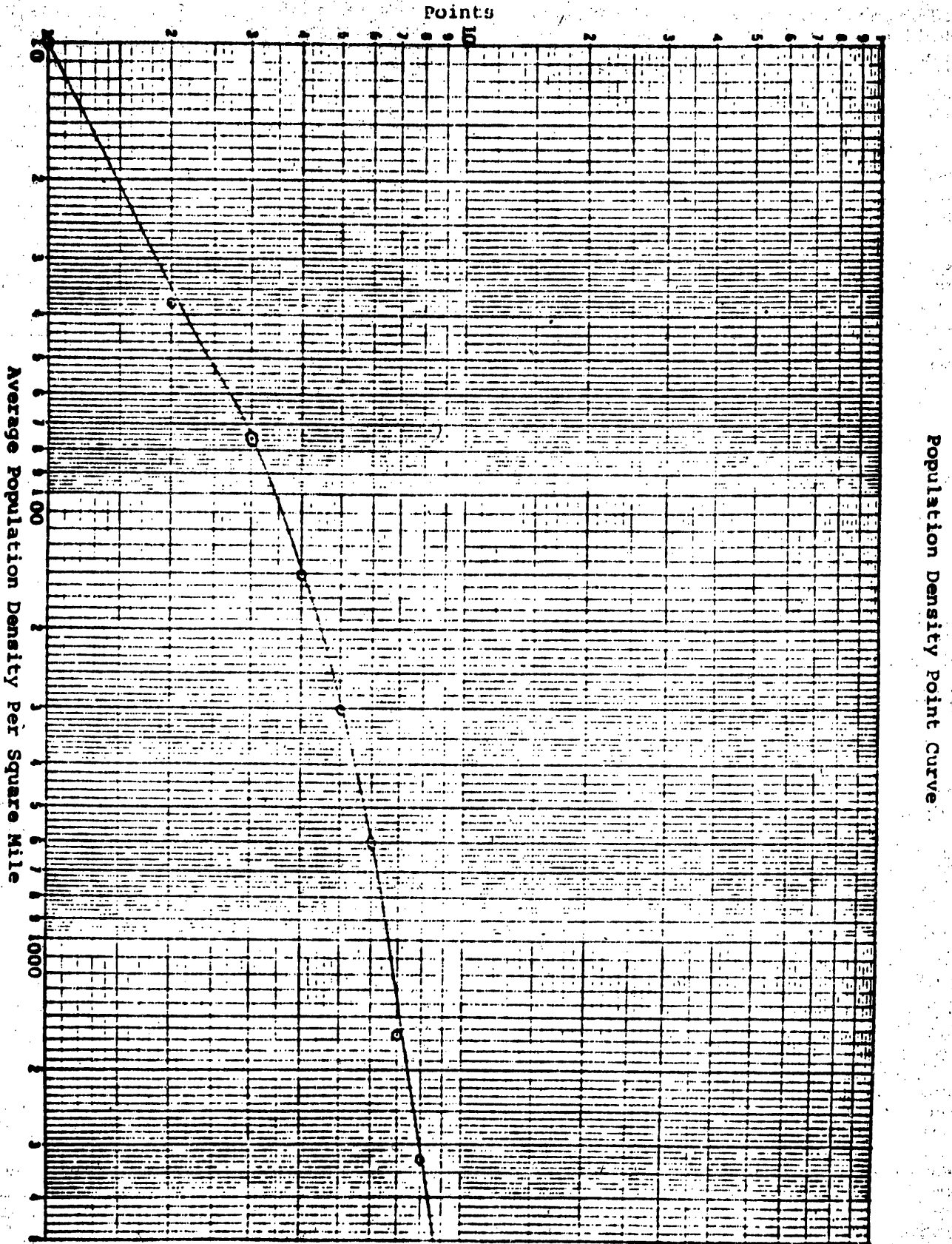
<u>Overflow</u>	<u>ENF</u>
A. Regular <u>use</u>	1.25
B. Intermittent <u>use</u>	1.0
C. Only During Rains <u>use</u>	0.5

Note: Selection of Regular, Intermittent, or Only During Rains will be determined from the Environmental Nuisances Section.

TABLE V

<u>Environmental Condition</u>	<u>ECF</u>
A. Divert to another STP	2.0
B. Abandon STP	2.5
C. Serve Existing Area	
Septic Tank Overflow:	
General Area	1.0
Limited Area	0.75
Only During Rains	0.5
No Overflow	0.0
D. Serving Projected Population	0.5

FIGURE 1





## Private Sewage Facilities

The Texas Water Commission and the Texas Water Development Board, on behalf of the Texas Department of Water Resources, have adopted Rules 157.31.13.001-.015, 157.31.16.001-.015, and 157.31.18.001-.015, concerning the establishment of regulated areas around Toledo Bend Reservoir, Lake Tawakoni Reservoir, and Lake Fork Reservoir, respectively; promulgating rules and regulations for the control of sewage within the areas which is not disposed of in organized disposal systems; providing for licensing of private sewage facilities; and designating the Sabine River Authority to perform the licensing, regulation, and enforcement functions related to the rules and regulations set forth herein.

The Texas Water Quality Board, a predecessor agency to the Texas Department of Water Resources, adopted Rules 130.12.13.002-.015, 130.12.16.002-.016, and 130.12.18.002-.016, concerning the regulation of private sewage facilities within regulated areas around Toledo Bend Reservoir, Lake Tawakoni Reservoir, and Lake Fork Reservoir, respectively. The rules herein adopt the substantive provisions of Texas Water Quality Board Rules 130.12.13.002-.015, 130.12.16.002-.016, and 130.12.18.002-.016, respectively, with changes made in nomenclature; definition of subdivision; registration requirements; lot size requirements; the enforcement provisions; and the approved fee schedule.

Comments and inquiries regarding these private sewage facility regulations were invited, and directed to Larry R. Soward, Texas Water Commission, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-1311. These rules, as well as any comments received, were presented to the Texas Water Commission and the Texas Water Development Board for adoption no less than 30 days after publication.

Copies of these adopted rules may be examined in or obtained from the Texas Water Commission. Copies may also be examined in the Office of the Secretary of State, Texas Register Division.

## Toledo Bend Reservoir 157.31.13

Public hearings were held on September 13, 1971, in Sabine County and on September 27, 1971, in Shelby County, in order to receive testimony and evidence relative to the adoption of private sewage facility regulations around Toledo Bend Reservoir.

The Sabine River Authority of the State of Texas and the Sabine River Authority of the State of Louisiana entered into a compact known as the "Sabine River Compact" on January 26, 1963, which later was enacted as Public Law 578 of the 83rd Congress, 2nd Session, approved August 10, 1964, which said "Sabine River Compact provides that the States of Louisiana and Texas shall divide equally all of the free water in the Sabine River and further shall respectively regulate, maintain, and control the use of the said water in the Sabine River." This further extends to that part of the Sabine River known as "Toledo Bend," which project is jointly owned by the said two authorities. Both of the authorities have respectively published an official manual of the policies, rules, and regulations which have been adopted by both states. At the present time, the water of the Sabine River and more specifically, the water in the Toledo Bend Reservoir, is of a

good quality and, further, the water from this reservoir is used for water supply purposes as well as for recreational purposes. Both of these purposes require maintenance of water quality in the Toledo Bend Reservoir equal to, or in excess of, the quality standards as adopted by the Texas Department of Water Resources.

Among the potential sources of water pollution which must be controlled in order to maintain these standards of water quality is the disposal of sewage from individual dwellings, subdivisions, motels, marinas, and other such developments surrounding the reservoir. This subchapter is primarily concerned with sewage discharged into private sewage facilities. Sewage discharged into organized waste collection, treatment, and disposal systems is regulated through the permit system of the department. The regulation of sewage discharged into private sewage facilities is of special concern because the area surrounding Toledo Bend Reservoir is expected to increase rapidly in population density.

These rules are promulgated under the authority of the Texas Water Code, Section 26.031.

### .001. Definitions.

- (a) "Authority" means the Sabine River Authority.
- (b) "Commission" means the Texas Water Commission.
- (c) "Department" means the Texas Department of Water Resources.
- (d) "Board" means the Texas Water Development Board.
- (e) "Executive director" means the executive director of the Texas Department of Water Resources.
- (f) "Toledo Bend Reservoir" means the lake and reservoir located in Newton, Sabine, Shelby, and Panola Counties, Texas, created by the construction of the Toledo Bend Dam on the Sabine River by the Sabine River Authority of Texas and the Sabine River Authority of Louisiana.
- (g) "Organized disposal system" means any public or private system for the collection, treatment, and disposal of sewage operated in accordance with the terms and conditions of a permit from the Texas Water Commission.
- (h) "Private sewage facilities" means all facilities, systems, and methods used for the disposal of sewage other than disposal systems operated under a permit issued by the commission.
- (i) "Sewage" means waterborne human or other domestic waste.
- (j) "Subdivision" means
  - (1) a subdivision which has been platted and recorded with the county clerk of the county or counties in which the land lies, or which is required by statute to be so platted and recorded; or
  - (2) any land divided or proposed to be divided into four or more lots or tracts, any of which is two acres or less in size.
- (k) "Take line" means the limit of land acquisition for the Toledo Bend Reservoir.

.002. *Regulated Area.* The regulated area is the area for which regulations of this subchapter apply. It is an area in the State of Texas on the Texas side of Toledo Bend Reservoir lying between the take line and a line parallel to it which is 2,000 feet from the take line, measured horizontally away from the reservoir.

*.003. Regulations Controlling the Discharge of Sewage within the Regulated Area.* All sewage disposal shall be in accordance with one of the following types of authorizations:

(1) Sewage discharged into an organized waste disposal system operating under a valid permit issued by the commission.

(2) Sewage discharged into a private sewage facility licensed in accordance with the regulations contained in this subchapter.

(3) Sewage discharged into a private sewage facility registered in accordance with the regulations contained in Texas Water Quality Board Rules 130.12.13.002-.015.

*.004. Licensing Function.*

(a) The Sabine River Authority is designated by the commission to perform all of the licensing functions of this subchapter.

(1) The authority shall have the following powers:

(A) to make reasonable inspections of all private sewage facilities located or to be located within the area covered by this subchapter;

(B) to collect all fees set by the board necessary to recover all the costs incurred in meeting the requirements of this subchapter.

(2) The authority shall have the following responsibilities:

(A) to make semiannual reports to the executive director on all actions taken concerning this subchapter;

(B) to perform all the duties necessary to meet the requirements of this subchapter.

(b) Upon a showing of necessity, the department may assume all of the powers and responsibilities delegated to the authority by this subchapter.

*.005. Licensing Requirements for New Private Sewage Facilities.*

(a) Private sewage facilities to be located within the boundaries of the regulated area or to be located within a subdivision existing prior to July 1, 1972, in the regulated area must meet the following requirements:

(1) The private sewage facility must conform to the minimum standards set out by the Texas Department of Health.

(2) A license must be obtained for the use of these facilities from the authority.

(3) The lot or tract in question must be large enough, considering the soil and drainage conditions and probable volume of sewage to be disposed of, to permit the use of a private sewage facility without causing water pollution, nuisance conditions, or danger to public health.

(b) A new subdivision to be developed within the regulated area on or after July 1, 1972, and utilizing private sewage facilities, must meet the following requirements:

(1) The private sewage facility must conform to the minimum standards set out by the Texas Department of Health.

(2) A license must be obtained for the private sewage facility from the authority.

(3) The lot or tract in the subdivision must be at least 15,000 square feet in size.

(c) Terms of licenses for new private sewage facilities.

(1) Any license issued under the authority of this subchapter will be transferred to a succeeding owner, and such license will continue in existence for the unexpired term

of the license provided the new owner applied to the authority, and provided there is no significant change in amount or quality of waste to be placed in the private sewage facility. The authority will charge a transfer fee whenever a license is transferred to a succeeding owner.

(2) Application forms for licenses may be obtained from the authority offices at the Toledo Bend damsite or in Hemphill, Texas, or from the office of the judges of Newton, Sabine, Shelby, and Panoia Counties. In order to initiate an application for a license, the completed application form, together with the appropriate fee, shall be filed with the authority.

(3) The authority will perform such inspections and tests as may be deemed necessary as soon as practicable.

(4) Upon a finding by the authority that use of the private sewage facility will not cause pollution or injury to the public health and is not in conflict with the terms and regulations of this subchapter:

(A) A license effective for a term of 10 years will be issued. At the end of five years, the system will be reinspected and an inspection fee assessed.

(B) A new license issued under the above terms may be renewed for successive terms of 10 years.

(5) Upon a finding by the authority that the private sewage facility will not be licensed, the applicant shall be notified in writing of that finding and of the faults which prevent licensing.

*.006. Approval of Subdivision Plans for Private Sewage Facilities.*

(a) Any developer or other interested person desiring to create a subdivision using private sewage facilities must obtain approval from the authority of his plans for sewage disposal. He must fulfill the following requirements:

(1) An application for approval of the subdivision sewage disposal plans and appropriate filing fee shall be submitted to the authority.

(2) The developer shall inform each prospective buyer:

(A) that the subdivision is subject to all of the terms and conditions of this subchapter;

(B) that a license will be required for any private sewage facility constructed in the subdivision;

(C) that a sewage disposal plan has been filed for the subdivision and that the areas suitable for private sewage facilities have been defined.

(3) If investigation pursuant to this section reveals that a lot is not suitable for use of private sewage facilities, the prospective buyer shall be so notified.

(b) The authority will perform necessary tests and inspections to determine whether the subdivision can be served with private sewage facilities. By agreement between the authority and the developer, all or part of the tests may be performed by an engineering firm or soils testing laboratory approved by the authority. The authority will notify the developer of the findings of its examination and will point out any deficiencies in the plan for sewage disposal. Specifically, the authority will notify the developer of any areas not suitable for the use of private sewage facilities and whether the proposed developmental density is consistent with the use of private sewage facilities. Approval of a subdivision plan for sewage disposal does not constitute a license for a specific private sewage facility. An approved plan is, however, a pre-

requisite for obtaining a private sewage facility license in a subdivision.

*.007. Existing Private Sewage Facilities.*

(a) All private sewage facilities existing within the regulated area should now be licensed or registered pursuant to Texas Water Quality Board Rules 130.12.13.002-.015. Licenses and registrations issued under the previous rules will remain in effect for the term stated thereon as if issued under this subchapter.

(b) A registration issued under the authority of Texas Water Quality Board Rules 130.12.13.002-.015 will be transferred to a succeeding owner, and such registration will continue in existence provided the new owner applies to the authority.

(c) Registration issued under the authority of Texas Water Quality Board Rules 130.12.13.002-.015 will not bar any action to abate a nuisance as defined in Article 4477-1, Vernon's Texas Civil Statutes. If a registered system is found to be malfunctioning, the authority may require licensing in accordance with Rule .005 of this subchapter.

*.008. Connection of Private Sewage Facilities to Organized Waste Collection, Treatment, and Disposal Systems.* In order to implement the stated policy of the legislature and the department that the development and use by interested and affected parties of organized waste collection, treatment, and disposal systems to serve the waste disposal needs of the citizens of the state and to prevent pollution and maintain and enhance the quality of water in the state should be encouraged, the commission makes the following requirements:

(1) No license shall be issued for any private sewage facility when any part of that facility is closer than 300 feet in horizontal distance to an organized waste collection, treatment, and disposal system; rather, the facility shall be connected to the organized system whenever feasible and legally possible.

(2) Whenever an organized waste collection, treatment, and disposal system is developed to within 300 feet in horizontal distance from any part of a private sewage facility, licensed or not, that facility shall be connected to the organized system whenever feasible and legally possible.

*.009. Terms and Conditions for Granting Exceptions.* The commission intends that the regulations contained in this subchapter shall be strictly enforced, but realizes that certain individual situations may require the granting of an exception to the requirements contained in the subchapter so that hardships may be avoided. Therefore, the following terms and conditions are established:

(1) Any person desiring an exception shall file an application with the authority for its analyses of the specifics of the situation.

(2) The authority shall review the application and issue a statement either granting or denying the application. When an application is denied, the statement shall set out the reasons for the authority's decision.

*.010. Terms and Conditions for Appeal to the Executive Director and the Commission.* Any person aggrieved by an action or decision of the authority may appeal to the executive director of the Texas Department of Water Resources, and then to the Texas Water Commission, if the following terms and conditions are met:

(1) All of the appropriate steps required of the aggrieved person by the terms and conditions of this subchapter have been met.

(2) The aggrieved person has made a conscientious effort to resolve his problem with the authority.

*.011. Cooperative Agreement.* The authority and the executive director may execute a cooperative agreement pursuant to Chapter 26 of the Texas Water Code, providing for the performance by the authority of the water quality management, inspection, and enforcement functions required to be performed by the authority under this subchapter.

*.012. License Fees.* License fees, inspection fees, transfer fees, and renewal fees will be in accordance with Rule .015 of this subchapter. These fees shall be paid to and collected by the authority so long as the authority is delegated the licensing function and the administration of the licensing system specified in this subchapter. The establishment of the fee schedule does not impair or prohibit the imposition of reasonable charges by the authority for special services performed by the authority at the request of the applicant in connection with presentation of an application and required data. Percolation tests and other examinations will be performed by the authority on a cost basis. These tests may also be performed by engineering firms or soils-testing laboratories approved by the authority.

*.013. Enforcement of this Subchapter.*

(a) Criminal penalty (Texas Water Code, Section 26.214).

(1) A person who violates any provision of this subchapter is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$200. Each day a violation occurs constitutes a separate offense.

(2) Jurisdiction for prosecution of a suit under this section is in the justice of the peace courts.

(3) Venue for prosecution of a suit under this section is in the justice of the peace precinct in which the violation is alleged to have occurred.

(b) A person who violates any provision of this subchapter is subject to an injunction by court order and to a civil penalty for each act of violation and for each day of violation, to be recovered as provided in Chapter 26 of the Texas Water Code.

*.014. Severability Clause.* If any provision of this subchapter or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the subchapter and of the application of such provision to other persons and circumstances shall not be affected thereby.

*.015. Fee Schedule.*

(a) The following represents the approved fee schedule for the private sewage facilities regulatory program around Toledo Bend Reservoir:

- (1) private sewage facility license—\$25;
- (2) five-year inspection fee—\$10;
- (3) perform soil percolation test—\$40;
- (4) transfer fee—\$5.

(b) Applications requesting the designation of any one of the above fees will be subject to review, and if investigations show that the fees paid were not correct, then applicant will either receive a refund or be required to pay any deficit.

## Lake Tawakoni Reservoir 157.31.16

Public hearings were held on November 10, 1972, and April 4, 1973, in Greenville, Hunt County, in order to receive testimony and evidence relative to the adoption of private sewage facility regulations around Lake Tawakoni Reservoir.

