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Texas Register

Volume 9, Number 21, March 20, 1984

Pages 1599 - 1648



Highlights

The Texas Education Agency adopts on an emergency basis and simultaneously proposes for permanent adoption amendments in a chapter concerning planning and accreditation
 Effective date - March 13 pages 1603, 1609
 The Texas Board of Licensure for Nursing Home

Administrators proposes a repeal and new section in a chapter concerning administrative authority Earliest possible date of adoption - April 16 page 1611

The Texas Department of Health adopts new sections concerning the Epilepsy Program.
 Effective date - April 3 page 1632

**Office of
 the Secretary
 of State**

How To Use the Texas Register

Texas Register

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- Governor—appointments, executive orders, and proclamations
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- State Ethics Advisory Commission—summaries of requests for opinions and opinions
- Attorney General—summaries of requests for opinions, opinions, and open records decisions
- Emergency Rules—rules adopted by state agencies on an emergency basis
- Proposed Rules—rules proposed for adoption
- Withdrawn Rules—rules withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date
- Adopted Rules—rules adopted following a 30-day public comment period
- Open Meetings—notices of open meetings
- In Addition—miscellaneous information required to be published by statute or provided as a public service

Specific explanations on the contents of each section can be found on the beginning page of the section. The division also publishes monthly, quarterly, and annual indexes to aid in researching material published.

How To Cite: Material published in the *Texas Register* is referenced by citing the volume in which a document appears, the words "TexReg," and the beginning page number on which

that document was published. For example, a document published on page 2402 of Volume 6 (1981) is cited as follows: 6 TexReg 2402.

In order that readers may cite material more easily, page numbers are now written as citations. Example: on page 2, in the lower left-hand corner of the page, would be written "9 Tex-Reg 2 issue date," while on the opposite page, page 3, in the lower right-hand corner, would be written "issue date 9 Tex-Reg 3."

How To Research: The public is invited to research rules and information of interest between 8 a.m. and 5 p.m. weekdays at the *Texas Register* office, 503E Sam Houston Building, Austin. Material can be found by using *Register* indexes, the *Texas Administrative Code* (explained below), rule number, or TRD number.

Texas Administrative Code

The *Texas Administrative Code* (TAC) is the approved, collected volumes of Texas administrative rules.

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

1 indicates the title under which the agency appears in the *Texas Administrative Code* (a listing of all the titles appears below),

TAC stands for the *Texas Administrative Code*,

27.15 is the section number of the rule (27 indicates that the rule is under Chapter 27 of Title 1, 15 represents the individual rule within the chapter).

Latest Texas Code Reporter
(Master Transmittal Sheet) No. 10, December 1982

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1984

An agency may adopt a new or amended rule, or repeal an existing rule on an emergency basis, if it determines that such action is necessary for the public health, safety, or welfare of this state. The rule may become effective immediately upon filing with the *Texas Register*, or on a stated date less than 20 days after filing for no more than 120 days. The emergency action is renewable once for no more than 60 days.

An agency must submit written reasons, published in the *Register*, for emergency action on a rule. The submission must also include a statement of the legal authority under which the emergency action is promulgated and the text of the emergency adoption. Following each published emergency document is certification information containing the effective and expiration dates of the action and a telephone number from which further information may be obtained.

Symbology in amended rules. New language added to an existing rule is indicated by the use of **bold text**. [Brackets] indicate deletion of existing material within a rule.

Emergency Rules

TITLE 19. EDUCATION Part II. Texas Education Agency Chapter 97. Planning and Accreditation Subchapter C. Accreditation Commissioner

19 TAC §97.41

The Texas Education Agency adopts on an emergency basis amendments to §97.41, concerning the State Commission for School Accreditation. The amendments change the description of the role of the commission to be consistent with that in a revision of §97.74, concerning procedures for altering a school district's accreditation status. The latter section has also been amended on an emergency basis.

Because the State Commission on School Accreditation meets only twice a year, it has become difficult for the commission to have an active role in the determination of the accreditation status for individual school districts, nor does this seem to be an appropriate function for an advisory committee. The section as amended makes it clear that the function of the State Commission on School Accreditation is to make recommendations concerning the principles, standards, and procedures for school accreditation, not to take action on the accreditation status of individual school districts.

Editorial changes in the section have also been made.

This section is adopted on an emergency basis to ensure consistency with the Texas Administrative Code section concerning procedures for alteration of a district's accreditation status, and to ensure that the process for such alteration is both fair and efficient.

The amendments are adopted on an emergency basis under the Texas Education Code, §11.25(f), which authorizes the Central Education Agency to establish advisory committees, and the Texas Education Code, §11.26(a)(5), which authorizes the State Board of Education to establish regulations for the accreditation of schools.

§97.41. *State Commission on School Accreditation.*

(a) [The State Commission on School Accreditation shall review the educational program of the public schools annually and determine whether districts are meeting their responsibility for providing a comprehensive instructional program in terms of the principles and standards in Subchapter D of this chapter (relating to Principles, Standards, and Procedures for the Accreditation of School Districts).] The State Commission on School Accreditation shall provide for school systems to have the opportunity, through their representatives, to **make recommendations concerning** [participate in the planning and operation of] the accreditation program.

(b) The commission shall be composed of 12 members. Three shall be administrators, and three shall be board members as follows: one school administrator and one school board member from school districts of less than 10,000 in average daily attendance (ADA); one school administrator and one school board member from school districts having 10,000 to 50,000 in ADA, and one administrator and one school board member from school districts having more than 50,000 in ADA. The other six members shall consist of two principals, two classroom teachers, and two representatives from colleges or universities. **Members shall be appointed in accordance with §161.3 of this title (relating to Other Committees Advisory to the State Board of Education).** [Each member shall be appointed by the state commissioner of education subject to confirmation of the State Board of Education.]

(c) The responsibilities of the commission shall include:

(1) making recommendations to the commissioner of education and the State Board of Education concerning **principles, standards, and procedures** for school accreditation [and policies for applying these standards]; and

(2) advising the **commissioner of education** [staff of the Division of School Accreditation] concerning application of standards to the school systems of the state and development of new materials relating to school accreditation.

(3) receiving the reports of the director of the Division of School Accreditation concerning the status of accreditation in individual school districts;

(4) providing a forum for the informal resolution of complaints arising from any district that is not satisfied with the rulings and recommendations of the director of school accreditation; and

(5) making recommendations to the commissioner and to the board concerning action to be taken on the reports.]

(d) Members of the State Commission on School Accreditation **shall be** [are] appointed for terms of three years. The terms of one-third of the members **shall** expire each year, and a member **shall be** [is] ineligible to **serve** [to succeed himself] after serving two successive terms. This ineligibility **shall last** [lasts] for three years.

(e) In the event of death or resignation of a member of the commission, a successor **shall be** [is] appointed [by the commissioner of education] to serve the remainder of the unexpired term. A member who has served more than one year of an unexpired term **shall** [is] not be eligible for appointment to more than one succeeding regular term. This ineligibility **shall also last** [lasts] for three years.