At the present time, the water in the Lake Tawakoni Reservoir is of a good quality and is used for water supply as well as for recreational purposes. Both of these purposes require maintenance of water quality standards as adopted by the Texas Department of Water Resources.

Among the potential sources of pollution which must be controlled in order to maintain these standards of water quality is sewage from subdivisions, individual dwellings, motels, marinas, and other developments surrounding the reservoir. This subchapter is primarily concerned with sewage discharged into private sewage facilities. Sewage discharged into organized disposal systems is regulated through the permit system of the department. Sewage discharged into private sewage facilities is of special concern because a number of the areas surrounding Lake Tawakoni Reservoir are rapidly increasing in population density and are becoming closely developed suburban areas where soil conditions are not fully conducive to the use of private sewage facilities.

These rules are promulgated under the authority of the Texas Water Code, Section 26.031.

### .001. Definitions.

- (a) "Authority" means the Sabine River Authority.
- (b) "Commission" means the Texas Water Commission.
- (c) "Department" means the Texas Department of Water Resources.
- (d) "Board" means the Texas Water Development Board.
- (e) "Executive director" means the executive director of the Texas Department of Water Resources.
- (f) "Lake Tawakoni Reservoir" means the reservoir located in Rains, Hunt, and Van Zandt Counties of Texas, created by the construction of the Iron Bridge Dam on the Sabine River by the Sabine River Authority of Texas.
- (g) "Organized disposal system" means any public or private system for the collection, treatment, and disposal of sewage operated in accordance with the terms and conditions of a permit from the Texas Water Commission.
- (h) "Private sewage facilities" means all facilities, systems, and methods used for the disposal of sewage other than disposal systems operated under a permit issued by the commission.
- (i) "Sewage" means waterborne human or other domestic waste.
- (j) "Subdivision" means
  - (1) a subdivision which has been platted and recorded with the county clerk of the county or counties in which the land lies, or which is required by statute to be so platted and recorded; or
  - (2) any land divided or proposed to be divided into four or more lots or tracts, any of which is two acres or less in size.
- (k) "Take line" means the limit of land acquisition for the Lake Tawakoni Reservoir.

.002. *Regulated Area.* The regulated area is the area for which regulations of this subchapter apply. It is an area in

the State of Texas surrounding Lake Tawakoni Reservoir lying between the take line and a line parallel to it which is 2,000 feet from the take line, measured horizontally away from the reservoir.

.003. *Regulations Controlling the Discharge of Sewage within the Regulated Area.* All sewage disposal shall be in accordance with one of the following types of authorizations:

- (1) Sewage discharged into an organized waste disposal system operating under a valid permit issued by the commission.
- (2) Sewage discharged into a private sewage facility licensed in accordance with the regulations contained in this subchapter.
- (3) Sewage discharged into a private sewage facility registered in accordance with the regulations contained in Texas Water Quality Board Rules 130.12.16.002-.016.

### .004. Licensing Function.

(a) The Sabine River Authority is designated by the commission to perform all of the licensing functions of this subchapter.

- (1) The authority shall have the following powers:
  - (A) to make reasonable inspections of all private sewage facilities located or to be located within the area covered by this subchapter;
  - (B) to collect all fees set by the board necessary to recover all the costs incurred in meeting the requirements of this subchapter.
- (2) The authority shall have the following responsibilities:
  - (A) to make semiannual reports to the executive director on all actions taken concerning this subchapter;
  - (B) to perform all the duties necessary to meet the requirements of this subchapter.
- (b) Upon a showing of necessity, the department may assume all of the powers and responsibilities delegated to the authority by this subchapter.

### .005. Licensing Requirements for New Private Sewage Facilities.

- (a) Private sewage facilities to be located within the boundaries of the regulated area or to be located within a subdivision existing prior to April 1, 1974, in the regulated area must meet the following requirements:
  - (1) The private sewage facility must conform to the minimum standards set out by the Texas Department of Health.
  - (2) A license must be obtained for the use of these facilities from the authority.
  - (3) The lot or tract in question must be large enough, considering the soil and drainage conditions and probable volume of sewage to be disposed of, to permit the use of a private sewage facility without causing water pollution, nuisance conditions, or danger to public health.
- (b) A new subdivision to be developed within the regulated area on or after April 1, 1974, and utilizing private sewage facilities, must meet the following requirements:
  - (1) The private sewage facility must conform to the minimum standards set out by the Texas Department of Health.
  - (2) A license must be obtained for the private sewage facility from the authority.
  - (3) The lot or tract in the subdivision must be at least 15,000 square feet in size.

**(c) Terms of licenses for new private sewage facilities.**

(1) Any license issued under the authority of this subchapter will be transferred to a succeeding owner, and such license will continue in existence for the unexpired term of the license provided the new owner applied to the authority, and provided there is no significant change in amount or quality of waste to be placed in the private sewage facility. The authority will charge a transfer fee whenever a license is transferred to a succeeding owner.

(2) Application forms for licenses may be obtained from the authority and from the offices of the judges of Rains, Hunt, and Van Zandt Counties. In order to initiate an application for a license, the completed application form, together with the appropriate fee, shall be filed with the authority.

(3) The authority will perform such inspections and tests as may be deemed necessary as soon as practicable.

(4) Upon a finding by the authority that use of the private sewage facility will not cause pollution or injury to the public health and is not in conflict with the terms and regulations of this subchapter:

(A) A license effective for a term of five years will be issued. At the end of five years, the system will be reinspected and an inspection fee assessed.

(B) A new license issued under the above terms may be renewed for successive terms of five years.

(5) Upon a finding by the authority that the private sewage facility will not be licensed, the applicant shall be notified in writing of that finding and of the faults which prevent licensing.

**.006. Approval of Subdivision Plans for Private Sewage Facilities.**

(a) Any developer or other interested person desiring to create a subdivision using private sewage facilities must obtain approval from the authority of his plans for sewage disposal. He must fulfill the following requirements:

(1) An application for approval of the subdivision sewage disposal plans and appropriate filing fee shall be submitted to the authority.

(2) The developer shall inform each prospective buyer:

(A) that the subdivision is subject to all of the terms and conditions of this subchapter;

(B) that a license will be required for any private sewage facility constructed in the subdivision;

(C) that a sewage disposal plan has been filed for the subdivision and that the areas suitable for private sewage facilities have been defined.

(3) If investigation pursuant to this section reveals that a lot is not suitable for use of private sewage facilities, the prospective buyer shall be so notified.

(b) The authority will perform necessary tests and inspections to determine whether the subdivision can be served with private sewage facilities. By agreement between the authority and the developer, all or part of the tests may be performed by an engineering firm or soils-testing laboratory approved by the authority. The authority will notify the developer of the findings of its examination and will point out any deficiencies in the plan for sewage disposal. Specifically, the authority will notify the developer of any areas not suitable for the use of private sewage facilities and whether the proposed developmental density is consistent with the use of private sewage facilities. Approval of a subdivision plan for sewage disposal does not constitute a license for a specific

private sewage facility. An approved plan is, however, a prerequisite for obtaining a private sewage facility license in a subdivision.

**.007. Existing Private Sewage Facilities.**

(a) All private sewage facilities existing within the regulated area should now be licensed or registered pursuant to Texas Water Quality Board Rules 130.12.16.002-.016. Licenses and registrations issued under the previous rules will remain in effect for the term stated thereon as if issued under this subchapter.

(b) A registration issued under the authority of Texas Water Quality Board Rules 130.12.16.002-.016 will be transferred to a succeeding owner, and such registration will continue in existence provided the new owner applies to the authority.

(c) Registration issued under the authority of Texas Water Quality Board Rules 130.12.16.002-.016 will not bar any action to abate a nuisance as defined in Article 4477-1, Vernon's Texas Civil Statutes. If a registered system is found to be malfunctioning, the authority may require licensing in accordance with Rule .005 of this subchapter.

**.008. Connection of Private Sewage Facilities to Organized Waste Collection, Treatment, and Disposal Systems.** In order to implement the stated policy of the legislature and the department that the development and use by interested and affected parties of organized waste collection, treatment, and disposal systems to serve the waste disposal needs of the citizens of the state and to prevent pollution and maintain and enhance the quality of water in the state should be encouraged, the commission makes the following requirements:

(1) No license shall be issued for any private sewage facility when any part of that facility is closer than 300 feet in horizontal distance to an organized waste collection, treatment, and disposal system; rather, the facility shall be connected to the organized system whenever feasible and legally possible.

(2) Whenever an organized waste collection, treatment, and disposal system is developed to within 300 feet in horizontal distance from any part of a private sewage facility, licensed or not, that facility shall be connected to the organized system whenever feasible and legally possible.

**.009. Terms and Conditions for Granting Exceptions.** The commission intends that the regulations contained in this subchapter shall be strictly enforced, but realizes that certain individual situations may require the granting of an exception to the requirements contained in the subchapter so that hardships may be avoided. Therefore, the following terms and conditions are established:

(1) Any person desiring an exception shall file an application with the authority for its analyses of the specifics of the situation.

(2) The authority shall review the application and issue a statement either granting or denying the application. When an application is denied, the statement shall set out the reasons for the authority's decision.

**.010. Terms and Conditions for Appeal to the Executive Director and the Commission.** Any person aggrieved by an action or decision of the authority may appeal to the executive director of the Texas Department of Water Resources, and then to the Texas Water Commission, if the following terms and conditions are met:

(1) All of the appropriate steps required of the aggrieved person by the terms and conditions of this subchapter have been met.

(2) The aggrieved person has made a conscientious effort to resolve his problem with the authority.

**.011. Cooperative Agreement.** The authority and the executive director may execute a cooperative agreement pursuant to Chapter 26 of the Texas Water Code, providing for the performance by the authority of the water quality management, inspection, and enforcement functions required to be performed by the authority under this subchapter.

**.012. License Fees.** License fees, inspection fees, transfer fees, and renewal fees will be in accordance with Rule .015 of this subchapter. These fees shall be paid to and collected by the authority so long as the authority is delegated the licensing function and the administration of the licensing system specified in this subchapter. The establishment of the fee schedule does not impair or prohibit the imposition of reasonable charges by the authority for special services performed by the authority at the request of the applicant in connection with presentation of an application and required data. Percolation tests and other examinations will be performed by the authority on a cost basis. These tests may also be performed by engineering firms or soils testing laboratories approved by the authority.

**.013. Enforcement of this Subchapter.**

(a) Criminal penalty (Texas Water Code, Section 26.214).

(1) A person who violates any provision of this subchapter is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$200. Each day a violation occurs constitutes a separate offense.

(2) Jurisdiction for prosecution of a suit under this section is in the justice of the peace courts.

(3) Venue for prosecution of a suit under this section is in the justice of the peace precinct in which the violation is alleged to have occurred.

(b) A person who violates any provision of this subchapter is subject to an injunction by court order and to a civil penalty for each act of violation and for each day of violation, to be recovered as provided in Chapter 26 of the Texas Water Code.

**.014. Severability Clause.** If any provision of this subchapter or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the subchapter and of the application of such provision to other persons and circumstances shall not be affected thereby.

**.015. Fee Schedule.**

(a) The following represents the approved fee schedule for the private sewage facilities regulatory program around Lake Tawakoni Reservoir:

- (1) private sewage facility license—\$25;
- (2) five-year inspection fee—\$10;
- (3) perform soil percolation test—\$40;
- (4) transfer fee—\$5.

(b) Applications requesting the designation of any one of the above fees will be subject to review, and if investiga-

tions show that the fees paid were not correct, then applicant will either receive a refund or be required to pay any deficit.

Doc. No. 787753

## Lake Fork Reservoir 157.31.18

A public hearing was held on November 26, 1974, in Quitman, Wood County, in order to receive testimony and evidence relative to the adoption of private sewage facility regulations around Lake Fork Reservoir.

The water impounded in the Lake Fork Reservoir is projected to be of a good quality and will be used for water supply as well as for recreational purposes. Both of these purposes require maintenance of water quality in the Lake Fork Reservoir equal to or in excess of the quality standards as adopted by the Texas Department of Water Resources.

Among the potential sources of pollution which must be controlled in order to maintain these standards of water quality is sewage from subdivisions, individual dwellings, motels, marinas, and other developments surrounding the reservoir. This subchapter is primarily concerned with sewage discharged into private sewage facilities. Sewage discharged into organized disposal systems is regulated through the permit system of the department. Sewage discharged into private sewage facilities is of special concern because a number of the areas surrounding Lake Fork Reservoir are expected to rapidly increase in population density and become closely developed suburban areas where soil conditions are not fully conducive to the use of private sewage facilities.

These rules are promulgated under the authority of the Texas Water Code, Section 26.031.

**.001. Definitions.**

(a) "Authority" means the Sabine River Authority.

(b) "Commission" means the Texas Water Commission.

(c) "Department" means the Texas Department of Water Resources.

(d) "Board" means the Texas Water Development Board.

(e) "Executive director" means the executive director of the Texas Department of Water Resources.

(f) "Lake Fork Reservoir" means the reservoir located in Rains, Wood, and Hopkins Counties of Texas, created by the construction of the Lake Fork Creek Dam on Lake Fork Creek by the Sabine River Authority of Texas.

(g) "Organized disposal system" means any public or private system for the collection, treatment, and disposal of sewage operated in accordance with the terms and conditions of a permit from the Texas Water Commission.

(h) "Private sewage facilities" means all facilities, systems, and methods used for the disposal of sewage other than disposal systems operated under a permit issued by the commission.

(i) "Sewage" means waterborne human or other domestic waste.

(j) "Subdivision" means:

(1) a subdivision which has been platted and recorded with the county clerk of the county or counties in which the land lies, or which is required by statute to be so platted and recorded; or

(2) any land divided or proposed to be divided into four or more lots or tracts, any of which is two acres or less in size.

(k) "Take line" means the limit of land acquisition for the Lake Fork Reservoir.

**.002. Regulated Area.** The regulated area is the area for which regulations of this subchapter apply. It is an area in the State of Texas surrounding Lake Fork Reservoir lying between the take line and a line parallel to it which is 2,000 feet from the take line, measured horizontally away from the reservoir.

**.003. Regulations Controlling the Discharge of Sewage within the Regulated Area.** All sewage disposal shall be in accordance with one of the following types of authorizations:

(1) Sewage discharged into an organized waste disposal system operating under a valid permit issued by the commission.

(2) Sewage discharged into a private sewage facility licensed in accordance with the regulations contained in this subchapter.

(3) Sewage discharged into a private sewage facility registered in accordance with the regulations contained in Texas Water Quality Board Rules 130.12.18.002-.016.

**.004. Licensing Function.**

(a) The Sabine River Authority is designated by the commission to perform all of the licensing functions of this subchapter.

(1) The authority shall have the following powers:

(A) to make reasonable inspections of all private sewage facilities located or to be located within the area covered by this subchapter;

(B) to collect all fees set by the board necessary to recover all the costs incurred in meeting the requirements of this subchapter.

(2) The authority shall have the following responsibilities:

(A) to make semiannual reports to the executive director on all actions taken concerning this subchapter;

(B) to perform all the duties necessary to meet the requirements of this subchapter.

(b) Upon a showing of necessity, the department may assume all of the powers and responsibilities delegated to the authority by this subchapter.

**.005. Licensing Requirements for New Private Sewage Facilities.**

(a) Private sewage facilities to be located within the boundaries of the regulated area or to be located within a subdivision existing prior to September 1, 1975, in the regulated area must meet the following requirements:

(1) The private sewage facility must conform to the minimum standards set out by the Texas Department of Health.

(2) A license must be obtained for the use of these facilities from the authority.

(3) The lot or tract in question must be large enough, considering the soil and drainage conditions and probable volume of sewage to be disposed of, to permit the use of a private sewage facility without causing water pollution, nuisance conditions, or danger to public health.

(b) A new subdivision to be developed within the regulated area on or after September 1, 1975, and utilizing private sewage facilities, must meet the following requirements:

(1) The private sewage facility must conform to the minimum standards set out by the Texas Department of Health.

(2) A license must be obtained for the private sewage facility from the authority.

(3) The lot or tract in the subdivision must be at least 15,000 square feet in size.

(c) Terms of licenses for new private sewage facilities.

(1) Any license issued under the authority of this subchapter will be transferred to a succeeding owner, and such license will continue in existence for the unexpired term of the license provided the new owner applied to the authority, and provided there is no significant change in amount or quality of waste to be placed in the private sewage facility. The authority will charge a transfer fee whenever a license is transferred to a succeeding owner.

(2) Application forms for licenses may be obtained from the authority and from the offices of the judges of Rains, Wood, and Hopkins Counties. In order to initiate an application for a license, the completed application form, together with the appropriate fee, shall be filed with the authority.

(3) The authority will perform such inspections and tests as may be deemed necessary as soon as practicable.

(4) Upon a finding by the authority that use of the private sewage facility will not cause pollution or injury to the public health and is not in conflict with the terms and regulations of this subchapter:

(A) A license effective for a term of five years will be issued. At the end of five years, the system will be reinspected and an inspection fee assessed.

(B) A new license issued under the above terms may be renewed for successive terms of five years.

(5) Upon a finding by the authority that the private sewage facility will not be licensed, the applicant shall be notified in writing of that finding and of the faults which prevent licensing.

**.006. Approval of Subdivision Plans for Private Sewage Facilities.**

(a) Any developer or other interested person desiring to create a subdivision using private sewage facilities must obtain approval from the authority of his plans for sewage disposal. He must fulfill the following requirements:

(1) An application for approval of the subdivision sewage disposal plans and appropriate filing fee shall be submitted to the authority.

(2) The developer shall inform each prospective buyer:

(A) that the subdivision is subject to all of the terms and conditions of this subchapter;

(B) that a license will be required for any private sewage facility constructed in the subdivision;

(C) that a sewage disposal plan has been filed for the subdivision and that the areas suitable for private sewage facilities have been defined.

(3) If investigation pursuant to this section reveals that a lot is not suitable for use of private sewage facilities, the prospective buyer shall be so notified.

(b) The authority will perform necessary tests and inspections to determine whether the subdivision can be served with private sewage facilities. By agreement between the authority and the developer, all or part of the tests may be performed by an engineering firm or soils testing laboratory approved by the authority. The authority will notify the

developer of the findings of its examination and will point out any deficiencies in the plan for sewage disposal. Specifically, the authority will notify the developer of any areas not suitable for the use of private sewage facilities and whether the proposed developmental density is consistent with the use of private sewage facilities. Approval of a subdivision plan for sewage disposal does not constitute a license for a specific private sewage facility. An approved plan is, however, a prerequisite for obtaining a private sewage facility license in a subdivision.

*.007. Existing Private Sewage Facilities.*

(a) All private sewage facilities existing within the regulated area should now be licensed or registered pursuant to Texas Water Quality Board Rules 130.12.18.002-.016. Licenses and registrations issued under the previous rules will remain in effect for the term stated thereon as if issued under this subchapter.

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(c) Registration issued under the authority of Texas Water Quality Board Rules 130.12.18.002-.016 will not bar any action to abate a nuisance as defined in Article 4477-1, Vernon's Texas Civil Statutes. If a registered system is found to be malfunctioning, the authority may require licensing in accordance with Rule .005 of this subchapter.

*.008. Connection of Private Sewage Facilities to Organized Waste Collection, Treatment, and Disposal Systems.* In order to implement the stated policy of the legislature and the department that the development and use by interested and affected parties of organized waste collection, treatment, and disposal systems to serve the waste disposal needs of the citizens of the state and to prevent pollution and maintain and enhance the quality of water in the state should be encouraged, the commission makes the following requirements:

(1) No license shall be issued for any private sewage facility when any part of that facility is closer than 300 feet in horizontal distance to an organized waste collection, treatment, and disposal system; rather, the facility shall be connected to the organized system whenever feasible and legally possible.

(2) Whenever an organized waste collection, treatment, and disposal system is developed to within 300 feet in horizontal distance from any part of a private sewage facility, licensed or not, that facility shall be connected to the organized system whenever feasible and legally possible.

*.009. Terms and Conditions for Granting Exceptions.* The commission intends that the regulations contained in this subchapter shall be strictly enforced, but realizes that certain individual situations may require the granting of an exception to the requirements contained in the subchapter so that hardships may be avoided. Therefore, the following terms and conditions are established:

(1) Any person desiring an exception shall file an application with the authority for its analyses of the specifics of the situation.

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(1) All of the appropriate steps required of the aggrieved person by the terms and conditions of this subchapter have been met.

(2) The aggrieved person has made a conscientious effort to resolve his problem with the authority.

*.011. Cooperative Agreement.* The authority and the executive director may execute a cooperative agreement pursuant to Chapter 26 of the Texas Water Code, providing for the performance by the authority of the water quality management, inspection, and enforcement functions required to be performed by the authority under this subchapter.

*.012. License Fees.* License fees, inspection fees, transfer fees, and renewal fees will be in accordance with Rule .015 of this subchapter. These fees shall be paid to and collected by the authority so long as the authority is delegated the licensing function and the administration of the licensing system specified in this subchapter. The establishment of the fee schedule does not impair or prohibit the imposition of reasonable charges by the authority for special services performed by the authority at the request of the applicant in connection with presentation of an application and required data. Percolation tests and other examinations will be performed by the authority on a cost basis. These tests may also be performed by engineering firms or soils-testing laboratories approved by the authority.

*.013. Enforcement of this Subchapter.*

(a) Criminal penalty (Texas Water Code, Section 26.214).

(1) A person who violates any provision of this subchapter is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$200. Each day a violation occurs constitutes a separate offense.

(2) Jurisdiction for prosecution of a suit under this section is in the justice of the peace courts.

(3) Venue for prosecution of a suit under this section is in the justice of the peace precinct in which the violation is alleged to have occurred.

(b) A person who violates any provision of this subchapter is subject to an injunction by court order and to a civil penalty for each act of violation and for each day of violation, to be recovered as provided in Chapter 26 of the Texas Water Code.

*.014. Severability Clause.* If any provision of this subchapter or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the subchapter and of the application of such provision to other persons and circumstances shall not be affected thereby.

*.015. Fee Schedule.*

(a) The following represents the approved fee schedule for the private sewage facilities regulatory program around Lake Fork Reservoir:

(1) private sewage facility license—\$25;

(2) five-year inspection fee—\$10;



(3) perform soil percolation test—\$40;

(4) transfer fee—\$5.

(b) Applications requesting the designation of any one of the above fees will be subject to review, and if investigations show that the fees paid were not correct, then applicant will either receive a refund or be required to pay any deficit.

Issued in Austin, Texas, on November 21, 1978.

Doc. No. 787754

Mary Ann Hefer  
Chief Clerk  
Texas Water Commission

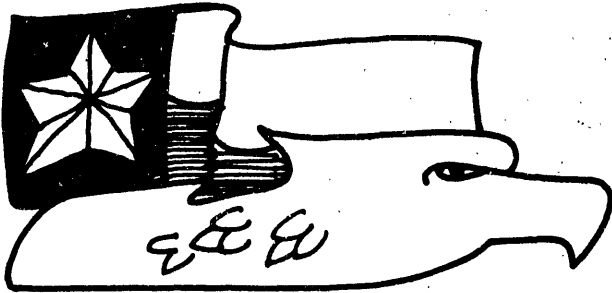
Bruce Bigelow  
General Counsel  
Texas Department of Water Resources

Effective Date: December 13, 1978

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



This section includes summarized opinions in cases on appeal from administrative decisions of local, state, and federal governments and agencies. The section contains opinions of the U.S. Supreme Court, U.S. Circuit Courts of Appeals, U.S. District Courts, the Texas Supreme Court, and Texas Courts of Civil Appeals. Selected opinions of particular importance dealing with other than administrative appeals may also be included here from time to time. State court opinions are cited in the *Texas Lawyers' Weekly Digest*. Opinions from federal courts are cited in *The United States Law Week*.



## 12th Court of Civil Appeals Texas Health Facilities Commission v. Baptist General Convention

A trial court may properly review an order of the commission and it may determine that the order was not supported by substantial evidence presented to the trial court or was arbitrary and capricious. The trial court may remand the cause to the commission for further proceedings if there is a need for further action that involves the exercise of discretion by the commission, but the court does not have authority to substitute its own discretion for that of the commission. However, for a court judgment to have a practical effect, when there are no further discretionary proceedings necessary, the judgment of the court setting aside the commission's order carries with it the converse, *i.e.*, that the commission should grant the certificate of need. (On motion for rehearing. Prior opinion reported at 3 TexReg 4091) (15 TLWD 45, at 4)

Filed: October 19, 1978, Tyler  
Doc. No. 3C94

# OPEN MEETINGS

4231

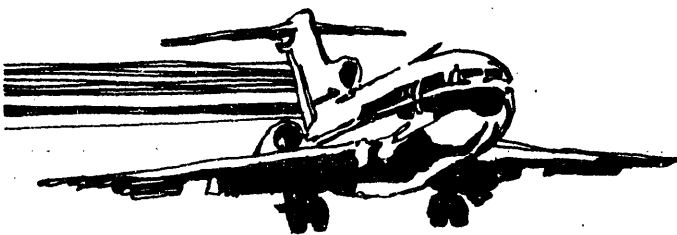
The Open Meetings Act (Article 6252-17, Texas Civil Statutes) requires that an agency with statewide jurisdiction have notice posted for at least seven days before the day of a meeting. A political subdivision covering all or part of four or more counties, or an institution of higher education, must 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 Aeronautics Commission

**Tuesday, December 5, 1978, 2 p.m.** The Texas Aeronautics Commission made an emergency addition to the agenda of a meeting to be held in Room 221, State Office Building, 410 East 5th Street, Austin. As summarized, the addition includes the consideration of the commission's position on proposed merger between Continental Air Lines, Inc., and Western Air Lines, Inc.

Additional information may be obtained from Robert G. Cross, 410 East 5th Street, Austin, Texas 78701, telephone (512) 475-4768.

Filed: November 30, 1978, 10 a.m.  
Doc. No. 787882



## Texas Air Control Board

**Thursday, December 7, 1978, 3 p.m.** The Texas Air Control Board Regulation Committee will meet in the C & P Conference Room, 8520 Shoal Creek Boulevard, Austin, to receive a briefing from the staff on the delegation of the board of authority to enforce New Source Performance Standards and National Emissions Standards for Hazardous Air Pollutants promulgated pursuant to the Federal Clean Air Act, as summarized in the agenda.

Additional information may be obtained from John B. Turney, 8520 Shoal Creek Boulevard, Austin, Texas 78758, telephone (512) 451-5711, extension 354.

Filed: November 28, 1978, 12:06 p.m.  
Doc. No. 787817

**Friday, December 8, 1978, 9:30 a.m.** The Texas Air Control Board will meet at 8520 Shoal Creek Boulevard, Austin, to consider the following items, as summarized: reports by executive director; service awards for 10-year employees; compliance status of Stauffer Chemical Company; revisions to State Implementation Plan; petitions to postpone due dates for State Implementation Plan for lead and photochemical oxidants; hearing examiner's report; and new business.

Additional information may be obtained from John B. Turney, 8520 Shoal Creek Boulevard, Austin, Texas 78758, telephone (512) 451-5711, extension 354.

Filed: November 28, 1978, 12:06 p.m.  
Doc. No. 787816

## Texas Commission on the Arts and Humanities

**Thursday, December 7, 1978, 11 a.m.** The Texas Commission on the Arts and Humanities will meet at 1801 Lavaca, Austin, to hear committee reports, executive director's reports, chairman's reports, and to take any necessary action, as summarized in the agenda.

Additional information may be obtained from Pat McCabe Leche, P.O. Box 13406, Austin, Texas 78712, telephone (512) 475-6593.

Filed: November 27, 1978, 3:17 p.m.  
Doc. No. 787790

## State Banking Board

**Wednesday, December 13, 1978, 9 a.m.** The State Banking Board will conduct a consolidated hearing at 2601 North Lamar, Austin, regarding the applications for charter for Bank of Missouri City (to be located in Missouri City) and for Fort Bend County Bank (to be located in Stafford), 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 29, 1978, 1:40 p.m.  
Doc. No. 787847

## Texas Department of Community Affairs

**Thursday, December 14, 1978, 10 a.m.** The Advisory Council of the Texas Department of Community Affairs will meet in the fourth floor conference room, 210 Barton Springs Road, Austin, to hear the executive director's report, consider general business, and conduct members' discussion, as summarized in the agenda.

Additional information may be obtained from Bill Stoll, 210 Barton Springs Road, Austin, Texas 78704, telephone (512) 475-5416.

Filed: November 28, 1978, 3:23 p.m.  
Doc. No. 787826

## Texas County and District Retirement System

**Thursday, December 7, 1978, 9 a.m.** The Board of Trustees of the Texas County and District Retirement System will meet at the Sheraton Crest Inn, 111 East 1st Street, Austin, to consider the following items, as summarized: applications for service retirement benefits and for disability retirement benefits; selection of auditor for the year 1979; review and action on reports from actuary, investment counsel, legal counsel, and director; proposed budget for the year 1979; determination of interest rate for the year 1978; resolutions regarding expense fund and distributive benefits account of endowment fund; and election of officers for the year 1979.

Additional information may be obtained from the Texas County and District Retirement System, 802 Perry-Brooks Building, Austin, Texas 78701, telephone (512) 476-6651.

Filed: November 27, 1978, 2:38 p.m.  
Doc. No. 787781

## Texas Commission for the Deaf

**Saturday, December 2, 1978, 8:30 a.m.** The Texas Commission for the Deaf made an emergency change of location for a meeting to be held in Suite 213, 3724 Jefferson, Austin. As summarized, the commission considered the following items: personnel (executive session); interpreter fee schedule; legislative/appropriations status; code of ethics; contacts with attorney general's office; approval of contracts and employment; Section 504 of the Rehabilitation Act; legislative affairs; and agenda for next meeting.

Additional information may be obtained from Gerry G. Gammage, Suite 1401, 400 North St. Paul, Dallas, Texas 75201.

Filed: November 30, 1978, 10:10 a.m.  
Doc. No. 787869

## Texas Department of Health

**Public Hearings in December.** The Texas Department of Health will conduct public hearings during December, as summarized:

### Thursday, December 14, 1978

10 a.m.—Commissioners Courtroom, San Patricio County Courthouse, Sinton; to consider the application of the City of Mathis to operate a proposed Type I municipal solid waste disposal site to be located on the northwest side of Mathis, one mile west northwest of the intersection of Interstate Highway 37 and State Highway 359 on the northeast side of the Missouri-Pacific Railroad on San Patricio County.

### Tuesday, December 19, 1978

2 p.m.—Town of Highland Park, City Council Chambers, City Hall, 4700 Drexel Drive, Dallas; to consider the application of the Town of Highland Park to operate a proposed Type V municipal solid waste transfer station to be located at 5020 Holland Avenue, Highland Park (Dallas), in Dallas County.

1:30 p.m.—Same location as above; to consider the application of the Town of Highland Park to operate an existing municipal solid waste disposal site located in the City of Hebron, Denton County.

### Wednesday, December 20, 1978

9 a.m.—District Courthouse, Baylor County Courthouse, Seymour; to consider nine applications of the W. T. Waggoner Estate to operate municipal solid waste disposal sites. Application Nos. 1095-1102 are located in Cara Blanca Park near Lake Kemp in Baylor County; application 1103 is located in Archer County northwest of Lake Diversion.

### Wednesday, December 20, 1978

10 a.m.—Baylor County Courthouse, District Courtroom, Seymour; to consider the application of the City of Seymour to operate a brush and construction-demolition waste disposal site located southeast of Seymour.

10 a.m.—City of Wilmer, Community Center, 219 East Beltline Road, Wilmer; to consider the application of Municipal Sanitation Services to operate a proposed municipal solid waste disposal site to be located immediately south of Pleasant Run Road, 500 feet west of Post Oak Road, 0.4 mile north of Belt Line Road, 1.7 miles east of Interstate Highway 45, and immediately northeast of the Wilmer City Limits, in Dallas County.

### Tuesday, December 12, 1978

Council Chambers, City Hall, 1829 Sam Houston Street, Liberty; to consider the application of the City of Liberty to operate a proposed Type I municipal solid waste disposal site to be located two miles east of Liberty, 1.5 miles east of Ames, 0.3 mile north of the junction of FM Road 1909 and U.S. Highway 90, on the west side of FM Road 1909 in Liberty County.

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

Filed: November 28, 1978, 9:53 a.m.  
Doc. No. 787801



## Texas Health Facilities Commission

**Thursday, December 7, 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:

- Huntley Convalescent Center, Post—motion to amend certificate of need order
- Abilene State School, Abilene—petition for reissuance of certificate of need
- Shady Oak Nursing Home, Inc., Moulton—exemption certificate
- Seton Medical Center, Austin—exemption certificate
- Collingsworth General Hospital, Wellington—exemption certificate
- Hopkins County Memorial Hospital, Sulphur Springs—exemption certificate

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

Filed: November 29, 1978, 4:02 p.m.  
Doc. No. 787857

**Thursday, December 14, 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:

- Angelina Lodge, Palestine—certificate of need
- Nacogdoches Medical Center, Nacogdoches—certificate of need
- Memorial Hospital, Lufkin—certificate of need
- The Methodist Hospital, Houston—certificate of need
- Rolling Plains Memorial Hospital, Sweetwater—certificate of need
- County Estates Nursing Home, Lancaster—certificate of need

All Saints Episcopal Hospital, Fort Worth—motion to amend certificate of need order

Alief General Hospital, Houston—certificate of need

Deep East Texas Regional MH/MR Services, Lufkin—declaratory ruling

Schlesinger Home Health Agency-Odessa Sub-Unit, Odessa—exemption certificate

Menard Hospital, Menard—exemption certificate

Texas Children's Hospital, Houston—exemption certificate

Memorial City General Hospital Corporation, Houston—exemption certificate

McKenna Memorial Hospital, New Braunfels—exemption certificate

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

Filed: November 29, 1978, 4:02 p.m.  
Doc. No. 787856

## Texas Department of Human Resources

**Thursday, December 7, 1978, 9 a.m.** The Texas Board of Human Resources will meet in Room 406, John H. Reagan Building, Austin, to consider the following items, as summarized: infant adoption program of Bell County; amendment of required education and experience qualifications for child placing agency staff; ACCEDC of Hidalgo County; adoption of nursing home reimbursement methodology and establishment of vendor payment rates; rural health clinics; report on Title XIX personal care project; Title XIX audit exceptions; contract amendment with Group Hospital Services, Inc., for extraordinary claims payments; fee adjustment in Vendor Drug Program; Medicaid fraud unit; conversion of Waco State Home to residential treatment facility; Food Stamp contingency funding; report of Food Stamp Implementation Advisory Committee; records management center; approval of final rule regarding failure of food stamp households to provide information; technical amendments to program policies and procedures; commissioner's report; and personnel matters and pending litigation (executive session).

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

Filed: November 28, 1978, 11:37 a.m.  
Doc. No. 787815

**Saturday, December 9, 1978, 9 a.m.** The Medical Care Advisory Committee of the Texas Department of Human Resources will meet in Room 416 of the John H. Reagan Building in Austin to consider nursing home cost-related reimbursement; the status of Medicaid rural health clinics; a pilot project—personal care; the Vendor Drug subcommittee report; and the Dallas EPSDT Advisory Committee report, as summarized in the agenda.

Additional information may be obtained from John Boff, Department of Human Resources, John H. Reagan Building, Austin, Texas 78701, telephone (512) 475-6364.

Filed: November 30, 1978, 10:57 a.m.  
Doc. No. 787870

## State Board of Insurance

**Monday, December 4, 1979, 10 a.m.** The Texas Water Commission made an emergency addition to the agenda of a meeting held in the Stephen F. Austin Building, 1700 North Congress, Austin, to consider a petition for creation of Harris County Municipal Utility District No. 159 for filing and setting of a hearing date.

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

Filed: November 29, 1978, 2:45 p.m.  
Doc. No. 787852

**Thursday, December 7, 1978, 10 a.m.** The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 343, 1110 San Jacinto, Austin, to consider a charter amendment for the Coaches of America Life Insurance Company (El Paso).

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

Filed: November 29, 1978, 2:59 p.m.  
Doc. No. 787853

**Friday, December 8, 1978, 10 a.m.** The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 343, 1110 San Jacinto, Austin, to consider an application by Wilshire Insurance Company (Los Angeles, California) to acquire control of Consumer Casualty Insurance Association (Fort Worth), pursuant to Texas Insurance Code Annotated, Article 21.49-1, Section 5.

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

Filed: November 28, 1978, 10:18 a.m.  
Doc. No. 787811

**Wednesday, December 13, 1978, 9 a.m.** The State Board of Insurance will meet in Room 408, 1110 San Jacinto, Austin, to consider an appeal of World Service Life Insurance Company from Commissioner's Order No. 78-1639.

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

Filed: November 28, 1978, 10:18 a.m.  
Doc. No. 787810

**Wednesday, December 13, 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 an application by Provident American Insurance Company (Dallas) to acquire control of Commercial National Life Insurance Company (Fort Worth), pursuant to Texas Insurance Code Annotated, Article 21.49-1, Section 5.

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

Filed: November 28, 1978, 10:18 a.m.  
Doc. No. 787812

**Thursday, December 14, 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 conduct a public hearing regarding alleged violations by Dennis P. Condon (Friendswood) of the Texas Insurance Code.

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

Filed: November 28, 1978, 10:18 a.m.  
Doc. No. 787813

**Friday, December 15, 1978, 10 a.m.** The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 343, 1110 San Jacinto, Austin, to consider an extension of time within which to sell real estate of Republic National Life Insurance Company, pursuant to Texas Insurance Code Annotated, Article 3.40.