Issued in Austin, Texas, on March 13, 1984

TRD-842936 Raymon L. Bynum
Commissioner of Education

Effective date March 13, 1984

Expiration date July 11, 1984

For further information, please call (512) 475-7077.

Subchapter D. Principles, Standards, and Procedures for the Accreditation of School Districts Conditions and Procedures for Accreditation

19 TAC §97.74

The Texas Education Agency adopts on an emergency basis amendments to §97.74, concerning establishment and modification of a school district's accreditation status. The amendments are intended to clarify the procedure by which such actions are taken by the agency and to ensure that a district's right to a full hearing is protected. The amendments are also proposed for permanent adoption in this issue.

Under the present procedures, the Central Education Agency's Division of School Accreditation can act on its own authority to unaccredit a district, and this action is final unless the district contests it. Similar authority is given to the State Commission on School Accreditation. This seems to be an inappropriate role for an advisory committee. In addition, since the commission only meets twice a year, the requirement for commission review and recommendation of accreditation status changes slows the process considerably. Provisions for a hearing are confusing and do not adequately protect a district's right to a full and formal hearing procedure.

The amended section makes the accreditation process consistent with other agency regulatory actions. The section provides that responsibility for modification of a district's accreditation status rests with the commissioner of education. The modification process may begin with either a letter of intent to modify from the commissioner, or a letter of intent to recommend modification from the appropriate deputy commissioner. A district which receives such a letter may request either a formal hearing or an informal conference with the commissioner or the commissioner's designee.

Under the amended section, the State Board of Education will not act on the accreditation of all school districts but will continue to make rules concerning accreditation and will act on appeals of decisions of the commissioner.

A new subsection (g) requires the commissioner of education to make quarterly reports to the board concerning the accreditation status of school districts in Texas.

These amendments are adopted on an emergency basis to ensure that districts whose accreditation status is modified have due process and a right to a formal hearing, and to enable the agency to act more effectively and efficiently to modify a district's accreditation status, especially in those cases where a lack of such action is likely to be harmful to the health, safety, or welfare of the students in the district.

The amendments are adopted on an emergency basis under the Texas Education Code, §11 26(a)(5), which authorizes the State Board of Education to establish rules for the accreditation of school districts.

§97.74. *Establishment and Modification of a District's Accreditation Status.*

(a) Each district will be classified for purposes of accreditation in one of five categories:

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

(4) Unaccredited status. Because of failure to remove variations or discrepancies cited in paragraph (2) or paragraph (3) of this subsection, and/or failure to discharge satisfactorily its obligations during the accreditation cycle, accreditation is removed. When such action is taken by the **commissioner of education** [State Board of Education], the **commissioner** [board] shall specify the time at which removal of accreditation becomes effective.

(5) (No change.)

(b) A district's accreditation status is established or reaffirmed through the following:

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

(3) review by the **appropriate deputy commissioner** [State Commission on School Accreditation,] and recommendation that the district be granted accredited status;

[(4) Review by the commissioner of education, and recommendation that the district be granted accredited status.]

[(4)](5) establishment or reaffirmation of the district's accredited status by action of the **commissioner of education** [State Board of Education].

(c) In order to maintain accredited status, once established, the district must remain in substantial compliance with the provisions of this subchapter, and actively and continuously implement its five-year priorities plan. [Notification of intent by the Division of School Accreditation to recommend modifications of a district's accreditation status is given at least 60 days prior to the effective date of the proposed modification in status. If the district is not in agreement with the judgment or recommendation of the Division of School Accreditation, the district may, within 30 days, request in writing an opportunity for review of the recommendation for proposed action. Such review process normally follows the steps outlined below:

[(1) District officials confer with the director of the Division of School Accreditation. If agreement is reached, no further review is taken.

[(2) If agreement is not reached by the process described in paragraph (1) of this subsection, the district may request a review by the State Commission on School Accreditation. If resolved at this level, no further review is taken.

[(3) If not resolved by the process described in paragraphs (1) and/or (2) of this subsection, the district may request review by the commissioner of education. If agreement is reached, no further review is taken.

[(4) If not resolved by the process described in paragraph (3) of this subsection, the district may request a hearing by the State Board of Education. If resolved at this level, no further review is taken.

[(5) If not satisfied with the action of the State Board of Education, the district has the right to request a rehearing before the board.]

(d) **Modification of a district's accreditation status shall be in accordance with the following procedures:** [The provisions of subsections (a), (b), and (c) of this section do not necessarily apply when a district is found to be in violation of Civil Action 5281.]

(1) **The district shall be given notice of the proposed modification at least 60 days prior to the effective date of the proposed modification. The notice shall state the reasons for the proposed modification and shall take one of the following forms:**

(A) a letter from the **appropriate deputy commissioner**, indicating that the deputy will recommend to the commissioner of education that the district's status be modified; or

(B) a letter from the **commissioner of education** giving notice of the commissioner's intent to modify the district's status.

(2) **Within 30 days after issuance of the notice of intent to modify accreditation status, the district may request either an informal conference with the commissioner of education or the commissioner's designee or a formal hearing before the commissioner of education or the commissioner's designee.**

(3) **If a district requests a formal hearing, the hearing shall be held by the commissioner of education or a deputy not involved in accreditation. After the hearing, the commissioner of education shall render a decision concerning the accreditation status of the district. The commissioner's decision may be appealed to the State Board of Education.**

(4) **When a district is found to be in violation of Civil Action 5281, the commissioner's decision will be final and may not be appealed to the State Board of Education.**

(e) (No change.)

(f) **Whenever the commissioner is authorized to modify a school district's accreditation status pursuant to subsection (e)(2) or (e)(3) of this section, the commissioner may, in lieu of ordering such a modification, appoint a monitor to advise the governing body of a school district and to approve its actions.**

(1)-(6) (No change.)

[(7) **The commissioner shall report actions taken under this subsection to the State Board of Education at its earliest subsequent meeting.**]

(g) **The commissioner of education shall make quarterly reports to the State Board of Education concerning the accreditation status of school districts in Texas.**

Issued in Austin, Texas, on March 13, 1984.

TRD-842937 Raymon L. Bynum
Commissioner of Education

Effective date: March 13, 1984

Expiration date: July 11, 1984

For further information, please call (512) 475-7077.

TITLE 28. INSURANCE

Part I. State Board of Insurance

(Editor's note: Because the State Board of Insurance's rules have not yet been published in the Texas Administrative Code (TAC), they do not have designated TAC numbers. For the time being, the rules will continue to be published under their Texas Register numbers. However, the rules will be published under the agency's correct TAC title and part.)

General Provisions

Written Examination for Applicants for License to Write Insurance Upon Any One Life in Excess of \$5,000

059.21.01.041-.052

The State Board of Insurance is renewing the effectiveness of the emergency adoption of new Rules

059.21.01.041-.052 for a 60-day period effective March 15, 1984. The new sections were originally adopted on an emergency basis in the November 25, 1983, issue of the *Texas Register* (8 TexReg 4882).