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

Filed: November 28, 1978, 10:18 a.m.  
Doc. No. 787814

## Texas Advisory Commission on Intergovernmental Relations

**Thursday, December 7, 1978, 8:45 a.m.** The Committee on Alternative Sources of Revenue for Local Governments of the Texas Advisory Commission on Intergovernmental Relations will meet in Conference Room F, John H. Reagan Building, 15th and Congress, Austin, to review activities relating to implementation of certain parts of the Tax Relief Amendment and staff research on local government nontax revenues, as summarized in the agenda.

Additional information may be obtained from David Spurgin, Room 622, Stephen F. Austin Building, 1700 North Congress, Austin, Texas 78701, telephone (512) 475-3728.

Filed: November 27, 1978, 1:21 p.m.  
Doc. No. 787775

**Thursday, December 7, 1978, 10 a.m.** The Texas Advisory Commission on Intergovernmental Relations will meet in Conference Room E, John H. Reagan Building, 15th and Congress, Austin, to consider a report including recommendations pertaining to professional standards for local law enforcement officers in Texas, as summarized in the agenda. Other commission business will include discussion and possible adoption of topics for the commission's future work program.

Additional information may be obtained from Jay Stanford, Room 622, Stephen F. Austin Building, 1700 North Congress, Austin, Texas 78701, telephone (512) 475-3728.

Filed: November 27, 1978, 1:21 p.m.

Doc. No. 787776

**Thursday, December 7, 1978, 1 p.m.** The Committee on Coordination of Local Government Training Programs of the Texas Advisory Commission on Intergovernmental Relations will meet in Conference Room D, John H. Reagan Building, 15th and Congress, Austin, to consider the following items, as summarized: reports on the Texas training picture for local government personnel; results of a preliminary needs survey; and an overview of methods for coordinating training programs for local government personnel in selected states.

Additional information may be obtained from Dr. Paulette Coleman, Room 622, Stephen F. Austin Building, 1700 North Congress, Austin, Texas 78701, telephone (512) 475-3728.

Filed: November 27, 1978, 1:21 p.m.

Doc. No. 787777

## Texas Department of Mental Health and Mental Retardation

**Thursday, December 7, 1978, 2 p.m.** The Texas State Mental Health Advisory Council of the Texas Department of Mental Health and Mental Retardation will meet in Room 240, 909 West 45th Street, Austin, to consider the following items, as summarized: report on status of mental health legislation at close of 95th Congress; report on activities in mental health at federal level; progress report on activities of Citizens for Human Development, Inc., and Special Committee to Study Delivery of Human Services in Texas; report on preliminary state health plan developed by Texas Department of Health; coordination of alcoholism services between state mental hospitals, community mental health/mental retardation centers, and other community-based alcoholism programs; report on problem-oriented record system; and development of criteria to determine manifest dangerousness of mental patients with emphasis on those in maximum security hospitals.

Additional information may be obtained from Stuart Fisher, P.O. Box 12668, Austin, Texas 78711, telephone (512) 454-3761, extension 261.

Filed: November 27, 1978, 4 p.m.

Doc. No. 787792

**Friday, December 8, 1978, 9 a.m.** The Texas State Mental Health Advisory Council of the Texas Department of Mental Health and Mental Retardation will meet in Room 240, 909 West 45th Street, Austin, to consider the following items, as summarized: review of research and training activities of the Texas Research Institute of Mental Sciences; and report and recommendations of the Nominating Committee (executive session).

Additional information may be obtained from Stuart Fisher, P.O. Box 12668, Austin, Texas 78711, telephone (512) 454-3761, extension 261.

Filed: November 27, 1978, 4 p.m.

Doc. No. 787793

## State Board of Morticians

**Wednesday, December 13, 1978, 9 a.m.** The State Board of Morticians will meet at 1513 South Interstate Highway 35, Austin, to consider the following items, as summarized: request by an apprentice to appear to discuss his grades made on the oral and practical exam last September; request by licensee to appear to discuss board matters; appearance by applicant for licenses by reciprocity from Ohio; discussion of temporary permit holder; report by Mr. McCammon on all complaints received since the last meeting; report by Mr. Clayton on investigations in his territory; and report by Herbert Baker on the recent EEO meeting attended in Dallas.



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

Filed: November 29, 1978, 3:14 p.m.

Doc. No. 787855

## Texas Municipal Retirement System

**Saturday, December 16, 1978, 9 a.m.** The Board of Trustees of the Texas Municipal Retirement System will meet in the Caucus Room, Austin Hilton Inn, 6000 Middle Fiskville Road, Austin, to consider the following items, as summarized: approval of service and disability retirements; approval of amendments to 1978 budget; approval of proposed 1979 budget; review of financial statements, investment reports, and other reports of the director, assistant director, actuary, and legal counsel; transfer of inactive accounts; approval of changes in benefit structure by member cities; determination and allocation of interest to various funds and accounts of the system; transfer of funds from Interest Reserve Account of the Endowment Fund to the Expense Fund to cover expenses of the system; determination and provision of distributive benefits as defined in the act; designation of depositories for the funds of the system; proposed amendments to TMRS Act; and any other business.

Additional information may be obtained from Jimmie L. Mormon, 500 Perry-Brooks Building, Austin, Texas 78701, telephone (512) 476-7577.

Filed: November 29, 1978, 2:32 p.m.

Doc. No. 787851

## State Occupational Information Coordinating Committee

**Wednesday, December 6, 1978, 9 a.m.** The Technical Steering Group of the State Occupational Information Coordinating Committee made an emergency addition to the agenda of a meeting held on the second floor, 55 North Interstate Highway 35, Austin, to include a review of Special Purpose Research proposals.

Additional information may be obtained from Ed Ney, Texas Employment Commission Building, Austin, Texas 78701, telephone (512) 397-4970.

Filed: November 27, 1978, 3:16 p.m.

Doc. No. 787789

## Texas Optometry Board

**Wednesday, December 6, 1978, 4:30 p.m., and Thursday, December 7, 1978, 8:30 a.m.** The Texas Optometry Board will meet at the Hilton Inn, 6000 Middle Fiskville Road, Austin. The Ad Hoc Committee will meet to discuss changes to the Texas Optometry Act and to make recommendations to

full board on the following day. The agenda of the general board meeting will include the following items, as summarized: reports of secretary-treasurer, legal counsels, Ad Hoc Committee, and all committees; old business, such as FTC matters and attorney general requests; new business, including adoption of guidelines and rule regarding filing of charges and correspondence from licensees; and informal conference to be held at 8 a.m. on December 7 by the Investigation-Enforcement Subcommittee.

Additional information may be obtained from Lois Ewald, Suite H-101, 5555 North Lamar, Austin, Texas 78751, telephone (512) 458-2141.

Filed: November 28, 1978, 4:31 p.m.

Doc. No. 787834

## Board of Pardons and Paroles

**Monday through Friday, December 11-15, 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 28, 1978, 10:18 a.m.

Doc. No. 787808

**Wednesday, December 13, 1978, 9 a.m.** The Board of Pardons and Paroles will meet in the Diagnostic Unit, Texas Department of Corrections, Huntsville. A parole panel, consisting of members of the Board of Pardons and Paroles and members of the Texas Parole Commission, will conduct parole violation hearings.

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

Filed: November 28, 1978, 10:18 a.m.

Doc. No. 787809

## Texas Department of Public Safety

**Thursday, December 7, 1978, 10 a.m.** The Public Safety Commission of the Texas Department of Public Safety will meet at 5805 North Lamar, Austin, to consider the following items: approval of internal manuals; budget matters; personnel matters; building program; and any other unfinished business.



Additional information may be obtained from Wilson E. Speir, 5805 North Lamar, Austin, Texas 78751, telephone (512) 452-0331, extension 3700.

Filed: November 28, 1978, 1:57 p.m.  
Doc. No. 787818

## COMMUNICATIONS



## Public Utility Commission of Texas

**Tuesday, December 12, 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 Southwestern Public Service Company to amend its certificate of convenience and necessity for a proposed generating station within Lamb County (Docket No. 2226), 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 29, 1978, 9:16 a.m.  
Doc. No. 787837

**Tuesday, December 12, 1978, 2 p.m.** The Hearings Division of the Public Utility Commission of Texas has rescheduled a prehearing to be held in Suite 400N, 7800 Shoal Creek Boulevard, Austin, regarding an application of Waco Communications, Inc., to amend its certificate of convenience and necessity within Bell, Coryell, McLennan, Falls, Burnet, Williamson, Milam, and Lampasas Counties (Docket No. 2140), as summarized in the agenda. This hearing was originally scheduled for December 4.

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

Filed: November 30, 1978, 10 a.m.  
Doc. No. 787865

**Friday, December 15, 1979, 2 p.m.** The Hearings Division of the Public Utility Commission of Texas will conduct a prehearing in Suite 400N, 7800 Shoal Creek Boulevard, Austin, regarding an application of Coastal Bend Communications, Inc., for sale to Central Paging Service, Inc., and of Central Paging Service, Inc., for a certificate of convenience and necessity to provide radio-telephone service in Nueces and San Patricio Counties (Docket Nos. 2239 and 2240), 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 30, 1978, 10 a.m.  
Doc. No. 787864

**Thursday, December 21, 1978, 9 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 Military Highway Water Supply Corporation to amend its certificate of convenience and necessity within Cameron and Hidalgo Counties (Docket No. 2198), 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 29, 1978, 9:16 a.m.  
Doc. No. 787838

**Thursday, December 28, 1978, 9 a.m.** The Hearings Division of the Public Utility Commission of Texas has rescheduled a hearing to be held in Suite 400N, 7800 Shoal Creek Boulevard, Austin, regarding an application of General Telephone Company of the Southwest for a cease and desist order against South Plains Telephone Cooperative, Inc., within Hockley County (Docket No. 2428), as summarized in the agenda. This hearing was originally scheduled for December 6.

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

Filed: November 28, 1978, 9:53 a.m.  
Doc. No. 787800

**Monday, January 22, 1979, 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 a petition of Houston Lighting and Power Company for review of rate ordinance of the City of Houston (Docket No. 2248), 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 30, 1978, 10 a.m.  
Doc. No. 787863

## Railroad Commission of Texas

**Wednesday, November 29, 1978, 9 a.m.** The Gas Utilities Division of the Railroad Commission of Texas met in emergency session in the Ernest O. Thompson Building, 10th and Colorado Streets, Austin. As summarized, the commission considered Docket 1788, consideration of suspension order for statement of intent filed by Lone Star Gas Company to increase the burner tip rates in the environs of Round Rock. Emergency consideration of this order was an urgent public necessity because, unless the commission issued this order prior to December 4, 1978, the proposed rates would have gone into effect by operation of law. The docket was previously set for the commission's consideration on December 4, but that meeting was cancelled.

Additional information may be obtained from Jeff Browning, P.O. Box 12967, Austin, Texas 78711, telephone (512) 475-2747.

Filed: November 28, 1978, 2:22 p.m.  
Doc. No. 787821

**Wednesday, November 29, 1978, 9 a.m.** The Gas Utilities Division of the Railroad Commission of Texas made an emergency addition to the agenda of a meeting held in the Ernest O. Thompson Building, 10th and Colorado Streets, Austin. As summarized, the commission considered Gas Utilities Docket 1801, application of United Texas Transmission Company and Houston Natural Gas Corporation for an exception to the order in Gas Utilities Docket No. 600, consideration of interim order. An urgent public necessity existed for the gas deliveries to have begun December 1, 1978, making timely posting impossible.

Additional information may be obtained from Joy Wood, P.O. Box 12967, Austin, Texas 78711, telephone (512) 475-2747.

Filed: November 28, 1978, 2:22 p.m.  
Doc. No. 787822

**Wednesday, November 29, 1978, 9 a.m.** The Surface Mining Division of the Railroad Commission of Texas met in emergency session on the 10th floor, Ernest O. Thompson Building, 10th and Colorado Streets, Austin. As summarized, the commission considered a motion for rehearing filed on behalf of Continental Oil Company (Conquista Project) which requests reconsideration of five statements or provisions of the Commission's Order of Permit Application Approval dated October 23, 1978. Consideration of this motion was an urgent public necessity since failure to take action would have allowed the motion to be overruled by operation of law.

Additional information may be obtained from Ches Blevins, P.O. Box 12967, Austin, Texas 78711, telephone (512) 475-6520.

Filed: November 28, 1978, 2:22 p.m.  
Doc. No. 787820

## School Land Board

**Tuesday, December 5, 1978, 10 a.m.** The School Land Board of the General Land Office will meet in Conference Room 831, Stephen F. Austin Building, 1700 North Congress

Avenue, Austin, to consider the following items, as summarized: one excess acreage; proposed procedural rules of the board; one alteration request concerning coastal public lands; coastal public lands report concerning nine renewals; and four easement applications concerning coastal public lands.

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

Filed: November 27, 1978, 2:38 p.m.  
Doc. No. 787780

## School Tax Assessment Practices Board

**Monday through Friday, December 4-8, 1978, 8 a.m. until recess each day.** The School Tax Assessment Board will meet in Suite 500, 3301 Northland Drive, Austin, to conduct hearings by school districts, as summarized.

Additional information on the agenda for December 5 may be obtained from Russell R. Graham, Suite 500, 3301 Northland Drive, Austin, Texas 78731, telephone (512) 454-5781.

Filed: November 27, 1978, 4:50 p.m.  
Doc. No. 787796

**Monday through Friday, December 4-8, 1978, 8 a.m. until recess each day.** The School Tax Assessment Board will meet in Suite 500, 3301 Northland Drive, Austin, to conduct hearings by school districts, as summarized.

Additional information on the agenda for December 6 may be obtained from Russell R. Graham, Suite 500, 3301 Northland Drive, Austin, Texas 78731, telephone (512) 454-5781.

Filed: November 28, 1978, 4:39 p.m.  
Doc. No. 787835

**Monday through Friday, December 4-8, 1978, 8 a.m. until recess each day.** The School Tax Assessment Board will meet in Suite 500, 3301 Northland Drive, Austin, to conduct hearings by school districts, as summarized.

Additional information on the agenda for December 7 may be obtained from Russell R. Graham, Suite 500, 3301 Northland Drive, Austin, Texas 78731, telephone (512) 454-5781.

Filed: November 29, 1978, 4:28 p.m.  
Doc. No. 787858

## Secretary of State

**Thursday, November 30, 1978, 10:30 a.m.** The Elections Division of the Secretary of State met in emergency session in Room 125, Secretary of State's Office, State Capitol, Austin, to conduct an official meeting of the State Canvassing Board to canvass results of the November 7, 1978, general election.

Additional information may be obtained from Milton Malloy, P.O. Box 12887, Austin, Texas 78711, telephone (512) 475-3091.

Filed: November 29, 1978, 9:53 a.m.  
Doc. No. 787842

## State Securities Board

**Monday, December 4, 1978, 9 a.m.** The State Securities Board met in emergency session in Room 709, Lyndon B. Johnson Building, Austin, to conduct a hearing to determine whether the registration of Ehrlich-Bober and Company, Inc., as a general securities dealer, should be revoked or suspended.

Additional information may be obtained from Patrick Lanier, Room 709, Lyndon B. Johnson Building, Austin, Texas 78701, telephone (512) 475-4561.

Filed: November 27, 1978, 3:37 p.m.  
Doc. No. 787791

## Sunset Advisory Commission

**Monday, December 4, 1978, 10 a.m.** The Sunset Advisory Commission met in emergency session in Room 301, State Capitol, Austin, to consider draft legislation on various agencies under the Sunset Review Process, as summarized in the agenda.

Additional information may be obtained from Bill Wells, 704 Sam Houston Building, Austin, Texas 78701, telephone (512) 475-6565.

Filed: November 29, 1978, 3:05 p.m.  
Doc. No. 787854

projects for two campus buildings and change orders on existing contracts, as summarized in the agenda.

Additional information may be obtained from Everett O. Bell, 3201 Wheeler, Houston, Texas 77004, telephone (713) 529-8911.

Filed: November 27, 1978, 2:38 p.m.  
Doc. No. 787783

**Friday, December 8, 1978, 9 a.m.** The Finance Committee of the Texas Southern University Board of Regents will meet in Room 121, Hannah Hall, 3201 Wheeler Avenue, Houston, to consider monthly financial reports from the administration in a routine meeting.

Additional information may be obtained from Everett O. Bell, 3201 Wheeler, Houston, Texas 77004, telephone (713) 529-8911.

Filed: November 27, 1978, 2:38 p.m.  
Doc. No. 787784

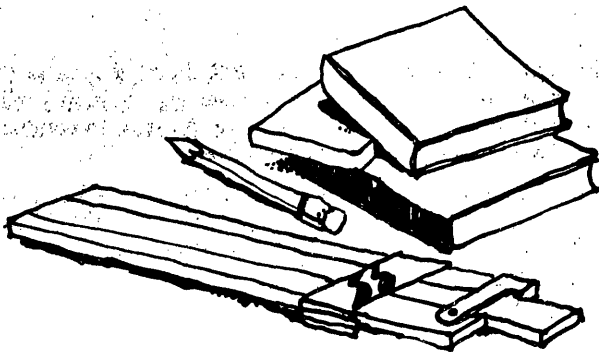
**Friday, December 8, 1978, 10 a.m.** The Board of Regents of Texas Southern University will meet in Room 117 (conference room), Hannah Hall, 3201 Wheeler, Houston, to consider financial, curriculum, and personnel matters, as summarized in the agenda.

Additional information may be obtained from Everett O. Bell, 3201 Wheeler, Houston, Texas 77004, telephone (713) 529-8911.

Filed: November 27, 1978, 2:38 p.m.  
Doc. No. 787782

## Texas State Technical Institute

**Sunday, December 10, 1978, 2 p.m., and Monday, December 11, 1978, 9 a.m.** The Board of Regents of the Texas State Technical Institute will meet at TSTI-Harlingen, Harlingen, to consider the following items, as summarized: report by TSTI-Harlingen campus; report of scheduled classes meeting with less than 10 students; declaration of buildings as not needed for educational or training needs at TSTI-Amarillo; approval of budget changes and signature authorizations; authorization for sale of excess buildings on TSTI-Waco campus; sale of donated vehicle, TSTI-Amarillo; lease agreements for Buildings 9521, 9519, and 9517 at TSTI-Amarillo; transfer of title to the Instrument Landing System (ILS) installed at TSTI-Waco campus airport; approval of proposed bond resolution and distribution of offering documents; sealed bid offer on surplus personal property, TSTI-Amarillo; approval of revised campus master plan, TSTI-Amarillo; authorization to apply for Economic Development Administration Grant at TSTI-Amarillo; appointment of architect for Skills Development Center at TSTI-Amarillo; approval of final plans for TSTI-Harlingen student housing and authorization to advertise for and take competitive bids; authorization to advertise for and take competitive bids for construction of student housing at TSTI-Sweetwater and



## Texas Southern University

**Friday, December 8, 1978, 9 a.m.** The Building and Grounds Committee of the Texas Southern University Board of Regents will meet in Room 131, Hannah Hall, 3201 Wheeler, Houston, to consider contractor bids on renovation

**Waco campuses; minimum wage for TSTI employees beginning January 1979; and other business.**

Additional information may be obtained from Theodore A. Talbot, Texas State Technical Institute, Waco, Texas 76705, telephone (817) 799-3611, extension 385.

Filed: November 30, 1978, 10 a.m.  
Doc. No. 787861

## Texas Water Commission

**Thursday, December 7, 1978, 10 a.m.** The Texas Water Commission will conduct a hearing in the Stephen F. Austin Building, 1700 North Congress, Austin, to consider an application by Continental Oil Company-Conquista Project for a temporary order authorizing the discharge of surface rainfall and ground water in Gonzales County, as summarized in the agenda.

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

Filed: November 28, 1978, 2:51 p.m.  
Doc. No. 787823

**Thursday, December 21, 1978, 10 a.m.** The Texas Water Commission will conduct a hearing in the Stephen F. Austin Building, 1700 North Congress, Austin, regarding two applications, as summarized: Application 3935 by William M. Wehring, M. S. Sandell, Wade Caraway, and Nelson Shave, seeking a permit for maintaining an existing dam and storing water to be diverted for irrigation purposes and released under Contractual Permit 176, as amended; and Application 3936 by Arthur B. Burnett, seeking a permit to directly divert and use not to exceed 110 acre/feet of water annually for irrigation of 55 acres of land in Schleicher County.

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

Filed: November 17, 1978, 2:42 p.m.  
Doc. No. 787611

**Thursday, January 4, 1979, 10 a.m.** The Texas Water Commission will conduct a hearing in the Stephen F. Austin Building, 1700 North Congress, Austin, regarding an application by P. J. Reeves, Jr. (Application No. 3932). As summarized, the applicant seeks a Section 11.121 permit to divert and use not to exceed 20 acre/feet of water per annum from Caney Creek, tributary of Matagorda Bay, Brazos-Colorado Coastal Basin, for irrigation purposes in Matagorda County.

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

Filed: November 16, 1978, 3:40 p.m.  
Doc. No. 787563

**Thursday, January 4, 1979, 10 a.m.** The Texas Water Commission will conduct a hearing in the Stephen F. Austin Building, 1700 North Congress, Austin, regarding an application by George Chase and Evelyn Willie Moody (Application No. 3931). As summarized, the applicant seeks a Section 11.121 permit to close the ports on a dam to be constructed on Live Oak Creek, tributary Hog Creek, tributary South Bosque River, tributary Brazos River, Brazos River Basin, and to impound therein 419 acre/feet of water and to divert and use therefrom 219 acre/feet of water per annum for irrigation purposes in Bosque County.

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

Filed: November 16, 1978, 3:40 p.m.  
Doc. No. 787564

**Thursday, January 4, 1979, 10 a.m.** The Texas Water Commission will conduct a hearing in the Stephen F. Austin Building, 1700 North Congress, Austin, regarding Application 3930 by Texas Parks and Wildlife Department. As summarized, the applicant seeks a permit to construct and maintain two concrete overflow dams on Frio River and impound in each of the reservoirs created six acre/feet and 30 acre/feet of water respectively and use impoundments for recreational purposes in Garner State Park in Uvalde County.

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

Filed: November 17, 1978, 2:42 p.m.  
Doc. No. 787612

**Thursday, January 4, 1979, 10 a.m.** The Texas Water Commission will conduct a hearing in the Stephen F. Austin Building, 1700 North Congress, Austin, regarding Application No. 3940 by International Paper Company. As summarized, the applicant seeks a permit to divert and use 50 acre/feet of water per annum from Black Creek, tributary Angelina River, tributary Neches River, Neches River Basin, for irrigation purposes in Nacogdoches County.

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

Filed: November 28, 1978, 2:51 p.m.  
Doc. No. 787824

**Friday, January 5, 1979, 10 a.m.** The Texas Water Commission will conduct a hearing in the Stephen F. Austin Building, 1700 North Congress, Austin, regarding the following applications, as summarized: Application 3910 by Vaquillas Ranch Company, Ltd., seeking a permit to maintain existing dam and reservoir on Salado Creek and to impound not to exceed 2640 acre/feet and divert and use therefrom not to exceed 300 acre/feet of water per annum to irrigate 100 acres of land in Webb County; and Application 3933 by Russell F. Wiggins (doing business as Cade Lakes Estate), seeking a permit to maintain two existing dams and reser-

voirs to impound therein 375 acre/feet and 300 acre/feet respectively and use the impounded waters for recreational purposes in Cade Lake Estates, Burleson County.

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

Filed: November 17, 1978, 2:42 p.m.  
Doc. No. 787613

**Friday, January 5, 1979, 10 a.m.** The Texas Water Commission will conduct a hearing in the Stephen F. Austin Building, 1700 North Congress, Austin, regarding Application No. 1006A by Sabine River Authority of Texas. As summarized, the applicant seeks an amendment to Permit No. 972 to change the purpose of use to industrial use; to appropriate an additional 46,700 acre/feet from the Sabine River for irrigation purposes in Orange County; to remove the restriction of two acre/feet of water per acre of land which is currently contained in the permit; and to describe for the record the point of diversion on the Sabine River in Newton County.

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

Filed: November 21, 1978, 2:46 p.m.  
Doc. No. 787681

**Friday, January 12, 1979, 10 a.m.** The Texas Water Commission will conduct a hearing in the Stephen F. Austin Building, 1700 North Congress, Austin, regarding Application No. 3975 by James Darrel Lusty. As summarized, the applicant seeks a permit to directly divert and use not to exceed nine acre/feet of water per annum from Richland Creek, tributary San Saba River, tributary Colorado River, Colorado River Basin, for the irrigation of 12 acres in San Saba County.

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

Filed: November 21, 1978, 2:46 p.m.  
Doc. No. 787680

**Friday, January 12, 1979, 10 a.m.** The Texas Water Commission will conduct a hearing in the Stephen F. Austin Building, 1700 North Congress, Austin, to consider Application No. 3939 by Frisch Auf Inc. As summarized, the applicant seeks a permit to impound in an existing off-channel reservoir not to exceed 12 acre/feet of water and to directly divert into the reservoir and subsequently use the water from Buckners Creek, tributary Colorado River, Colorado River Basin, for irrigation purposes in Fayette County.

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

Filed: November 27, 1978, 2:50 p.m.  
Doc. No. 787786

**Friday, January 12, 1979, 10 a.m.** The Texas Water Commission will conduct a hearing in the Stephen F. Austin Building, 1700 North Congress, Austin, regarding Application No. 3938 by Texas Parks and Wildlife Department. As summarized, the applicant seeks a permit to construct a dam on Purts Creek, tributary of South Twin Creek, tributary of Twin Creek, tributary Cedar Creek, tributary Trinity River, Trinity River Basin, and impound water for recreational purposes in Henderson and Van Zandt Counties.

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

Filed: November 27, 1978, 2:50 p.m.  
Doc. No. 787787

## Texas Water Development Board

**Thursday, December 21, 1978, 9:30 a.m.** The Texas Water Development Board will conduct a public hearing at the Institute of Texan Cultures, Hemisfair Plaza, San Antonio, concerning the removal of the designations from the San Antonio 208 Designated Area and the Alamo Area Council of Governments, as summarized in the agenda.

Additional information may be obtained from Paul A. Seals, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-7841.

Filed: November 27, 1978, 2:50 p.m.  
Doc. No. 787785

## Regional Agencies

### Meetings Filed November 27, 1978

**The Austin-Travis County MHMR Center, Personnel Committee,** met at 1430 Collier, Austin, on November 30, 1978, at 6:30 p.m. The Operations and Planning Committee will meet at the same location on November 30 at 6:45 p.m., and the Board of Trustees will meet at 7 p.m. Further information may be obtained from Daniel Dierschke, 1430 Collier, Austin, Texas 78704, telephone (512) 447-4141.

**The Education Service Center, Region VII, Board of Directors,** met in the Kilgore Room, Kilgore Community Inn, Kilgore, on December 4, 1978, at 7 p.m. Further information may be obtained from Don J. Peters, 818 East Main, Kilgore, Texas, telephone (214) 984-3071.

**The Education Service Center, Region XIII, Board of Directors,** met in Conference Room 206, 7703 North Lamar, Austin, on November 2, 1978, at 7 p.m. Further information may be obtained from Dr. Joe Parks, 7703 North Lamar, Austin, Texas 78752, telephone (512) 458-9131.

**The Heart of Texas Region MHMR Center, Board of Trustees,** met in the conference room, Main Center, 1401 North 18th Street, Waco, on December 1, 1978, at 11:30 a.m.

Further information may be obtained from Dean Maberry, 1401 North 18th Street, Waco, Texas 76703, telephone (817) 752-3451.

**The Panhandle Regional Planning Committee**, Board of Directors, met in the conference room, Civic Center Travelodge, 321 Polk, Amarillo, on November 30, 1978, at 1:30 p.m. Further information may be obtained from George Loudder, P.O. Box 9257, Amarillo, Texas 79105.

**The Permian Basin Health Systems Agency** met in the PBRPC conference room, Air Terminal, Midland, on December 1, 1978, at 2:30 p.m. Further information may be obtained from Jeanne Kaferle, P.O. Box 6391, Midland, Texas 79701, telephone (915) 563-1061.

**The San Jacinto River Authority**, Board of Directors, met in the Houston Club Building, Houston, on November 30, 1978, at noon. Further information may be obtained from Jack K. Ayer, P.O. Box 329, Conroe, Texas 77301, telephone (713) 588-1111.

**The South Texas Health Systems Agency**, Nominating Committee, will meet at the Laredo-Webb County Health Department, 2600 Cedar Avenue, Laredo, on December 5, 1978, at 5 p.m. The South Texas Subarea Advisory Council will meet at the same location on December 6 at 7 p.m. Further information may be obtained from Jorge Elizondo, Texas A&I University, Station 1, Box 2378, Kingsville, Texas 78363, telephone (512) 595-5545.

**The Trinity River Authority of Texas**, Utility Services Committee, will hold a conference call meeting in the general manager's office, 2723 Avenue E East, Arlington, on December 5, 1978, at 9:30 a.m. The Board of Directors will meet at the Marina Hotel, Dallas-Fort Worth Airport, Dallas-Fort Worth, on December 6, 1978, at 10:30 a.m. Further information may be obtained from Geri Elliott, P.O. Box 5768, Arlington, Texas 76011, telephone (817) 461-3151.

**The Tri-Region Health Systems Agency**, West Central Heart Task Force, met at 2642 Post Oak Road, Abilene, on November 30, 1978, at 7:30 p.m. Further information may be obtained from Vic Rhoads, 2642 Post Oak Road, Abilene, Texas 79605, telephone (915) 698-9481.

**The Tri-Region Health Systems Agency**, Nortex Mental Health/Mental Retardation Task Force will meet in the dining room, Mediacenter Psychiatric Hospital, 1505 8th Street, Wichita Falls, on December 5 at 6 p.m. The West Central Cancer Task Force will meet in the private dining room, Hendrick Medical Center, 19th and Hickory, Abilene, on December 7 at noon. Further information may be obtained from Robert Caras, 2642 Post Oak Road, Abilene, Texas 79605, telephone (915) 698-9481.

**The Tri-Region Health Systems Agency**, Concho Valley Heart Task Force will meet at the Catholic Charities Office, 1810 South Irving, San Angelo, on December 6 at 7 p.m. The Concho Valley Cancer Task Force will meet in the Inservice Education Room, Angelo Community Hospital, San Angelo, on December 7 at 7 p.m. Further information may be obtained from David Brown, 2642 Post Oak Road, Abilene, Texas 79605, telephone (915) 698-9481.

**The Tri-Region Health Systems Agency**, Central Natality and Infant Mortality Task Force will meet at 2642 Post Oak Road, Abilene, on December 7 at 7 p.m. Further information

may be obtained from Angel Rivera, 2642 Post Oak Road, Abilene, Texas 79605, telephone (915) 698-9481.

**The Upper Leon River Municipal Water District**, Board of Directors, met in the general office, Filter Plant, Proctor Lake, Comanche, on November 30, 1978, at 7 p.m. Further information may be obtained from Lowell G. Pittman, Box 67, Comanche, Texas, telephone (817) 879-2258.

Doc. No. 787778

## Meetings Filed November 28, 1978

**The Brazos Valley Development Council**, Board of Directors, will meet in Room C, Ramada Inn, 410 South Texas Avenue, College Station, on December 7, 1978, at 7 p.m. Further information may be obtained from Glenn J. Cook, P.O. Drawer 4128, Bryan, Texas 77801, telephone (713) 822-7421.

**The Houston-Galveston Area Council**, Project Review Committee, will meet at 3701 West Alabama, Houston, on December 5, 1978, at 9:30 a.m. Further information may be obtained from Stevie Walters, P.O. Box 22777, Houston, Texas 77027, telephone (713) 627-3200.

**The Lower Colorado River Authority** will meet at 3700 Lake Austin Boulevard, Austin, on December 6, 1978, at 9:30 a.m. Further information may be obtained from Charles Herring, P.O. Box 220, Austin, Texas 78767, telephone (512) 474-5931, extension 330.

Doc. No. 787797

## Meetings Filed November 29, 1978

**The Colorado River Municipal Water District**, Board of Directors, will meet at 400 East 24th Street, Big Spring, on December 7, 1978, at 10 a.m. Further information may be obtained from O. H. Ivie, P.O. Box 869, Big Spring, Texas 79720, telephone (915) 267-6341.

**The Deep East Texas Council of Governments**, Area Agency on Aging Advisory Council, will meet in the Science Auditorium (Room 209), Science Building, Angelina College, Lufkin, on December 8, 1978, at 1:30 p.m. Further information may be obtained from Martha Jones, P.O. Drawer 1170, Jasper, Texas 75951, telephone (713) 384-5704.

Doc. No. 787841

## Meetings Filed November 30, 1978

**The Capital Area Rural Transportation System**, Board of Directors, will meet in the CAPCO conference room, 611 South Congress, Austin, on December 8, 1978, at 2 p.m. Further information may be obtained from Wanda Dyer, 611 South Congress, Suite 400, Austin, Texas 78704, telephone (512) 443-7653.

**The Panhandle Regional Planning Commission, Panhandle Employment and Training Planning Council, will meet in the Centennial Room, First National Bank, 8th and Taylor, Amarillo, on December 6, 1978, at 10 a.m. Further information may be obtained from Ola Kidd, P.O. Box 9257, Amarillo, Texas, telephone (806) 372-3381.**

**The South Texas Development Council, Board of Directors, will meet at the Zapata Civic Center, Zapata, on December 7, 1978, at 9:30 a.m. Further information may be obtained from Julie Saldana, P.O. Box 2187, Laredo, Texas 78040, telephone (512) 722-3995.**

Doc. No. 787860



## Texas Air Control Board

### Applications for Construction Permits

Notice is given by the Texas Air Control Board of applications for construction permits received during the period of November 20-22, 1978.

Information relative to these applications, including projected emissions and the opportunity to comment or to request a hearing, may be obtained by contacting the office of the executive director at the Central Office of the Texas Air Control Board, 8520 Shoal Creek Boulevard, Austin, Texas 78758.

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

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

### Week Ending November 22, 1978

Shell Oil Co., Pasadena; gasoline storage tank; 1320 West Shaw; C-7162; new source

Trumix Concrete Co., Jersey Village; ready-mix concrete plant; Barker Cypress and Highway 290; C-7161; new source

Matador Pipeline Inc., Dime Box; crude oil trucking point; Gerdes; C-7153; new source

Matador Pipelines Inc., Hearne; crude oil trucking point; Highway 6; C-7152; new source

Dow Badische Co., Clute; polycaprolactam plant; C-7151; new source

Olin Corp., Pasadena; natural gas steam boiler; 2001 Jackson Road; C-7150; new source

Mobil Oil Corp., Energy Minerals—U.S., Freer; uranium in situ leach plant; Piedre Lumbre-Brelum; C-7154; new source

Frito-Lay Inc., San Antonio; DTC-boosted tortilla chip cooker; 4855 Greatland Drive; C-7155; new source

J. C. Bond Co., Austin; spray painting facility; 9516 Neils Thompson Drive; C-7156; new source

Texaco Inc., Port Arthur; No. 5 loading rack; North End Houston Avenue; C-7160; new source

Gulf Oil Co.—U.S., Port Arthur; solvent extraction unit; West Seventh Street; C-7159; new source

Charter International Oil Co., Houston; flare; 9701 Manchester; C-7158; modification

Rinn Ready Mix, Dallas; ready-mix facility; C-7157; new source

Issued in Austin, Texas, on November 28, 1978.

Doc. No. 787840      John B. Turney  
Hearing Examiner  
Texas Air Control Board

Filed: November 29, 1978, 9:16 a.m.

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

## Department of Banking

### Notice of Application

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

On November 28, 1978, the banking commissioner received an application to acquire control of Citizens State Bank of Frost, by Ted Green, Corsicana; Dwayne Watson, Mertens; Jimmy Hooser, Frost; Rex Donald Ballew, Mertens; Clifford Williams, Frost; and J. O. Williams, Frost. Additional information may be obtained from Robert E. Stewart, 2601 North Lamar, Austin, Texas 78705, telephone (512) 475-4451.

Issued in Austin, Texas, on November 28, 1978.

Doc. No. 787839      Robert E. Stewart  
Banking Commissioner

Filed: November 29, 1978, 9:16 a.m.

For further information, please call (512) 475-4451.

## Texas Department of Community Affairs

### Request for Program Proposal

The Texas Department of Community Affairs announces the intention to provide resources for the delivery of prescription drug abuse prevention services within Dallas County. Current data indicates that the majority of those abusing prescription drugs are women. Applicant organizations must be service providers located within Dallas County, and must have prior experience primarily in the area of women's or, to a lesser extent, drug abuse concerns.

The anticipated period of performance of these drug abuse prevention services will begin April 1, 1979, and continue until March 31, 1980. Instructions for the preparation of a proposal may be obtained immediately by making a request in writing to Bob Moore, contracts officer; Drug Abuse Prevention Division; Texas Department of Community Affairs; Box 13166, Capitol Station; Austin, Texas 78711. The deadline for the receipt of proposals will be 5 p.m. January 10, 1979.