Issued in Austin, Texas, on March 14, 1984

TRD-842958 James W. Norman
 Chief Clerk
 State Board of Insurance

Effective date: March 15, 1984
Expiration date: May 14, 1984
For further information, please call (512) 475-2950.

**Written Examination for Applicants for
Accident and Health Insurance Agents
License**

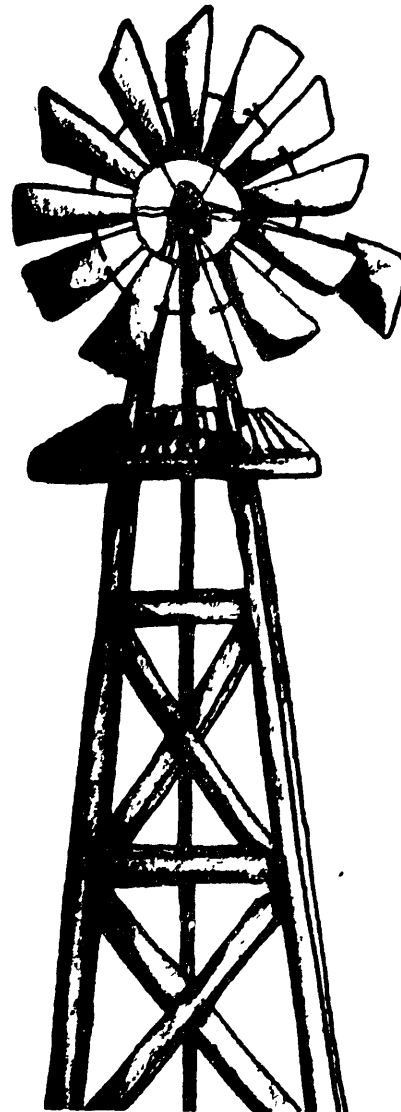
059.21.01.091-.101

The State Board of Insurance is renewing the effectiveness of the emergency adoption of new Rules 059.21.01.091-.101 for a 60-day period effective March 15, 1984. The text of the new rules was originally published in the November 25, 1983, issue of the *Texas Register* (8 TexReg 4884).

Issued in Austin, Texas, on March 14, 1984

TRD-842959 James W. Norman
 Chief Clerk
 State Board of Insurance

Effective date: March 15, 1984
Expiration date: May 14, 1984
For further information, please call (512) 475-2950.



Before an agency may permanently adopt a new or amended rule, or repeal an existing rule, a proposal detailing the action must be published in the *Register* at least 30 days before any action may be taken. The 30-day time period gives interested persons an opportunity to review and make oral or written comments on the rule. A public hearing on the proposal may also be granted if such a procedure is requested by a governmental subdivision or agency, or by an association consisting of at least 25 members.

The proposal, as published in the *Register*, must include a brief explanation of the proposed action; a fiscal statement indicating effect on state or local government; a statement explaining anticipated public benefits and possible economic costs to individuals required to comply with the rule; a request for public comments; a statement of statutory authority under which the proposed rule is to be adopted (and the agency's interpretation of the statutory authority); the text of the proposed action; and a certification statement. The certification information, which includes legal authority, the proposed date of adoption or the earliest possible date that the agency may file notice to adopt the proposal, and a telephone number to call for further information, follows each submission.

Symbology in amended rules. New language added to an existing rule is indicated by the use of **bold text**. [Brackets] indicate deletion of existing material within a rule.

Proposed Rules

TITLE 16. ECONOMIC REGULATION Part II. Public Utility Commission of Texas Chapter 23. Substantive Rules Rates

16 TAC §23.22

The Public Utility Commission of Texas proposes new §23.22, concerning energy efficiency plans. This section will promote the efficient allocation and use of existing and planned generation facilities and non-renewable energy resources, while encouraging the development of alternative renewable energy resources. Utilities will be required to develop quantified energy efficiency goals and more closely monitor the cost benefit of energy efficiency programs and activities for use in determining justification of major rate changes and/or certificates of convenience and necessity for generation facilities.

Rhonda Colbert Ryan, secretary of the commission, has determined that for the first five-year period the section will be in effect there will be fiscal implications as a result of enforcing or administering the section. The Energy Efficiency Division of the Public Utility Commission would require one additional staff person to evaluate submitted energy efficiency reports and to testify in major rate and certification proceedings. The salary for a level 19 position would be an estimated additional cost of \$30,852 each year from 1984-1988. There is no anticipated effect on local

government. There is no anticipated additional cost to small businesses.

Ms. Ryan also has determined that for each year of the first five years the section as proposed is in effect the public benefit anticipated as a result of enforcing the section as proposed is assurance that electric utilities are utilizing, developing, and implementing viable energy efficiency programs that are cost effective. The programs should benefit the citizens of Texas by encouraging the utilities' efficient use of non-renewable energy supplies and the further development of renewable energy resources. The section will also benefit the public by assuring that utilities make an effort to help the individual consumer reduce energy consumption, thereby reducing consumers' bills and minimizing waste of energy resources. The utility companies' cost of compliance is the cost of developing energy efficiency plans and of fielding a witness to testify on these plans during major rate and certification proceedings. Many utility companies already have partial or complete energy efficiency plans in operation. Also, these plans must be filed only every two years. It is not possible to predict how many times in five years any given utility would appear before the commission in a major rate or certification proceeding. A possible cost range could be \$25,000 in 1984, and \$50,000 each year in 1986 and 1988 per utility. There is no anticipated cost in 1985 and 1987.

Comments on the proposal may be submitted to Rhonda Colbert Ryan, Secretary of the Commission, 7800 Shoal Creek Boulevard, Suite 450N, Austin, Texas 78757.

The new section is proposed under Texas Civil Statutes, Article 1446c, §16, which provide the Public Utility Commission of Texas with the authority to make and enforce rules reasonably required in the exercise of its powers and jurisdiction and in administering the provisions of this Act.

§23.22. Energy Efficiency Plan.

(a) All electric utilities serving more than 20,000 customers shall file energy efficiency plans consistent with the provisions of this section and the definition of energy efficiency.

(b) Each utility shall file with the commission filing clerk three copies of its energy efficiency plan by June 15, 1984, with updates at least once every two years from the date of the most recent filing. The plan shall contain the following information:

(1) a detailed work plan, including a schedule for the implementation of such a plan;

(2) for each program and activity, a quantified and verifiable energy efficiency goal for each of the succeeding two years, with an indication of the objectives and expected contribution of each program and activity, detailed documentation of all assumptions and criteria employed in the selection, evaluation, and prioritization of the complete set of programs, including the rationale for selecting the chosen set; and, except in the initial plan, an analysis of the extent to which previous goals have been achieved in toto and the relative contribution of each program and activity;

(3) a cost-benefit analysis for each existing energy efficiency program and activity containing:

(A) a description of the plan, including the rationale for the program, identification of the target audience, and estimated customer penetration rate;

(B) any cost-benefit analysis performed prior to implementation;

(C) a description of expenditures to date; and

(D) a current cost-benefit analysis;

(4) for each proposed energy efficiency program and activity, a cost-benefit analysis containing:

(A) a description of the plan;

(B) a projected cost-benefit analysis; and

(C) an implementation schedule;

(5) a utility may submit additional information describing its programs, including samples of information disseminated to customers;

(6) each plan shall also contain a detailed description of the specific accounts to be used and the cost-accounting system to be employed to ensure that all costs associated with any individual program or activity described are accurately and separately identified.