The maximum funds available for this drug abuse prevention project will be \$50,000. Funding for the project will be made



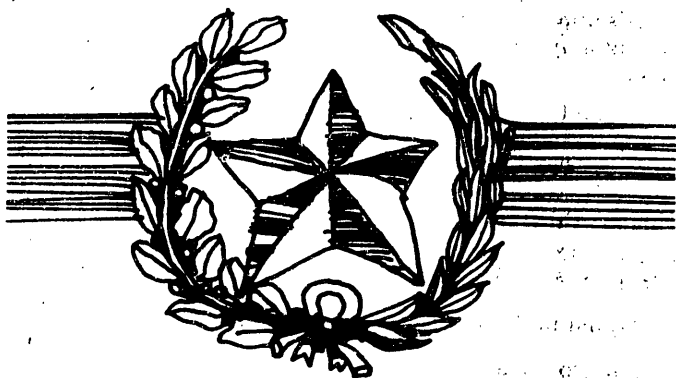
available through the Texas Department of Community Affairs, and the National Institute on Drug Abuse, which is a branch of the United States Department of Health, Education, and Welfare.

Additional information concerning this drug abuse prevention project may be obtained by calling Bob Moore, contracts officer, Drug Abuse Prevention Division, at (512) 475-6351.

Issued in Austin, Texas, on November 27, 1978.

Doc. No. 787825 Tom A. Laramey, Jr.  
General Counsel  
Texas Department of Community Affairs

Filed: November 28, 1978, 3:23 p.m.  
For further information, please call (512) 475-6351.



## Comptroller of Public Accounts

### Administrative Decisions

#### Summary of Administrative Decision 8590

**Summary of Decision:** If a sales price of a motor vehicle is understated on the joint affidavit so that the motor vehicle sales tax paid on the sale is less than the amount actually due, the seller is responsible for tax, penalty, and interest on the unreported sales price even though he did not collect the tax on this amount from the purchaser (Texas Taxation—General Annotated, Article 6.06).

For copies of recent opinions selected and summarized by the Legal Services Division, contact Harriet Burke, Legal Services Division, P.O. Box 13528, Austin, Texas 78711. Copies will be edited to comply with confidentiality statutes.

Doc. No. 787843

#### Summary of Administrative Decision 8768

##### Summary of Decision:

(1) Where a subsidiary corporation at a special meeting of its board of directors declared an airplane as a dividend to

its parent corporation and pursuant to the declaration transferred the airplane to the parent, the transfer did not represent a taxable sale of the airplane for sale and use tax purposes.

(2) Where an airplane was purchased by a Texas purchaser from a Texas vendor, who delivered it to the Texas purchaser at an out-of-state location, and the purchaser immediately returned the airplane to and used it within Texas, the purchaser was liable for use tax under Texas Taxation—General Annotated, Article 20.03, on the purchaser price of the aircraft.

For copies of recent opinions selected and summarized by the Legal Services Division, contact Harriet Burke, Legal Services Division, P.O. Box 13528, Austin, Texas 78711. Copies will be edited to comply with confidentiality statutes.

Issued in Austin, Texas, on November 29, 1978.

Doc. No. 787844 Harriet Burke  
Hearings Section  
Comptroller of Public Accounts

Filed: November 29, 1978, 11:44 a.m.  
For further information, please call (512) 475-2148.

## Texas Legislative Council Property Tax Advisory Committee Public Meeting

The Property Tax Advisory Committee of the Texas Legislative Council will meet December 7, 8, and 9, 1978. The meeting is the second in a series of meetings on the implementation of the "Tax Relief Amendment" in regard to property taxation. It will open December 7 at 11 a.m. in the Speaker's Committee Room in the Capitol. The advisory committee will reconvene the following two days in Conference Room E in the John H. Reagan State Office Building in Austin.

During the three-day meeting, the advisory committee will continue discussion of legislation to provide for taxation of agricultural land on the basis of productivity capacity and will consider the issues of personal property homestead exemptions and the taxation of intangible property.

Issued in Austin, Texas, on November 27, 1978.

Doc. No. 787788 Robert Taylor  
Research Associate  
Texas Legislative Council

Filed: November 27, 1978, 2:54 p.m.  
For further information, please call (512) 475-2736.

## Texas Register Guide to Agency Activity—November

The following is a list of the documents published in the November issues of the *Texas Register*.

Adjutant General's Department, Texas  
In Addition  
Retrocession of Exclusive Legislative Jurisdiction. . . . . 3870

**Adult Probation Commission, Texas**

Adopted Rules  
 Fund Distribution 608.02.00 ..... 3834  
 Open Meetings  
 meeting, Nov. 10 ..... 3902  
 emergency addition to agenda, Nov. 10 ..... 4001

**Agriculture, Texas Department of**

Proposed Rules  
 Seed Law  
 Texas Seed Law 176.80.10 ..... 3883  
 Adopted Rules  
 Seed Division  
 Field Inspection Chart 176.83.24 ..... 3952  
 Acreage Inspection Fees for Certification—  
 Table I 176.83.25 ..... 3952-3953  
 Laboratory Analysis Chart 176.83.26 ..... 3953  
 Genetic Seed Chart 176.83.27 ..... 3953  
 Open Meetings  
 hearing, Nov. 21 ..... 3902  
 meeting, Dec. 5 ..... 3851  
 meeting, Jan. 17 ..... 3902

**Air Control Board, Texas**

Open Meetings  
 hearing, Dec. 14 ..... 4069  
 In Addition  
 Applications for Construction Permits ..... 3870-3871,  
 4077-4078, 4100-4101

**Alamo Area Council of Governments**

Open Meetings  
 meeting, Nov. 8 ..... 3913  
 meeting, Nov. 29 ..... 4130

**Alcoholic Beverage Commission**

Open Meetings  
 meeting, Nov. 27 ..... 4092

**Alcoholism, Texas Commission on**

Adopted Rules  
 General  
 Licensing Standards 303.06.03 ..... 3985-3986  
 Definitions 303.06.04 ..... 3986-3987  
 Rulemaking Procedures 303.06.05 ..... 3987-3988  
 Extended Service 303.06.06 ..... 3988-3995  
 Medical Care Detoxification Services 303.06.07 ..... 4019-4026  
 Nonmedical Care Detoxification Services  
 303.06.08 ..... 4026-4033  
 Intermediate Care Services—Class A 303.06.09 ..... 4033-4040  
 Intermediate Care Services—Class B 303.06.10 ..... 4040-4047  
 Outpatient Care Services 303.06.11 ..... 4047-4049  
 Outreach Care Services 303.06.12 ..... 4049-4051  
 Aftercare Services 303.06.13 ..... 4051-4053  
 Open Meetings  
 meeting, Nov. 14 ..... 4001

**Angelina and Neches River Authority**

Open Meetings  
 meeting, Nov. 7 ..... 3913

**Animal Health Commission, Texas**

Proposed Rules  
 Fever Ticks  
 Quarantine Line 177.11.05 ..... 3945-3950  
 Venezuelan Equine Encephalomyelitis 177.13.00 ..... 3950-3951

**Ark-Tex Council of Governments**

Open Meetings  
 meetings, Nov. 2 ..... 3868  
 meeting, Nov. 15 ..... 4010

**Arts and Humanities, Texas Commission on the**

Proposed Rules  
 Substantive Agency Procedures 353.10.00 ..... 3973-3975

**Attorney General, Office of the  
 Requests for Opinions**

RQ-1988 (authority of Commission for the Blind  
 to loan surplus equipment to private nonprofit  
 organization serving blind individuals) ..... 3780  
 RQ-1994 (authority of Board of Regents, Texas State  
 University System, to determine whether expenditure  
 of auxiliary funds under certain conditions for  
 refreshments serves a valid public purpose) ..... 3780  
 RQ-1995 (authority of commissioners court to  
 grant permit to control admission to beach area) ..... 3780  
 RQ-1996 (authority of Department of MH/MR  
 to expend federal funds received from ACTION) ..... 3780  
 RQ-1997 (authority of member of legislature  
 to be employed by legislative branch of federal  
 government and receive a salary) ..... 3880  
 RQ-1998 (consideration of complaint by Optometry  
 Board when a board member has personal interest  
 in final decision) ..... 3880  
 RQ-1999 (forcible entry and detainer suits) ..... 3880  
 RQ-2000 (termination of active service as fireman) ..... 3880  
 RQ-2001 (Open Records Act: identity of person  
 who complains about county employee's actions) ..... 3880  
 RQ-2002 (tax on residential use of gas and  
 electricity) ..... 3880  
 RQ-2003 (authority of commissioner of General  
 Land Office to institute court proceedings for the  
 protection of state lands) ..... 3972  
 RQ-2004 (authority of Department of Agriculture  
 to require nurseries and florists to obtain  
 inspection certificates) ..... 4109  
 RQ-2005 (dealings between public entities and  
 private foundations) ..... 4109  
 RQ-2006 (jurisdiction over misdemeanor cases  
 involving violation of cosmetology law) ..... 4109

**Opinions**

H-1259 (authority of county treasurer to receive fees  
 earned by his services to levee improvement  
 districts) ..... 3780  
 H-1260 (application of Copyright Revision Act of 1976  
 to performances of musical works at state colleges and  
 universities) ..... 3943  
 H-1261 (partial vacation of subdivision plats) ..... 4109

**Austin-Travis County MHMR Center**

Open Meetings  
 meeting, Oct. 26-27 ..... 3867  
 meeting, Oct. 31 ..... 3913  
 meeting, Nov. 22 ..... 4130

**Banking, Department of**

In Addition  
 Notice of Application  
 First State Bank, Vah ..... 3871  
 Lott State Bank, Lott ..... 4101

**Banking Board, State**

Open Meetings  
 meetings, Nov. 20 ..... 4001, 4069  
 hearing, Nov. 27 ..... 4001  
 rescheduled meeting, Nov. 27 ..... 4124  
 hearing, Nov. 29 ..... 4001  
 hearing, Dec. 4 ..... 4001  
 hearing, Dec. 7 ..... 4002

**Barber Examiners, State Board of**

Adopted Rules  
 Practice and Procedure, Examinations, and Licensing  
 Examinations and Licensing 378.01.03 ..... 4053  
 Open Meetings  
 emergency meeting, Nov. 12 ..... 4002  
 hearing, Dec. 4 ..... 4124  
 meeting, Dec. 4 ..... 4124

**Basic Sciences, Board of Examiners in the**  
 Open Meetings  
 meeting, Nov. 10-11 ..... 3851

**Bezar, Medina, and Atascosa Counties Water Improvement District No. 1**  
 Open Meetings  
 meeting, Nov. 21 ..... 4130

**Blind, State Commission for the**  
 Open Meetings  
 meeting, Nov. 10 ..... 3902

**Board of Control, State**  
 Proposed Rules  
 Executive Administration Division  
 Security 028.11.02 ..... 3975-3976

Open Meetings  
 meeting, Nov. 15 ..... 3851-3852

**Brazos River Authority**  
 Open Meetings  
 meeting, Nov. 27 ..... 4099  
 meeting, Dec. 1 ..... 4099

**Brazos Valley Development Council**  
 Open Meetings  
 meeting, Nov. 9 ..... 3913

**Brazos Valley MH/MR Center**  
 Open Meetings  
 meeting, Nov. 16 ..... 4075

**Camino Real Health Systems Agency**  
 Open Meetings  
 meeting, Nov. 15 ..... 4099

**Capital Area Planning Council**  
 Open Meetings  
 meeting, Nov. 3 ..... 3868  
 meeting, Nov. 21 ..... 4076

**Central Counties Center for MH/MR Services**  
 Open Meetings  
 meeting, Nov. 15 ..... 4010

**Central Plains MH/MR Center**  
 Open Meetings  
 meeting, Dec. 7 ..... 4130

**Central Texas Council of Governments**  
 Open Meetings  
 meeting, Nov. 1 ..... 3868  
 meeting, Nov. 9 ..... 3963

**Community Affairs, Texas Department of**  
 Open Meetings  
 meeting, Nov. 29 ..... 4092

**Comptroller of Public Accounts**  
 Adopted Rules  
 Tax Administration  
 Ad Valorem Tax 026.02.16 ..... 3835-3837  
 Sales Tax Division—State Taxes 026.02.20 ..... 3837, 3995  
 Sales Tax Division—Local Taxes 026.02.22 ..... 4116  
 Sales Tax Division—Metropolitan Transit  
 Authority Sales and Use Tax 026.02.24 ..... 3995-3997

Open Meetings  
 hearing, Nov. 15 ..... 3851

**In Addition**  
 Administrative Decisions  
 8713 (exemption certificate should cite basis  
 for purchase exemption) ..... 4010  
 9197 (petition for alternate allocation formula) ..... 3914  
 9285 (resalability of property purchased under  
 lump sum contract) ..... 3871  
 10069 (bonded user permit holder liable  
 for diesel fuel tax) ..... 4101  
 10143 (more than five percent of grocery sales  
 from beer and wine) ..... 3871  
 10228 (foreclosure buyer not eligible according  
 to successor liability provisions) ..... 4010  
 10356 (sale of operating assets of business  
 in more than one transaction) ..... 3914

**Concho Valley Council of Governments**  
 Open Meetings  
 meeting, Nov. 8 ..... 3963

**Coordinating Board, Texas College and University System**  
 Proposed Rules  
 Program Development  
 General Provisions 251.02.02 ..... 3781  
 Approval of Off-Campus and Out-of-District  
 Instruction for Public Colleges and  
 Universities 251.02.12 ..... 3781-3782

Adopted Rules  
 Agency Administration  
 General Provisions 251.01.02 ..... 3838

Program Development  
 General Provisions 251.02.02 ..... 3838  
 Approval of Off-Campus and Out-of-District  
 Instruction for Public Colleges and  
 Universities 251.02.12 ..... 3838-3843

Financial Planning  
 Procedures and Criteria for Funding of Family  
 Practice Residency Programs 251.03.05 ..... 3843-3844

Campus Planning and Physical Facilities Development  
 General Provisions 251.04.02 ..... 3844

Open Meetings  
 meeting, Nov. 10 ..... 3956  
 meeting, Nov. 13 ..... 3852  
 meeting, Nov. 15 ..... 3902  
 meeting, Nov. 16 ..... 3852

**Copano Bay Soil Conservation District No. 329**  
 Open Meetings  
 meeting, Nov. 27 ..... 4099

**Corrections, Texas Department of**  
 Open Meetings  
 meeting, Nov. 13 ..... 3852

**Cosmetology Commission, Texas**  
 Adopted Rules  
 General 381.14.00 ..... 4087

Open Meetings  
 meeting, Nov. 19 ..... 4069  
 cancelled meeting, Nov. 19 ..... 4124

**Court Reporters Committee, Texas**  
 Open Meetings  
 meeting, Nov. 4 ..... 3852

**Courts of Civil Appeals**  
 1st  
 City of Hitchcock v. Longmire ..... 4091

3rd  
 Morris v. City of San Antonio ..... 4091

9th  
 City of Manvel v. Texas Department of  
 Human Resources ..... 3850  
 Enterprise Co. v. City of Beaumont ..... 4091

10th  
 Reiter v. City of Keene ..... 3850

11th  
 Grayson County Officials v. Dennard ..... 3850

12th  
 Texas Health Facilities Commission  
 v. Baptist General Convention ..... 4091

**Credit Union Department**  
 Proposed Rules  
 Credit Union Regulations  
 Powers of Credit Unions 058.01.04 ..... 4111  
 Audit and Bond Requirements 058.01.05 ..... 4111-4112

Open Meetings  
 meeting, Nov. 10 ..... 3902

**Deaf, Joint Advisory Committee on Educational Services to the**  
 Open Meetings  
 meeting, Nov. 5-6 ..... 3852  
 meeting, Nov. 20-21 ..... 4069

<i>Deaf, Texas Commission for the</i>	
Open Meetings	
meeting, Dec. 2 .....	4124
In Addition	
Election of Officers .....	4101-4102
<i>Deep East Texas Council of Governments</i>	
Open Meetings	
meeting, Nov. 16 .....	4010
<i>Deep East Texas Regional MH/MR Services</i>	
Open Meetings	
meeting, Nov. 21 .....	4099
<i>Deepwater Port Authority, Texas</i>	
Open Meetings	
emergency addition to agenda, Nov. 15 .....	4092
meeting, Nov. 15 .....	4002
<i>Dental Examiners, Texas State Board of</i>	
Adopted Rules	
Dental Board Procedure	
Rules of Procedure Governing Grievances,	
Hearings, and Appeals 382.13.02 .....	3895
Conduct	
Anesthesia and Anesthetic Agents 382.19.18 .....	3895
Open Meetings	
meeting, Nov. 4 .....	3852
meeting, Jan. 27, 1979 .....	3853
<i>Depository Board, State</i>	
Open Meetings	
meeting, Nov. 9 .....	3903
<i>East Texas CETA Consortium</i>	
Open Meetings	
meeting, Nov. 15 .....	4075
<i>East Texas Council of Governments</i>	
Open Meetings	
meeting, Nov. 10 .....	3964
<i>East Texas State University</i>	
Open Meetings	
meeting, Nov. 17 .....	3956
<i>Education, State Board of</i>	
Open Meetings	
emergency addition to agenda, Nov. 11 .....	4070
meetings Nov. 11 .....	4002
<i>Education Agency, Texas</i>	
Emergency Rules	
Hearings and Appeals	
Appeals to the State Board of Education 226.71.03 .....	4110
Proposed Rules	
State Commissioner of Education	
Adoptions by Reference: General 226.13.90 .....	3782-3783
School Districts	
School District Responsibilities and	
Powers for Operation 226.23.06 .....	4112
Pupil Services	
Advisory Committee on the Comprehensive	
School Health Program 226.34.42 .....	3783
Adaptations for Special Populations	
Compensatory Education in General 226.35.61 .....	3783-3786
Compensatory Education: Student-Centered	
Educational Process 226.35.62 .....	3786-3787
Compensatory Education Program 226.35.63 .....	3787-3791
Compensatory Education: Special Program	
Provisions 226.35.64 .....	3791-3792
Personnel for Compensatory Education Program	
226.35.65 .....	3792
Planning and Evaluation	
Principles, Standards, and Procedures for the	
Accreditation of School Districts 1977	
226.37.15 .....	3883-3886
Foundation School Program	
Funding for Compensatory Education Programs	
226.41.22 .....	3792-3793
Adoptions by Reference: General 226.41.90 .....	3886
Hearings and Appeals	
Appeals to the State Board of Education	
226.71.03 .....	4112-4113
Adopted Rules	
Comprehensive Instruction	
Standards for an Approved Course in	
Driver Education for Texas Schools 226.32.95 .....	3895-3896
Planning and Evaluation	
Accreditation 226.37.12 .....	3896
Hearings and Appeals	
Hearings Concerning Handicapped Students	
226.71.05 .....	4117-4118
Organization of the State Board of Education	
Committees of the Board 226.91.03 .....	4118
Open Meetings	
meeting, Oct. 31 .....	3853
meeting, Nov. 9 .....	3903
meetings, Nov. 10 .....	3903-3904
meeting, Nov. 11 .....	3904
meeting, Nov. 28 .....	4124
In Addition	
Consultant Contract Award .....	4011
<i>Education Service Center, Region VIII</i>	
Open Meetings	
meeting, Oct. 28 .....	3867
meeting, Oct. 30 .....	3868
meeting, Nov. 8 .....	4010
<i>Education Service Center, Region IX</i>	
Open Meetings	
meeting, Nov. 3 .....	3913
<i>Education Service Center, Region XI</i>	
Open Meetings	
meeting, Nov. 28 .....	4099
<i>Education Service Center, Region XII</i>	
Open Meetings	
meeting, Nov. 16 .....	4099
<i>Education Service Center, Region XV</i>	
Open Meetings	
meeting, Nov. 30 .....	4130
<i>Edwards Underground Water District</i>	
Open Meetings	
meeting, Nov. 14 .....	3868
meeting, Nov. 20 .....	4130
<i>Election Code Revision Commission, Texas</i>	
Open Meetings	
meeting, Nov. 17-18 .....	4002
meeting, Nov. 17 .....	4070
<i>Employees Retirement System of Texas</i>	
Open Meetings	
meeting, Nov. 20 .....	4070
<i>Energy Advisory Council, Texas</i>	
Open Meetings	
meeting, Nov. 30 .....	4125
In Addition	
Proposed Policy Position on Selected Energy	
Issues: 1978 Update .....	3914-3928
Public hearing Nov. 17 .....	3928
<i>Finance Commission of Texas</i>	
Open Meetings	
meeting, Nov. 28 .....	4092
meetings, Nov. 28 .....	4125
<i>Fire Protection Personnel Standards and Education,</i>	
<i>Commission on</i>	
Adopted Rules	
Standards Manual	
Minimum Standards for Marine Firemen	
211.02.09 .....	4118-4120