(c) In the filing of an application for a major rate change or certificate of public convenience and necessity for generation facilities, a utility shall include the following:

(1) the most recent energy efficiency plan;

(2) testimony which shall specifically indicate the extent to which the goals of the utility's energy efficiency plan have been reached as of the date of filing. This testimony shall indicate the status of all programs and studies which are being undertaken pursuant to the energy efficiency goals laid out in paragraph (b)(2) of this section and all costs expended and benefits achieved to date;

(3) testimony which shall indicate to what extent the utility's achievements through its energy efficiency plan have offset the need for new generating facilities as required by the Public Utility Regulatory Act, §54(d)(1) and §54(e)(2).

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on March 5, 1984.

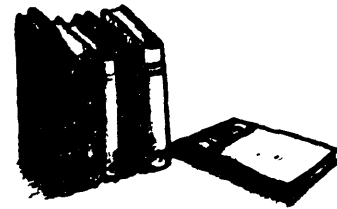
TRD-842878

Rhonda Colbert Ryan
Secretary of the Commission
Public Utility Commission of
Texas

Earliest possible date of adoption:

April 20, 1984

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



**TITLE 19. EDUCATION
Part II. Texas Education Agency
Chapter 53. Regional Education
Service Centers
Subchapter B. Administration and
Operation**

19 TAC §53.30

The Texas Education Agency proposes an amendment to §53.30, concerning the adoption by reference of the bulletin titled *Budgeting, Accounting, Auditing, and Reporting for Texas Regional Education Service Centers*.

The General Appropriations Act of 1981 directed the Texas Education Agency to develop a standardized budgeting, accounting, and financial reporting system for regional education service centers. The document titled *Budgeting, Accounting, Auditing, and Reporting for Texas Regional Education Service Centers*, was developed for use during the 1981-1982 school year, and was amended in April 1983.

It is proposed that the bulletin be amended to make the following changes: update the chart of funds and accounts to take into consideration changes in funding sources, and to assure conformity with generally accepted accounting principles; expand accounting illustrations to better explain accounting for cooperatives, flow-through transactions, and building use fees or charges; update the budget illustration to present the budget form now in use by education service centers; and editorial changes for greater clarity in the text and sample annual report.

Richard Bennett, finance associate commissioner, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rule.

Dr. Beverly J. Bardsley, policy development director, and Mr. Bennett, have determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is continued refinement of the uniform accounting system for education service centers which should benefit both the centers and other persons interested in service center budgets and expenditures. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Dr. Beverly J. Bardsley, Director for Policy Development, 201 East 11th Street, Austin, Texas 78701, (512) 475-7077. All requests for a public hearing on proposed sections submitted in accordance with the Administrative Procedure and Texas Register Act must be received by the commissioner of education not more than 15 calendar days after notice of a proposed change in rules has been published in the *Texas Register*.

This amendment is proposed under the General Appropriations Act of 1983, Article III, §8, which directed the Texas Education Agency to refine and improve the standardized reporting system for regional education service center budgets and expenditures; and the Texas Education Code, §11.23(a), which authorizes the State Board of Education to provide, by rule, for the establishment and operation of regional education service centers.

§53.30. Fiscal Audits, Records, and Reports.

(a) Education service centers shall use the same budgeting, accounting, and financial reporting system as that used by the Texas Education Agency. Principles and requirements for the system to be used by education service centers are described in the official Texas Education Agency bulletin, *Budgeting, Accounting, Auditing, and Reporting for Texas Regional Education Service Centers*, as amended April 1984 [1983], which is adopted by this reference as the agency's official rule. A copy is available for examination during regular office hours, 8 a.m. to 5 p.m., except holidays, Saturdays, and Sundays, at the Texas Education Agency, 201 East 11th Street, Austin, Texas 78701.

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

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on March 13, 1984.

TRD-842938 Raymon L. Bynum
Commissioner of Education

Proposed date of adoption:
May 12, 1984

For further information, please call (512) 475-7077.

Chapter 97. Planning and Accreditation

Subchapter C. Accreditation Commission

19 TAC §97.41

(Editor's note: The Texas Education Agency proposes for permanent adoption the amendments it adopts on an emergency basis in this issue. The text of the amendments is published in the Emergency Rules section of this issue.)

The Texas Education Agency proposes amendments to §97.41, concerning the State Commission for School Accreditation. The proposed amendments change the description of the role of the commission to be consistent with that in a proposed revision in §97.74, concerning procedures for altering a school district's accreditation status.

Because the State Commission on School Accreditation meets only twice a year, it has become difficult for the commission to have an active role in the determination of the accreditation status for individual school districts, nor does this seem to be an appropriate function for an advisory committee. The proposed rule change makes it clear that the function of the State Commission on School Accreditation is to make recommendations concerning the principles, standards, and procedures for school accreditation, not to take action on the accreditation status of individual school districts.

Editorial changes in the section are also proposed.

Richard Bennett, finance associate commissioner, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rule.

Dr. Beverly J. Bardsley, policy development director, and Mr. Bennett have determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is greater clarity concerning the role of the State Commission on School Accreditation and a more streamlined process for making determinations concerning the accreditation status of school districts. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Dr. Beverly J. Bardsley, Director for Policy Development, 201 East 11th Street, Austin, Texas 78701, (512) 475-7077. All requests for a public hearing on proposed sections submitted in accordance with the Administrative Procedure and Texas Register Act must be received by the commissioner of education not more than 15 calendar days after notice of a proposed change in rules has been published in the *Texas Register*.

This amendment is proposed under the authority of the Texas Education Code, §11.25(f), which autho-

rizes the Central Education Agency to establish advisory committees, and the Texas Education Code, §11.26(a)(5), which authorizes the State Board of Education to establish regulations for the accreditation of schools.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt

Issued in Austin, Texas, on March 13, 1984

TRD-842939 Raymon L. Bynum
Commissioner of Education

Proposed date of adoption

May 12, 1984

For further information, please call (512) 475-7077.

Subchapter D. Principles, Standards, and Procedures for the Accreditation of School Districts Conditions and Procedures for Accreditation

19 TAC §97.74

(Editor's note: The Texas Education Agency proposes for permanent adoption the amendments it adopts on an emergency basis in this issue. The text of the amendments is published in the Emergency Rules section of this issue.)

The Texas Education Agency (TEA) proposes amendments to §97.74, concerning establishment and modification of a school district's accreditation status. The proposed amendments are intended to clarify the procedure by which such actions are taken by the agency and to ensure that a district's right to a full hearing is protected.

Under the present procedures, the Central Education Agency's Division of School Accreditation can act on its own authority to unaccredit a district, and this action is final unless the district contests it. Similar authority is given to the State Commission on School Accreditation. This seems to be an inappropriate role for an advisory committee. In addition, since the commission only meets twice a year, the requirement for commission review and recommendation of accreditation status changes slows the process considerably. Provisions for a hearing are confusing and do not adequately protect a district's right to a full and formal hearing procedure.

The proposed amendments make the accreditation process consistent with other agency regulatory actions. The rules provide that responsibility for modification of a district's accreditation status rests with the commissioner of education. The modification process may begin with either a letter of intent to modify from the commissioner, or a letter of intent to recommend modification from the appropriate deputy commissioner. A district which receives such a letter may request either a formal hearing or an informal con-

ference with the commissioner or the commissioner's designee.

Under the proposed change, the State Board of Education will not act on the accreditation of all school districts but will continue to make rules concerning accreditation and will act on appeals of decisions of the commissioner.

A proposed new subsection (g) requires the commissioner of education to make quarterly reports to the board concerning the accreditation status of school districts in Texas.

Richard Bennett, associate finance commissioner, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rule.

Dr. Beverly Bardsley, policy development director, and Mr. Bennett have determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is a clearer and more efficient process for modification of a school district accreditation status, with greater assurance of due process for the district. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Dr. Beverly J. Bardsley, Director for Policy Development, 201 East 11th Street, Austin, Texas 78701, (512) 475-7077. All requests for a public hearing on proposed sections submitted in accordance with the Administrative Procedure and Texas Register Act must be received by the commissioner of education not more than 15 calendar days after notice of a proposed change in rules has been published in the *Texas Register*.

The amendments are proposed under the Texas Education Code, §11.26(a)(5), which authorizes the State Board of Education to establish rules for the accreditation of school districts.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

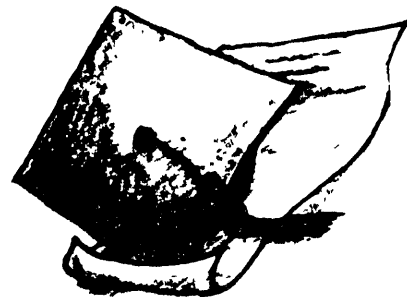
Issued in Austin, Texas, on March 13, 1984

TRD 842940 Raymon L. Bynum
Commissioner of Education

Proposed date of adoption

May 12, 1984

For further information, please call (512) 475-7077



TITLE 22. EXAMINING BOARDS Part XIII. Texas Board of Licensure for Nursing Home Administrators

A notice appeared in the March 16, 1984, issue of the *Texas Register* indicating that the following proposals would be serialized in this issue. Earliest possible date of adoption for the documents is April 16, 1984.

Chapter 241 Administrative Authority

§§241 1-241 5

(repeal)

§§241 1-241 3

(new)

Chapter 243 Application

§§243 1-243 5

(repeal)

§§243 1-243.4

(new)

Chapter 245 Examination

§§245 2-245 6

(repeal)

§§245 1-245 3

(new)

Chapter 247 Education

§§247 1-247 4

(repeal)

§§247 1-247 4

(new)

Chapter 249 License Certificates

§§249 1-249 3

(repeal)

§§249 1-249 4

(new)

Chapter 251 Inactive Status

§251 1

(repeal)

Chapter 251 Disciplinary

§§251 1-251 5

(new)

Chapter 253 Complaint Procedures

§§253 1 253 4

(repeal)

Chapter 255 Disciplinary Action

§§255 1-255 5

(repeal)

Chapter 257 Hearing Procedures

§§257 1-257 10

(repeal)

Chapter 259 Reciprocity

§259 1

(repeal)

249 3, 251 1, 253 1-253.4, 255.1-255.5, 257.1-257.10, and 259 1, and new §§241.1-241.3, 243.1-243.4, 245 1-251 5, concerning the regulations of the licensure of nursing home administrators. The new regulations remove the redundancy of directives contained in Texas Civil Statutes, Article 4442d; restate in clear, concise, and accurate language agency regulations; and combine all regulations into a consolidated document

Karl E. Bishop, executive director, has determined that for the first five-year period the repeal and new rules will be in effect there will be no fiscal implications for state or local government or small businesses as a result of the repeal or enforcing or administering the new rules.

Mr. Bishop also has determined that for each year of the first five years the repeal and new rules as proposed are in effect the public benefit anticipated as a result of the repeal and enforcing the rules as proposed is an easily readable document that will not be in conflict with state statutes. There is no anticipated economic cost to individuals who are required to comply with the repeal or rules as proposed

Comments on the proposal may be submitted to Karl E. Bishop, Executive Director, Texas Board of Licensure for Nursing Home Administrators, 3407 IH 35 North, Austin, Texas 78722, (512) 479-0922.



Chapter 241. Administrative Authority

22 TAC §§241 1-241.5

(Editor's note The text of the following rules proposed for repeal will not be published The rules may be examined in the offices of the Texas Board of Licensure for Nursing Home Administrators, 3407 IH 35 North, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin)

The repeal is proposed under Texas Civil Statutes, Article 4442d, §8, which provide the Texas Board of Licensure for Nursing Home Administrators with the authority to make rules and regulations not inconsistent with law as may be necessary or proper for the performance of its duties, and to take such other actions as may be necessary to enable the state to meet the requirements set forth in the Social Security Act, §1908, the federal rules and regulations promulgated thereunder, and other pertinent federal authority, provided, however, that no rule shall be promulgated, altered, or abolished without the approval of a two-thirds majority of the board

§241.1 *General Definitions*

§241.2 *Board Meetings*

§241.3 *General Powers of the Board.*

The Texas Board of Licensure for Nursing Home Administrators proposes the repeal of §§241.1-241.5, 243.1-243.5, 245.1-245.6, 247.1-247.4, 249.1-

§241.4. *Officers and Duties of the Board*
§241.5. *Copies of Rules for Administrators.*

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on March 8, 1984

TRD-842853 Dottie Mathieson
Supervisor
Administrative Services
Texas Board of Licensure for
Nursing Home Administrators

Earliest possible date of adoption
April 16, 1984
For further information, please call (512) 479-0922.

22 TAC §§241.1-241.3

The new sections are proposed under Texas Civil Statutes, Article 4442d, §8, which provide the Texas Board of Licensure for Nursing Home Administrators with the authority to make rules and regulations not inconsistent with law as may be necessary or proper for the performance of its duties, and to take such other actions as may be necessary to enable the state to meet the requirements set forth in the Social Security Act, §1908, the federal rules and regulations promulgated thereunder, and other pertinent federal authority, provided, however, that no rule shall be promulgated, altered, or abolished without the approval of a two-thirds majority of the board

§241.1. *Definitions* The following words and terms, when used in this part, shall have the following meanings, unless the context clearly indicates otherwise

Administrator-in-training (AIT)—An individual registered with the board to serve an internship under the auspices of the board

Individual—A term that does not include firm, corporation, association, partnership, institution, public body, joint stock association, or any other group.