**Open Meetings**  
 meeting, Nov. 14 ..... 3853  
 meetings, Nov. 15 ..... 3853  
 meeting, Nov. 16 ..... 3853  
 meeting, Nov. 17 ..... 3853  
 meeting, Nov. 20 ..... 3853  
 meeting, Nov. 21 ..... 3853  
 meeting, Nov. 22 ..... 3853  
 meeting, Nov. 30 ..... 3853

**General Land Office**  
**Open Meetings**  
 meeting, Nov. 16 ..... 4002  
 meeting, Nov. 30 ..... 4125  
 hearing, Dec. 15 ..... 4002

**In Addition**  
 Texas Coastal Management Program ..... 4011  
 Correction of Error ..... 3965  
 Notice of Intent to Contract for Consulting Services ..... 3928-3929

**Good Neighbor Commission**  
**Open Meetings**  
 meeting, Nov. 17 ..... 4003

**Governor, Office of the**  
**Appointments**  
 Texas Board of Architectural Examiners ..... 3779  
 Texas Commission on the Arts and Humanities ..... 3942, 3971  
 State Board of Examiners in the Basic Sciences ..... 3942  
 Central Colorado River Authority ..... 3971  
 Texas Coastal and Marine Council ..... 3942  
 State Board of Control ..... 3879  
 Court of Civil Appeals for the 12th Supreme Judicial District of Texas ..... 3779  
 Dallas County Criminal District Court ..... 3779  
 Egg Marketing Advisory Board ..... 3779  
 Finance Commission of Texas ..... 3942  
 Gulf Coast Waste Disposal Authority ..... 4084  
 State Highway and Public Transportation Commission ..... 3779  
 Texas Industrial Commission ..... 3779  
 Commission on Jail Standards ..... 3779  
 Texas Library and Historical Commission ..... 3942  
 Metric System Advisory Council ..... 3942  
 Radiation Advisory Board ..... 3779  
 Rio Grande Valley Pollution Control Authority ..... 3879  
 Statewide Health Coordinating Council ..... 3971  
 1st Supreme Judicial District of Texas ..... 4108  
 5th Supreme Judicial District of Texas ..... 4108  
 14th Supreme Judicial District of Texas ..... 4108  
 Texas Water Development Board ..... 4016

**Adopted Rules**  
 Criminal Justice Division  
 Mini-Block Participation 001.55.18 ..... 3844

**Open Meetings**  
 Committee on Aging  
 meeting, Nov. 3 ..... 3854  
 meeting, Dec. 8 ..... 4093  
 Budget and Planning Office  
 meeting, Nov. 30 ..... 4070  
 Greater South Texas Cultural Basin Commission  
 meeting, Dec. 8 ..... 4092  
 Highway Cost Index Committee  
 emergency meeting, Oct. 31 ..... 3854

**Greater East Texas Health Systems Agency**  
**Open Meetings**  
 meetings, Nov. 16 ..... 4010, 4075

**Guadalupe-Blanco River Authority**  
**Open Meetings**  
 meeting, Nov. 16 ..... 4010

**Gulf Bend MH/MR Center**  
**Open Meetings**  
 meeting, Nov. 16 ..... 4010

**Gulf Coast Regional MH/MR Center**  
**Open Meetings**  
 meeting, Nov. 8 ..... 3913

**Health, Texas Department of**  
**Open Meetings**  
 meeting, Oct. 25 ..... 3854  
 meeting, Nov. 5 ..... 3854  
 meeting, Nov. 12 ..... 3854  
 hearing, Nov. 15 ..... 3904  
 hearings, Nov. 18 ..... 3904  
 meeting, Nov. 18 ..... 4003  
 hearings, Nov. 21 ..... 3904  
 hearings, Nov. 29 ..... 3904  
 meeting, Dec. 4 ..... 4126  
 meeting, Dec. 5 ..... 4125  
 meeting, Dec. 6 ..... 4125  
 meeting, Dec. 7 ..... 4125  
 meeting, Dec. 11 ..... 4125  
 meeting, Dec. 12 ..... 4126  
 meeting, Dec. 13 ..... 4125  
 meeting, Dec. 14 ..... 4125  
 meeting, Dec. 18 ..... 4125  
 meeting, Dec. 19 ..... 4125  
 meeting, Dec. 20 ..... 4126  
 meeting, Dec. 21 ..... 4125

**Health Facilities Commission, Texas**  
**Emergency Rules**  
 Explanation of the Act  
 Explanation of Terms and Phrases 315.17.01 ..... 4017

**Proposed Rules**  
 Explanation of the Act  
 Explanation of Terms and Phrases 315.17.01 ..... 4113-4115

**Open Meetings**  
 meeting, Nov. 2 ..... 3855  
 meeting, Nov. 9 ..... 3855, 3905  
 meetings, Nov. 16 ..... 3905, 4003  
 meeting, Nov. 22 ..... 4003, 4093  
 meeting, Nov. 30 ..... 4093

**In Addition**  
 Notice of Applications ..... 3872, 3965, 4078-4079, 4131  
 Notice of Petition for Certificate of Need Reissuance ..... 3872-3873, 4102  
 Public Hearing ..... 3872  
 Rehearing ..... 3929, 3965-3966

**Heart of Texas Council of Governments**  
**Open Meetings**  
 meeting, Nov. 2 ..... 3887

**Heart of Texas Region MH/MR Center**  
**Open Meetings**  
 meeting, Nov. 16 ..... 4010

**High Plains Underground Water Conservation District No. 1**  
**Open Meetings**  
 meeting, Nov. 6 ..... 3912

**Highways and Public Transportation, State Department of**  
**Proposed Rules**  
 Maintenance Division  
 Movement of Hazardous Materials through Baytown-La Porte Tunnel 101.18.02 ..... 4086

**Historical Commission, Texas**  
**Adopted Rules**  
 National Register Procedure  
 Appointments, Grant Periods 352.03.02 ..... 3844-3845  
 Board of Review—Membership and Bylaws 352.03.04 ..... 3845

<b>Open Meetings</b>		
emergency meeting, Oct. 27 .....	3855	
meeting, Nov. 9 .....	3905	
emergency meeting, Nov. 17 .....	4070	
emergency addition to agenda, Nov. 17 .....	4126	
<b>Houston, University of</b>		
<b>Open Meetings</b>		
emergency meeting, Oct. 26 .....	3855	
<b>Houston-Galveston Area Council</b>		
<b>Open Meetings</b>		
meeting, Nov. 2 .....	3868	
meeting, Nov. 7 .....	3868	
<b>Human Resources, Texas Department of</b>		
<b>Proposed Rules</b>		
<b>Food Stamps</b>		
ATP System 326.15.92 .....	3887	
<b>Child Support Collection</b>		
Child Support Collection Services 326.20.21 .....	4115	
<b>Intermediate Care II Facility</b>		
Personnel Policies 326.30.07 .....	3793-3794	
Resident Care and Rehabilitation 326.30.09 .....	3794	
Services and Supplies Included in the		
Vendor Payment 326.30.19 .....	3976	
<b>Intermediate Care III Facility</b>		
Personnel Policies 326.31.07 .....	3794	
Nursing Personnel 326.31.08 .....	3794-3795	
Patient Care and Rehabilitation 326.31.09 .....	3795	
Services and Supplies Included in the		
Vendor Payment 326.31.19 .....	3977	
<b>Skilled Nursing Facility</b>		
Patient Care and Rehabilitation 326.32.07 .....	3795-3796	
Personnel Policies 326.32.09 .....	3796	
Medical Director 326.32.12 .....	3796	
Services and Supplies Included in the		
Vendor Payment 326.32.17 .....	3977	
<b>Nursing Facility Administration</b>		
Transportation 326.33.07 .....	4018	
Support Documents 326.33.99 .....	3796-3806	
<b>Intermediate Care Facility for Mentally Retarded</b>		
Support Documents 326.35.99 .....	3806-3815	
<b>Medical Assistance Programs</b>		
Support Documents 326.46.99 .....	3815-3816	
<b>Legal Services</b>		
Contract Administration 326.79.06 .....	3816-3818	
<b>Adopted Rules</b>		
<b>Food Stamps</b>		
Food Stamp Outreach 326.15.10 .....	4054	
Program Purpose 326.15.11 .....	4054	
Food Stamp Program Violations 326.15.14 .....	4054	
Non-PA Application 326.15.25 .....	4054	
Notice 326.15.27 .....	4054-4055	
Authorized Representatives 326.15.28 .....	4055	
Definition of Income 326.15.41 .....	3997-3998, 4055-4056	
Verification of Income 326.15.42 .....	4056	
<b>Drug Addicts, Alcoholics, and Participation</b>		
in Prepared Meal Services 326.15.53 .....	4056	
Strikers 326.15.55 .....	4087-4088	
Zero Purchase Households 326.15.56 .....	3998, 4056	
Farm Laborers 326.15.57 .....	3998-3999, 4056-4057	
Changes During Certification Periods 326.15.64 .....	4057	
Notice of Adverse Action 326.15.65 .....	4057	
Retroactive Benefits 326.15.72 .....	3896, 4057-4058	
Refunds 326.15.73 .....	4058	
Replacement of Food Coupons 326.15.74 .....	4058	
Returned Food Coupons 326.15.75 .....	4058-4059	
Food Coupon Overissuance and Recovery 326.15.76 .....	4059	
Emergency Food Stamp Assistance 326.15.77 .....	4059	
Food Stamp Issuing 326.15.91 .....	4059-4060	
ATP System 326.15.92 .....	4060, 4088	
Public Assistance Withholding Program 326.15.93 .....	4061	
<b>Child Support Collection</b>		
Original Suits 326.20.42 .....	3896	
<b>Medicaid Eligibility</b>		
SSI Basic Program Requirements 326.25.92 .....	3953-3954	
<b>Nursing Facility Administration</b>		
Mental Retardates in Nursing Homes		
326.33.01 .....	3999-4000	
<b>Pharmacy Services</b>		
Administration 326.40.01 .....	3954	
<b>Medical Transportation</b>		
Support Documents 326.43.99 .....	3845	
<b>Community Care for Aged, Blind, and Disabled Adults</b>		
Protective Services for Adults 326.58.51 .....	4062	
In-Home Care Program 326.58.52 .....	4062-4064	
Community Care Services 326.58.53 .....	4064-4068	
<b>Legal Services</b>		
Hearing Procedure 326.79.14 .....	3954	
<b>Open Meetings</b>		
meeting, Nov. 14-15 .....	3905	
meeting, Nov. 16 .....	4003	
<b>In Addition</b>		
Public Hearing .....	3873	
<b>Industrial Commission, Texas</b>		
<b>In Addition</b>		
Request for Proposal .....	4131-4133	
<b>Insurance, State Board of</b>		
<b>Emergency Rules</b>		
<b>Rating and Policy Forms</b>		
Fixing Rate of Automobile Insurance 059.05.01 .....	3881	
Reports on Experience 059.05.05 .....	3881	
Premium Plans 059.05.77 .....	3881-3882	
<b>Proposed Rules</b>		
<b>Rating and Policy Forms</b>		
Fixing Rate of Automobile Insurance		
059.05.01 .....	3887-3888, 3977-3978	
Rate Administration 059.05.19 .....	3818-3819	
Board Shall Fix Rates 059.05.25 .....	3819	
<b>Adopted Rules</b>		
<b>Rating and Policy Forms</b>		
Board Shall Fix Rates 059.05.25 .....	4088	
Standard Forms 059.05.36 .....	4088-4089	
Multiperil 059.05.81 .....	4089	
<b>General Provisions</b>		
Miscellaneous 059.21.49 .....	4121	
<b>Open Meetings</b>		
hearing, Oct. 31 .....	3856	
hearings, Nov. 2 .....	3856	
hearings, Nov. 6 .....	3856	
hearing, Nov. 7 .....	3856	
meeting, Nov. 7 .....	3906	
hearing, Nov. 8 .....	3906	
meeting, Nov. 8 .....	3906	
hearing, Nov. 9 .....	4004	
hearings Nov. 13 .....	3856-3857	
hearings, Nov. 14 .....	3857, 3906	
cancelled hearing, Nov. 14-15 .....	4093	
meeting, Nov. 14-15 .....	3857	
hearings, Nov. 15 .....	3906	
meeting, Nov. 15 .....	3906	
hearings, Nov. 16 .....	3906-3907	
hearing, Nov. 17 .....	3907	
hearing, Nov. 20 .....	3907, 4004	
cancelled hearing, Nov. 20-22 .....	4093	
hearing, Nov. 20-22 .....	3907	
hearings, Nov. 21 .....	4093-4094	
meeting, Nov. 21 .....	3907	
hearings, Nov. 22 .....	4094	
meeting, Nov. 22 .....	3907	
hearing, Nov. 27 .....	4094	
meeting, Nov. 28 .....	3907	

meeting, Nov. 29 ..... 3908, 4004  
 meeting, Dec. 5 ..... 3908  
 meeting, Dec. 6 ..... 3908  
 hearing, Dec. 12 ..... 4094  
 meeting, Dec. 12 ..... 3908  
 meeting, Dec. 13 ..... 3908  
 meeting, Dec. 19 ..... 3908  
 meeting, Dec. 20 ..... 3908  
 meeting, Dec. 27 ..... 3908

**Intergovernmental Relations, Texas Advisory Commission on**  
 Open Meetings  
 meetings, Nov. 10 ..... 3857-3858, 3908

**Jail Standards, Texas Commission on**  
 Proposed Rules  
 New Construction  
 New Jail Design, Construction, and  
 Furnishing 217.05.02 ..... 3819-3820  
 New Lock-Up Design, Construction, and  
 Furnishing 217.05.03 ..... 3820  
 Existing Construction  
 Existing Jail Design, Construction, and  
 Furnishing 217.07.01 ..... 3820-3821  
 Existing Lock-Up Design, Construction, and  
 Furnishing 217.07.02 ..... 3821  
 Existing Low-Risk Design, Construction, and  
 Furnishing 217.07.03 ..... 3821  
 Supervision 217.14.00 ..... 3821  
 Compliance and Enforcement 217.25.00 ..... 3822-3823  
 Practice in Contested Cases 217.27.00 ..... 3823-3824

Adopted Rules  
 Plans for Emergencies, Fire Prevention, and  
 Critical Articles in County Jails 217.24.00 ..... 3846

**Judicial Planning Committee**  
 Open Meetings  
 emergency meeting, Nov. 10 ..... 3957

**Lamar University**  
 Open Meetings  
 meeting, Nov. 9 ..... 3858

**Law Enforcement Officer Standards and Education, Commission on**  
 In Addition  
 Consultant Contract Award ..... 4012

**Legislative Budget Board**  
 Open Meetings  
 emergency meeting, Nov. 15 ..... 4094  
 meeting, Nov. 20 ..... 4004  
 emergency addition to agenda, Dec. 1-2 ..... 4094  
 meeting, Dec. 1 ..... 4126

**Legislative Council, Texas**  
 In Addition  
 Property Tax Advisory Committee ..... 4102

**Legislature, Texas**  
 In Addition  
 Senate  
 meetings  
 filed Oct. 20 ..... 3873  
 cancellation filed Oct. 23 ..... 3873  
 filed Oct. 27 ..... 3873  
 filed Oct. 30 ..... 3929  
 filed Nov. 1 ..... 3929  
 filed Nov. 2 ..... 3966  
 filed Nov. 3 ..... 3966  
 filed Nov. 10 ..... 4079  
 filed Nov. 13 ..... 4079  
 filed Nov. 14 ..... 4102  
 filed Nov. 17 ..... 4133

**Licensure for Nursing Home Administrators, Texas Board of**  
 Open Meetings  
 meeting, Nov. 14 ..... 3957

**Lower Colorado River Authority**  
 Open Meetings  
 meeting, Nov. 22 ..... 4099

**Lower Neches Valley Authority**  
 Open Meetings  
 meeting, Nov. 28 ..... 4130

**Lower Rio Grande Valley Development Council**  
 Open Meetings  
 meeting, Nov. 16 ..... 4010

**Medical Examiners, Texas State Board of**  
 Open Meetings  
 hearing, Dec. 9-14 ..... 4095

**Mental Health and Mental Retardation, Texas**  
 Proposed Rules  
 Client (Patient) Care  
 Client Abuse 302.04.19 ..... 3888

Adopted Rules  
 Other Agencies and the Public  
 Community Mental Health and Mental  
 Retardation Centers 302.03.01 ..... 3955  
 Collection for Support, Maintenance,  
 and Treatment of Clients 302.03.03 ..... 3896-3897  
 Adoption by Reference of State Plans 302.03.12 ..... 4121  
 Client (Patient) Care  
 Administration of Medications 302.04.02 ..... 3897  
 Unusual Incidents at Institutions 302.04.03 ..... 3897  
 Restraint and Seclusion 302.04.06 ..... 3897-3898

Open Meetings  
 meetings, Nov. 11 ..... 3909  
 meeting, Nov. 29-30 ..... 4126

**Mental Health/Mental Retardation Regional Center of East Texas**  
 Open Meetings  
 meeting, Nov. 16 ..... 4099

**Metropolitan Transit Authority**  
 Open Meetings  
 meeting, Nov. 2 ..... 3868

**Middle Rio Grande Development Council**  
 Open Meetings  
 meeting, Nov. 15 ..... 3964

**Midwestern State University**  
 Open Meetings  
 meeting, Nov. 2 ..... 3858  
 emergency meeting, Nov. 8 ..... 3956  
 meeting, Nov. 17 ..... 4095