Newsletter—An official publication of the Texas Board of Licensure for Nursing Home Administrators (TBLNHA) containing information primarily of interest to nursing home administrators and the nursing home industry. The newsletter is titled *The Apotheosis*

Partial endorsement—Acceptance by endorsement of the board for licensure purposes of education, testing, training, and experience acquired outside the State of Texas in the administration of a nursing home as evidenced by proper certification

Practicum—A course of study designed for the preparation of nursing home administrators that involves supervision by the college of the practical application of previously studied theory in a nursing home setting

Preceptor—An individual who has satisfied the requirements of tenure, residency, training, and outstanding performance and has been certified by the board.

Regulations—A rule or order having the force of law issued by the TBLNHA after satisfaction of all conditions as required by the Administrative Procedure and Texas Register Act.

TBLNHA—An acronym meaning the Texas Board of Licensure for Nursing Home Administrators.

§241.2. *Special or Emergency Board Meetings.* The chair, or other presiding officer of the board, may call a special or emergency meeting when, in his or her judgment, circumstances require it.

§241.3. *Officers and Duties of the Board.*

(a) At the first regular meeting after January 1 of each year, the board will elect from its appointed members a chair and vice-chair to serve a term to coincide with calendar years. No person will serve in the capacity of chair for more than two one-year terms in succession, with the exception of July 1, 1984, to January 1985, in which the chair and vice-chair will retain their offices during July, August, September, October, November, and December with elections to take place in January for calendar year 1985

(b) The chair will preside at all meetings of the board; however, in the absence of the chair, the vice-chair will perform all duties usually executed by the chair.

(c) The executive director will, in addition to the duties imposed by law, attend all meetings of the board, assure that minutes of board meetings are recorded, notify the members of the time and place of board meetings, maintain records pertaining to licenses and applicants and these regulations, and sign all licenses, all renewals, and all certifications issued by the board.

(d) The executive director will conduct or cause to be conducted all routine correspondence for the board, issue all notices of meetings and hearings, have custody of all books, records, and property of the board, and perform all duties pertaining to the office of director.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt

Issued in Austin, Texas, on March 8, 1984

TRD-842854 Dottie Mathieson
Supervisor
Administrative Services
Texas Board of Licensure for
Nursing Home Administrators

Earliest possible date of adoption
April 16, 1984
For further information, please call (512) 479-0922.

Chapter 243. Application

22 TAC §§243.1-243.5

(Editor's note: The text of the following rules proposed for repeal will not be published. The rules may be examined in the offices of the Texas Board of Licensure for Nursing Home Administrators, 3407 IH 35 North, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The repeal is proposed under Texas Civil Statutes, Article 4442d, §8, which provide the Texas Board of Li-

censure for Nursing Home Administrators with the authority to make rules and regulations not inconsistent with law as may be necessary or proper for the performance of its duties, and to take such other actions as may be necessary to enable the state to meet the requirements set forth in the Social Security Act, §1908, the federal rules and regulations promulgated thereunder, and other pertinent federal authority; provided, however, that no rule shall be promulgated, altered, or abolished without the approval of a two-thirds majority of the board.

§243.1. Application Procedures.

§243.2. Administrators-in-Training.

§243.3. Preceptorial Qualifications and Control.

§243.4. Withdrawal of Preceptor Certificates.

§243.5. Procedure for Withdrawal of Preceptor Certificates.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on March 8, 1984

TRD-842855 Dottie Mathieson
Supervisor
Administrative Services
Texas Board of Licensure for
Nursing Home Administrators

Earliest possible date of adoption.

April 16, 1984

For further information, please call (512) 479-0922.

22 TAC §§243.1-243.4

The new sections are proposed under Texas Civil Statutes, Article 4442d, §8, which provide the Texas Board of Licensure for Nursing Home Administrators with the authority to make rules and regulations not inconsistent with law as may be necessary or proper for the performance of its duties, and to take such other actions as may be necessary to enable the state to meet the requirements set forth in the Social Security Act, §1908, the federal rules and regulations promulgated thereunder, and other pertinent federal authority; provided, however, that no rule shall be promulgated, altered, or abolished without the approval of a two-thirds majority of the board.

§243.1. Application Procedures.

(a) On forms provided by the agency, an applicant for examination and qualification for a nursing home administrator's license will complete and submit the following information:

- (1) an application for nursing home administrator's license;
- (2) an application for examination;
- (3) personal data information;
- (4) a written suitability narrative;
- (5) a nonrefundable application/testing fee as set by the board payable by certified funds (usually a cashier's check or money order);

(6) a statement from the applicant's physician certifying that the applicant is of sound mental and physical health;

(7) a college transcript sent directly from the applicant's college to the agency; and

(8) an applicant who has completed college level course work outside of the United States is responsible for having the foreign transcript evaluated and converted to semester or quarter hours recognized by United States colleges.

(b) Applicants who are currently licensed in another state and are requesting partial endorsement:

(1) must submit a copy of their high school diploma or GED certificate. College transcripts are required for applicants licensed after July 1, 1976;

(2) must be licensed for one year or more as a nursing home administrator;

(3) must have all states in which a license was previously held submit a certification of tenure, test results, education, and status;

(4) must make application on forms provided by the agency as referenced in subsection (a) of this section; and

(5) are exempt from the written suitability narrative.

§243.2. Administrators-in-Training.

(a) An individual under the auspices of an approved college is bound by college rules. Individuals who are receiving their internship training through a college shall indicate the college of enrollment on the internship plan form.

(b) An administrator-in-training (AIT) certificate shall be granted by the board to any applicant who fulfills the requirements of this agency as referenced in subsections (c) (k) of this section. During the time that an individual possesses such a certificate, he or she will be known as an "administrator-in-training."

(c) An AIT will follow the application procedures outlined in §243.1(a) of this title (relating to Application Procedures). In addition to the items outlined, the AIT must submit the internship plan form provided by the agency.

(d) All AIT certificates will be effective the first Monday after a completed application has been filed with the board. Training may begin on Monday of any week after a completed application is on file.

(e) Each administrator-in-training will receive supervision from a preceptor certified by the board.

(f) Training requirements and procedures.

(1) Administrators-in-training will serve an internship for a minimum period of 26 weeks in a nursing home licensed by the Texas Department of Health for 60 beds or more and participating in Medicaid programs as a skilled facility or intermediate care facility.

(2) Training must be conducted between the hours of 7 a.m. and 6 p.m., Monday-Friday, with at least four hours of training per day.

(3) The preceptor will provide direct supervision a minimum of four hours per week for each individual at the facility where the AIT(s) is training.

(4) Any absence of an AIT will void the week of training.

(5) The quality of such internship training will be reviewed by members of the board and agency staff.

(g) Performance evaluation reports must be filed monthly by the preceptor on forms provided by the board. These shall be forwarded to the agency by the 10th of the following month. These reports must bear the notarized signature of the preceptor and be countersigned by the AIT. Reports received after the 10th of the month will result in the generation of late notices to the preceptor. The final report must be submitted after completion of the 26-week internship. This report should be forwarded to the agency office within 10 days after the internship is completed. This report should bear the notarized signature of the preceptor and be countersigned by the AIT.

(h) The board must be notified by the preceptor in writing if the AIT leaves the program, there is a change of preceptor, there is a change in the training plan, or there is any change in the amount or kind of training provided. This notification must be postmarked no later than 10 days following the date of the change.

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

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

(k) If the applicant or AIT allows his or her file to remain inactive for one year or more, the application becomes null and void and the applicant or AIT will be required to register as a new applicant and meet the application requirements that exist at such time.

§243.3. Preceptorial Qualifications and Control.

(a) All applicants for preceptor certificates must have an active license.

(b) Eligibility requirements.

(1) An administrator with less than a bachelor's degree desiring to obtain a preceptor certificate must have at least three years' experience as a nursing home administrator in the State of Texas.

(2) An administrator with a bachelor's degree or higher educational achievement desiring a preceptor certificate must have at least two years' experience as an administrator in the State of Texas.

(3) If such administrator has obtained a license in Texas through partial endorsement, that administrator must have three years' experience as a licensed nursing home administrator with the most recent year in this state.

(c) All qualified applicants will be required to attend a two-day seminar consisting of seven hours each day. This seminar is known as the preceptor seminar and will include a review of regulations for preceptors and subject areas relating to AIT training.

(d) Preceptor certificates will expire two years from the date of issue.

(e) Certificate denial.

(1) The board may refuse to renew preceptor certificates or to approve preceptors for training AITs if there is good cause to believe that the preceptor has failed to provide proper training for AITs previously assigned to him or her.

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

(f) Special permission from the board will be required before the supervising and training of more than two administrators-in-training (AITs) at a time.

(g) No person shall be precepted/trained by any relative who is related within the second degree by affinity or within the third degree by consanguinity.

§243.4. Withdrawal of Preceptor Certificates.

(a) Failure to renew a license on a timely basis or the loss of a license by suspension or revocation will result in automatic withdrawal of the individual's certificate until the license has been renewed or reinstated.

(b) Reports submitted which are inconsistent with the actual training provided or intentionally falsified may result in withdrawal or refusal to renew the certificate.

(c) Upon notification to the preceptor of a third occurrence of late performance report submission, the agency will take this regulation violation to the board for action, which may result in withdrawal or refusal to renew the certificate.

(d) Absence by the preceptor or AIT when training is scheduled to be conducted and an investigator visits or phones may result in withdrawal or refusal to renew the certificates. The first time will result in loss of that week of training, the second time will result in the loss of another week, and the third time will void the entire training period and require that both the preceptor and AIT records be referred to the board for possible withdrawal of the administrator-in-training and preceptor certificates.

(e) Written notice of proposed withdrawal stating the reasons will be sent by certified mail, return receipt requested, at least 10 days prior to the date on which such action is proposed to be taken. Such notice will advise the preceptor that he or she has the right to respond and to make a written request for a hearing.

(f) In the event that a written request for a hearing is made and received in the board office within 30 days after written notice of proposed action had been mailed, the board will hear the case at the next regularly scheduled board meeting. At such meeting it will be the preceptor's responsibility to show cause why the board should not withdraw the preceptor's certificate.

(g) In the event that written request for a hearing from the preceptor is not received 30 days subsequent to the receipt of notice of proposed action, the preceptor will have waived any and all rights to a hearing.

(h) Decisions by the board will be made at the next regularly scheduled board meeting and will be final. The preceptor will be given written notice, sent by certified

mail, return receipt requested, of the board's decision within 10 working days after the decision is rendered.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on March 8, 1984.

TRD-842856 Dottie Mathieson
Supervisor
Administrative Services
Texas Board of Licensure for
Nursing Home Administrators

Earliest possible date of adoption:
April 16, 1984

For further information, please call (512) 479-0922.

Chapter 245. Examination

22 TAC §§245.1-245.6

(Editor's note: The text of the following rules proposed for repeal will not be published. The rules may be examined in the offices of the Texas Board of Licensure for Nursing Home Administrators, 3407 IH 35 North, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The repeal is proposed under Texas Civil Statutes, Article 4442d, §8, which provide the Texas Board of Licensure for Nursing Home Administrators with the authority to make rules and regulations not inconsistent with law as may be necessary or proper for the performance of its duties, and to take such other actions as may be necessary to enable the state to meet the requirements set forth in the Social Security Act, §1908, the federal rules and regulations promulgated thereunder, and other pertinent federal authority; provided, however, that no rule shall be promulgated, altered, or abolished without the approval of a two-thirds majority of the board.

§245.1. *Scheduling of Examinations and Reexaminations.*

§245.2. *Preexamination Requirements; Conditions Precedent.*

§245.3. *Requirements for Licensure.*

§245.4. *Conditional Admission to Examinations; Disqualification; Reexamination.*

§245.5. *Subjects for Examination.*

§245.6. *Grading Examinations.*

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on March 8, 1984.

TRD-842857 Dottie Mathieson
Supervisor
Administrative Services
Texas Board of Licensure for
Nursing Home Administrators

Earliest possible date of adoption:
April 16, 1984

For further information, please call (512) 479-0922.

22 TAC §§245.1-245.3

The new sections are proposed under Texas Civil Statutes, Article 4442d, §8, which provide the Texas Board of Licensure for Nursing Home Administrators with the authority to make rules and regulations not inconsistent with law as may be necessary or proper for the performance of its duties, and to take such other actions as may be necessary to enable the state to meet the requirements set forth in the Social Security Act, §1908, the federal rules and regulations promulgated thereunder, and other pertinent federal authority; provided, however, that no rule shall be promulgated, altered, or abolished without the approval of a two-thirds majority of the board.

§245.1. *Scheduling of Examinations and Reexaminations.*

(a) The board will administer the state standards examination and the comprehensive examination for the purpose of determining applicants qualified for licensure.

(b) The board will determine the subjects of examination for licensure applicants. The scope, form, content, and character of the examinations will be the same for all applicants testing at any given time.

(c) A minimum of two examinations will be held each year.

(d) Notice of eligibility will be sent to all applicants prior to the examination. Identification will be required at the examination site. A current driver's license or comparable identification will be acceptable.

(e) Examination results will be released in writing to the applicant only.

(f) In the event of failure of the state standards examination, the applicant may retake the examination upon payment of a retesting fee. If the examination is not passed in three attempts, the applicant will be required to complete, or again complete, a 26-week internship.

(g) In the event of failure of the comprehensive examination, the applicant may retake the examination upon payment of a retesting fee. If the examination is not passed in three attempts, successful completion of a 200-hour course will be required. In the event that the applicant has previously taken a 200-hour course, he or she will be required to retake and pass a 200-hour course prior to reexamination.

§245.2. *Preexamination Requirements.*

(a) In order to take either the comprehensive examination or state standards examination, the following must be on file:

(1) a complete application;

(2) an approved suitability narrative;

(3) a record of successful completion of the 200-hour course or its equivalent; and

(4) a record of successful completion of the 26-week internship or its equivalent.