**Mohair Producers Board, Texas**  
 Open Meetings  
 meeting, Nov. 20 ..... 4095

**Morticians, State Board of**  
 Open Meetings  
 hearing, Nov. 8 ..... 3858  
 emergency addition to agenda, Nov. 8 ..... 4004

**Motor Vehicle Commission, Texas**  
 Proposed Rules  
 General 067.02.00 ..... 3824-3826  
 Advertising 067.03.00 ..... 3826  
 Warranty Compensation 067.04.00 ..... 3826-3827

**Municipal Power Agency, Texas**  
 Open Meetings  
 meeting, Nov. 10 ..... 3963

**Nortex Regional Planning Commission**  
 Open Meetings  
 meeting, Nov. 16 ..... 3964

**North Texas Municipal Water District**  
 Open Meetings  
 meeting, Nov. 30 ..... 4010

**Northeast Texas Health Systems Agency**  
 Open Meetings  
 meeting, Oct. 31 ..... 3868

**Northeast Texas Municipal Water District**  
 Open Meetings  
 meeting, Nov. 27 ..... 4130

**Nueces River Authority**

Open Meetings	
meeting, Nov. 30	4130
<b>Nurse Examiners, Board of</b>	
Open Meetings	
meeting, Nov. 14-15	3909
<b>Nursing Home Administrators, Texas Board of Licensure for</b>	
Adopted Rules	
Applications 391.02.00	4122
Nursing Home Administrators 391.03.00	4122
<b>Occupational Information Coordinating Committee</b>	
In Addition	
Special Purpose Research Program	4012
<b>Organized Crime Prevention Council</b>	
Open Meetings	
meeting, Nov. 21	4070-4071

**Pan American University**

Open Meetings	
meetings, Nov. 8	3858-3859
hearing, Nov. 29	4126

**Panhandle Regional Planning Commission**

Open Meetings	
meeting, Nov. 8	3913
meeting, Nov. 9	3868
meeting, Nov. 13	3964
meeting, Nov. 21	4099

**Pardons and Paroles, Board of**

Open Meetings	
hearing, Nov. 6-10	3859
hearing, Nov. 13-17	3909
hearing, Nov. 15	3910
hearing, Nov. 20-22	4005
hearing, Nov. 27-Dec. 1	4095
hearing, Nov. 29	4095

**Parks and Wildlife Department, Texas**

Proposed Rules	
Fisheries	
Regulations for Taking, Possessing, Transporting, Exporting, Processing, Selling or Offering for Sale, or Shipping Endangered Species 127.30.09	3827-3828
Wildlife	
Statewide Hunting, Fishing, and Trapping	
Proclamation, 1978-79 127.70.01	3951
Transporting, Shipping, and Exporting	
Bobcat Pelts 127.70.15	3828-3829
Adopted Rules	
Parks	
Park Entrance and Park User Fees 127.40.01	3846
Wildlife	
Statewide Hunting, Fishing, and Trapping	
Proclamation, 1978-79 127.70.01	3846-3847
Open Meetings	
meeting, Nov. 8	3859
meeting, Nov. 14	3910
emergency addition to agenda, Nov. 21	4126-4127
meeting, Nov. 21	3957, 4005
emergency addition to agenda, Nov. 22	4127
emergency deletion from agenda, Nov. 22	4095
meeting, Nov. 22	4005
meeting, Nov. 28	4005
meeting, Nov. 29	4005
meeting, Nov. 30	4006
meeting, Dec. 5	4127
meeting, Dec. 7	4006
meetings, Dec. 21	4071
<b>Pecan Valley MH/MR Region</b>	
Open Meetings	
meeting, Nov. 16	3964

**Permian Basin Health Systems Agency**

Open Meetings	
meeting, Nov. 20	4099

**Permian Basin Regional Planning Commission**

Open Meetings	
meeting, Nov. 8	3869

**Pharmacy, Texas State Board of**

Open Meetings	
meeting, Nov. 10	3859

**Physical Therapy Examiners, Texas Board of**

Open Meetings	
hearing, Nov. 4	3859
meeting, Nov. 4	3859

**Port Aransas, City of**

In Addition	
Request for Proposal	4103

**Private Employment Agency Regulatory Board, Texas**

Adopted Rules	
Licensure and Practice	
Employment Agencies 398.02.03	4123

Open Meetings	
meeting, Dec. 8	4096

**Professional Engineers, State Board of Registration for**

Open Meetings	
meeting, Nov. 29	4127

**Prosecutors Coordinating Council, Texas**

Open Meetings	
meeting, Nov. 16	4006

**Psychologists, Texas State Board of Examiners of**

Open Meetings	
meeting, Nov. 3	3860
meetings, Nov. 16-19	4006

**Public Accountancy, Texas State Board of**

Proposed Rules	
Professional Conduct 401.03.00	3978-3982

Adopted Rules	
Registration 401.06.00	3847-3848

Open Meetings	
meeting, Nov. 13	3860

**Public Safety, Texas Department of**

Proposed Rules	
Organization and Administration	
Personnel and Employment Policies 201.01.03	3888-3889

Chemical Breath-Testing Regulations 201.10.00	3889-3891
Vehicle Inspection	
Vehicle Inspection Station Operations 201.12.06	3891-3892

Adopted Rules	
Organization and Administration	
General 201.01.06	3898

Inscription on Vehicles 201.01.12	4089
Equipment and Vehicle Approval 201.11.00	3898-3900

<b>Public School Finance, Legislative Commission on</b>	
Open Meetings	
meeting, Nov. 9	3860

meeting, Dec. 1	4127
-----------------	------

<b>Public Utility Commission of Texas</b>	
Open Meetings	
emergency addition to agenda, Oct. 31	3860

hearing, Nov. 8	3860, 3910
prehearing, Nov. 11	3860

hearing, Nov. 13	3860-3861
hearing, Nov. 14	3861

emergency meeting, Nov. 20	4096
hearing, Nov. 20	4071

rescheduled hearing from Oct. 17 to Nov. 20	3861
prehearings, Nov. 21	4006-4007, 4096

hearing, Nov. 27	3861
hearings, Nov. 27	4071-4072

hearing, Nov. 29	4127
prehearing, Nov. 29	3861



rescheduled hearing from Nov. 27 to Nov. 30.....	4096	hearings, Oct. 30-Nov. 3.....	3959, 4007, 4073
hearing, Dec. 4.....	4007	emergency addition to agenda, Oct. 31.....	3910
prehearing, Dec. 4.....	4096	emergency addition to agenda, Nov. 2.....	3911
hearing, Dec. 5.....	3861	emergency addition to schedule, Nov. 3.....	3959
rescheduled hearing from Nov. 27 to Dec. 6.....	4127	hearing, Nov. 13.....	4074
hearing, Dec. 7.....	3861	hearings, Nov. 13-17.....	3864, 4007, 4073
hearings, Dec. 11.....	4007, 4096	emergency change to schedule, Nov. 14.....	4097
hearing, Dec. 18.....	4096	emergency change to schedule, Nov. 15.....	4097
rescheduled hearing from Nov. 27 to Jan. 3, 1979 ..	4096-4097	emergency change to schedule, Nov. 16.....	4097
hearing, Jan. 4, 1979.....	4072	emergency change to schedule, Nov. 17.....	4129
hearing, Jan. 5, 1979.....	4072		
hearing, Jan. 8, 1979.....	4072	<b>Secretary of State, Office of the</b>	
<b>In Addition</b>		<b>Adopted Rules</b>	
Consultant Contract Award.....	3929	Elections	
<b>Railroad Commission of Texas</b>		Suffrage 004.30.05.....	3848-3849, 4090
<b>Emergency Rules</b>		<b>Securities Board, State</b>	
<b>Transportation Division</b>		Proposed Rules	
Operating Certificates, Permits, and Licenses		Transactions Exempt from Registration 065.05.00.....	3829
051.03.02.....	3882	Securities Exempt from Registration 065.06.00.....	3829
<b>Adopted Rules</b>		Forms 065.90.00.....	3982
<b>Oil and Gas Division</b>		Forms 065.91.00.....	3982-3984
General Conservation Rules of Statewide		Open Meetings	
Application 051.02.02.....	4000	hearing, Nov. 20.....	3959
<b>Open Meetings</b>		<b>Social Psychotherapy, Texas State Board of Examiners in</b>	
emergency additions to agenda, Oct. 30.....	3862	Open Meetings	
emergency meeting, Oct. 30.....	3862	meeting, Nov. 4.....	3864
addition to agenda, Nov. 6.....	3862-3863	<b>Soil and Water Conservation Board, Texas State</b>	
emergency additions to agenda, Nov. 6.....	3957-3958	Open Meetings	
meeting, Nov. 6.....	3863	emergency addition to agenda, Nov. 16.....	4097-4098
meetings, Nov. 6.....	3862-3863	meeting, Nov. 16.....	3911
emergency addition to agenda, Nov. 13.....	4072	<b>South Plains Association of Governments</b>	
meetings, Nov. 13.....	3958	Open Meetings	
emergency addition to agenda, Nov. 16.....	4097	meeting, Oct. 28.....	3867
emergency additions to agenda, Nov. 20.....	4127-4128	meeting, Nov. 14.....	3964
meetings, Nov. 20.....	4072-4073	<b>South Plains Health Systems, Inc.</b>	
meetings, Nov. 27.....	4128-4129	Open Meetings	
rescheduled meeting, Nov. 27.....	4128	meeting, Nov. 30.....	4130
<b>Real Estate Commission, Texas</b>		<b>South Texas Development Council</b>	
Open Meetings		Open Meetings	
meeting, Nov. 20.....	4007	meeting, Oct. 31.....	3867
<b>Rehabilitation Commission, Texas</b>		meeting, Nov. 9.....	3913
<b>In Addition</b>		meetings, Nov. 14.....	3964, 4099
Consultant Proposal Request.....	4103	meeting, Nov. 28.....	4130
<b>Sabine Valley Regional MH/MR Center</b>		<b>South Texas Health Systems Agency</b>	
Open Meetings		Open Meetings	
meeting, Nov. 16.....	4010	meeting, Nov. 1.....	3868
<b>San Antonio River Authority</b>		meeting, Nov. 3.....	3868
Open Meetings		meeting, Nov. 15.....	3963
meeting, Nov. 15.....	3864	meeting, Nov. 18.....	4075
<b>Savings and Loan Department, Texas</b>		<b>South Texas, University System of</b>	
<b>Emergency Rules</b>		Open Meetings	
Charter Applications 056.01.00.....	3944	meeting, Nov. 8.....	3959
Loans 056.08.00.....	3944	meetings, Nov. 9.....	3959
Savings and Deposit Accounts 056.09.00.....	3944	<b>Structural Pest Control Board</b>	
Reorganization, Merger, and Consolidation		Open Meetings	
056.10.00.....	3944	meeting, Dec. 6.....	4129
<b>Adopted Rules</b>		<b>Sunset Advisory Commission</b>	
Additional Offices 056.02.00.....	3955	Open Meetings	
Loans 056.08.00.....	3955	emergency meeting, Nov. 10.....	3960
<b>School Land Board</b>		<b>Supreme Court, Texas</b>	
Open Meetings		Merchants Fast Motor Lines, Inc. v. Railroad Commission	
meeting, Nov. 7.....	3910	of Texas.....	3901
meeting, Nov. 21.....	4097		
<b>School Tax Assessment Practices Board</b>		<b>Tax Assessor Examiners Board</b>	
Open Meetings		Open Meetings	
hearings, Oct. 23-27.....	3863, 4007, 4073	meeting, Nov. 9.....	3911
emergency addition to agenda, Oct. 24.....	3864	meeting, Dec. 11.....	4098
emergency addition to agenda, Oct. 25.....	3864	<b>Teacher Retirement System of Texas</b>	
emergency addition to agenda, Oct. 26.....	3864	Proposed Rules	
change to agenda, Oct. 27.....	3864	Membership Credit	
hearings, Oct. 30-Nov. 1.....	3863	Service Eligible for Membership 334.03.01.....	3892

<b>Benefits</b>	
Disability Retirement 334.05.02.....	3892-3893
<b>Open Meetings</b>	
meeting, Dec. 1.....	4129
<b>Technical-Vocational Education in Texas, Advisory Council for</b>	
<b>Open Meetings</b>	
emergency meeting, Nov. 15.....	4007-4008
rescheduled emergency meeting Nov. 20.....	4074
<b>Texas A&amp;M University System</b>	
<b>Open Meetings</b>	
meeting, Nov. 2.....	3911
<b>Texas Eastern University</b>	
<b>Open Meetings</b>	
meeting, Oct. 31.....	3864
<b>Texas State University System</b>	
<b>Open Meetings</b>	
meetings, Nov. 10.....	3911-3912
meeting, Nov. 10-11.....	3911
<b>Texas Woman's University</b>	
<b>Open Meetings</b>	
meeting, Nov. 2.....	3865
<b>Tri-Region Health Systems Agency</b>	
<b>Open Meetings</b>	
meeting, Nov. 7.....	3868
meetings, Nov. 8.....	3868
meeting, Nov. 9.....	3868
meeting, Nov. 10.....	4010
meetings, Nov. 14-16.....	4010
meeting, Nov. 15.....	4076
<b>Trinity River Authority</b>	
<b>Open Meetings</b>	
meeting, Oct. 25.....	3867
<b>Turnpike Authority, Texas</b>	
<b>Proposed Rules</b>	
Use and Occupancy of Projects 102.02.00.....	3830
<b>Open Meetings</b>	
meeting, Nov. 17.....	4008
<b>Veterans Land Board</b>	
<b>Open Meetings</b>	
meeting, Nov. 16.....	4008
<b>Veterinary Medical Examiners, Texas State Board of</b>	
<b>Open Meetings</b>	
hearing, Dec. 5-8.....	4074
<b>Visually Handicapped, Governor's Coordinating Office for the</b>	
<b>Open Meetings</b>	
meeting, Nov. 8.....	3865
<b>Vocational Nurse Examiners, Board of</b>	
<b>Proposed Rules</b>	
Licensing	
Issuance of Licenses 390.03.04.....	3893
<b>Adopted Rules</b>	
Education	
Vocational Nurse Education Records 390.02.05.....	3900
<b>Open Meetings</b>	
meeting, Nov. 28-30.....	4098
<b>Water Commission, Texas</b>	
<b>Open Meetings</b>	
hearings, Nov. 2.....	3865-3866
meeting, Nov. 6.....	3866
hearing, Nov. 7.....	3912
hearings, Nov. 8.....	3912
hearing, Nov. 13.....	3960
hearings, Nov. 16.....	3960-3961
hearings, Nov. 17.....	3866, 3961
emergency addition to agenda, Nov. 20.....	4098
meetings, Nov. 20.....	3961, 4074
hearings, Nov. 21.....	3961-3963, 4008-4009
meeting, Nov. 21.....	3963
hearing, Nov. 27.....	4129
hearings, Nov. 28.....	4009
hearings, Nov. 29.....	4009-4010, 4074
hearings, Dec. 1.....	3866-3867
hearing, Dec. 8.....	3912
hearing, Dec. 13.....	4074-4075
hearing, Dec. 14.....	4075
hearing, Dec. 15.....	4075
hearing, Dec. 21.....	4098
hearing, Jan. 5, 1979.....	4098
<b>Water Development Board, Texas</b>	
<b>Emergency Rules</b>	
Grants Administration	
Federal Construction Grant Program 156.15.05.....	4085
<b>Proposed Rules</b>	
Water Districts	
Issuance of Bonds 156.06.30.....	3893
District Action of the Commission Approves the Engineering Project and Issuance of Bonds 156.06.35.....	3893-3894
Other Actions Requiring Commission Consideration for Approval 156.06.40.....	3894
<b>Open Meetings</b>	
emergency addition to agenda, Nov. 21.....	4129
meeting, Nov. 21.....	4098-4099
<b>Water Resources, Texas Department of</b>	
<b>Proposed Rules</b>	
Private Sewage Facility	
Lumbarton Municipal Utility District in Hardin County 157.31.26.....	3830-3833
<b>Open Meetings</b>	
hearing, Dec. 7.....	3867
<b>Water Well Drillers Board, Texas</b>	
<b>Open Meetings</b>	
meeting, Nov. 8.....	3867
<b>West Central Texas Council of Governments</b>	
<b>Open Meetings</b>	
meeting, Nov. 27.....	4130
<b>West Texas Council of Governments</b>	
<b>Open Meetings</b>	
meeting, Nov. 16.....	4099
<b>West Texas Health Systems Agency</b>	
<b>Open Meetings</b>	
meeting, Nov. 16.....	4099
<b>West Texas State University</b>	
<b>Open Meetings</b>	
meeting, Dec. 5.....	4130
<b>Wheat Producers Board, Texas</b>	
<b>Open Meetings</b>	
meeting, Nov. 8-9.....	3912



## Texas Youth Council Consultant Proposal Request

The Texas Youth Council (TYC) submits the following notice of invitation for offers in compliance with Section 6 of Senate Bill 737, Acts of the 65th Legislature:

**Description of Project.** Systems design and programming services are required by the Texas Youth Council at Austin in order to implement a Program and Youth Management Information System (PAYMIS). Consultant will prepare systems analysis, systems design, proposed systems resource requirements report, and necessary programming and staff training.

**Contact Person.** Potential offerors of consulting services should contact TYC for a complete copy of the request for proposals for this contract prior to December 15, 1978. Contact Ted Miller, director, or Louise Porfirio, supervisor, Data Services, Data Processing Department, Texas Youth Council, P.O. Box 9999, Austin, Texas 78766, telephone (512) 452-8111.

**Closing Date.** Closing date for receipt of proposals is 5 p.m. Friday, January 26, 1979.

**Selection Criteria.** Offerors will be asked to submit both business and technical proposals, separately bound. The following procedure will be used to identify a final contractor:

(1) Those proposals meeting the minimum standards set forth in the RFP will be evaluated and ranked on the basis of criteria set forth in the RFP. Ranking will be done by a panel of three reviewers. Weight will be given to previous experience in the criminal/juvenile justice and youth services areas.

(2) The top final proposers may be contacted to negotiate price considerations before being asked to submit a firm and final budget.

(3) A contract for the most favorable proposal will be drafted by TYC for review and approval and funding by the Criminal Justice Division of the Governor's Office.

(4) A preproposal contractors conference may be held on Friday, January 5, 1979.

Issued in Austin, Texas, on November 28, 1978.

Doc. No. 787819

Ron Jackson  
Executive Director  
Texas Youth Council

Filed: November 28, 1978, 2 p.m.

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

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