(b) The requirements stated in subsection (a) of this section do not apply to applicants for partial endorsement or applicants for reinstatement.

(c) An applicant who has been convicted of a felony by any court in this state or any other state in the United States will not be permitted to take any examination unless he or she files with the board a certificate of good conduct granted by a board of parole, or in the case of

a conviction in any jurisdiction wherein the laws do not provide for the issuance of a certificate of good conduct, an equivalent written statement or document.

§245.3. Licensure Requirements.

(a) A license will be issued upon satisfaction of the following requirements:

- (1) a complete application is on file;
- (2) an official transcript(s) evidencing satisfaction of minimum educational standards is on file;
- (3) evidence of a completed internship or its equivalent is on file;
- (4) evidence of a completed 200-hour course or its equivalent is on file;
- (5) an approved suitability narrative is on file;
- (6) proof of participation in a Texas Department of Health's survey/inspection of the facility is on file;
- (7) passing scores have been achieved on licensure examinations; and
- (8) fees for application and licensure have been received.

(b) The requirements listed in subsection (a)(3)-(6) of this section do not apply to applicants for partial endorsement or applicants for reinstatement.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on March 8, 1984

TRD-842859 Dottie Mathieson
Supervisor
Administrative Services
Texas Board of Licensure for
Nursing Home Administrators

Earliest possible date of adoption:
April 16, 1984

For further information, please call (512) 479-0922.

Chapter 247. Education

22 TAC §§247.1-247.4

(Editor's note. The text of the following sections being proposed for repeal will not be published. The sections may be examined in the offices of the Texas Board of Licensure for Nursing Home Administrators, 3407 IH 35 North, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The repeal is proposed under Texas Civil Statutes, Article 4442d, §8, which provide the Texas Board of Licensure for Nursing Home Administrators with the authority to make rules and regulations not inconsistent with law as may be necessary or proper for the performance of its duties, and to take such other actions as may be necessary to enable the state to meet with the requirements set forth in the Social Security Act, §1908, the federal rules and regulations promulgated thereunder, and other pertinent federal authority; provided, however, that no rule shall be promulgated,

altered, or abolished without the approval of a two-thirds majority of the board.

§247.1. Registration of Institutions and Courses of Study.

§247.2. Approval of Programs of Study.

§247.3. Continuing Education Programs of Study.

§247.4. Certification of Program of Study for Federal Financial Participation.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on March 8, 1984.

TRD-842859 Dottie Mathieson
Supervisor
Administrative Services
Texas Board of Licensure for
Nursing Home Administrators

Earliest possible date of adoption:
April 16, 1984

For further information, please call (512) 479-0922.

The new sections are proposed under Texas Civil Statutes, Article 442d, §8, which provide the Texas Board of Licensure for Nursing Home Administrators with the authority to make rules and regulations not inconsistent with law as may be necessary or proper for the performance of its duties, and to take such other actions as may be necessary to enable the state to meet the requirements set forth in the Social Security Act, §1908, the federal rules and regulations promulgated thereunder, and other pertinent federal authority; provided, however, that no rule shall be promulgated, altered, or abolished without the approval of a two-thirds majority of the board.

§247.1. Registration of Educational Programs. Educational institutions seeking approval of a specific degree program in long-term health care administration or nursing home administration or equivalent program through the Texas Education Agency or the Texas College and University System Coordinating Board should file their complete course of study with this agency after approval by the agencies previously mentioned. Board-approved trade associations and colleges offering a degree in long-term health care administration or nursing home administration or related programs wishing to conduct seminars or workshops must submit their programs to the board no less than one week prior to the publication of the agency newsletter for approval and subsequent publication.

§247.2. Minimum Educational Requirements. The following educational requirements are and were considered to be the minimum necessary to make application for licensure as a nursing home administrator in the State of Texas during the following periods.

- (1) January 1, 1970-June 30, 1976: high school diploma or General Educational Development (GED) Certificate.

(2) July 1, 1976-June 30, 1982: high school diploma or General Educational Development (GED) certificate and agreement by applicant to obtain a minimum of 60 college hours (36 designated as long-term health care administration) within four years of licensure date at a rate of 12 hours per year minimum to maintain or renew his or her license.

(3) July 1, 1982-June 30, 1984: 60 hours of college. Prior to licensure, each applicant with over 60 hours but less than 90 hours must have 36 hours of long-term health care administration or nursing home administration or equivalent courses.

(4) July 1, 1984-June 30, 1986: 90 hours of college or an associate degree in long-term health care administration or nursing home administration or an equivalent degree.

(5) July 1, 1986 and later: a minimum of a bachelor's degree required.

§247.3. College Courses/Programs of Study. Programs of study in recognized educational institutions which are designed to train and qualify individuals for licensure as nursing home administrators will be acceptable provided that:

(1) the course of study leading to a degree in long-term health care administration or nursing home administration or equivalent programs has been registered in accordance with §247.1 of this title (relating to Registration of Educational Programs) and includes an internship or practicum in long-term health care administration;

(2) college or university academic credit is awarded on an official transcript or equivalent certification;

(3) the course of study leading to a degree in long-term health care administration or nursing home administration or equivalent program shall include, but not be limited to, a concentration in the following subject areas:

(A) patient care: patient orientation, client/physician relationships, geriatrics, psychological aspects of patient care and relations, sociological aspects of patient care and relations, family and patient counseling, crisis intervention and stress management, history and philosophy of nursing homes, subjects related to intermediate care facility/skilled nursing facility standards for participation, philosophy of world religions, physical therapy and rehabilitation, recreational therapy, pharmacology and medical terminology, nutrition and modified diets, health care delivery systems, and medical records;

(B) management: accounting principles, budgeting procedures, insurance coverages, Medicare/Medicaid cost reimbursements, business law, organizational processes, administration and supervision, management theory, business communications, computer technology, relationships with governmental entities, and public relations;

(C) employee: personnel policies and practices, principles of motivation, labor law, in-service training, and group dynamics/human relations;

(D) physical plant: purchasing and inventory control, Texas nursing home architectural standards, safety, sanitation, and housekeeping.

§247.4. Continuing Education.

(a) All licensed nursing home administrators are required to complete during each licensure period continuing education of an amount and type designated and approved by the board. This requirement may be satisfied by:

(1) attendance at seminars and/or workshops which have received prior approval from the board. Credit will be awarded as approved by the board;

(2) submitting transcripts evidencing credit awarded for courses in subject areas outlined in §247.3 of this title (relating to College Courses/Programs of Study). Continuing education credits will be awarded at a rate determined by the board;

(3) completion of the training of an AIT. Credit will be awarded only to the final preceptor. Hours will be awarded as determined by the board;

(4) instruction of courses in subject areas outlined in §247.3 of this title (relating to College Courses/Programs of Study) in an institution of higher education. Any person who instructs approved seminars and/or workshops or instructs in programs given by the board shall receive the same credit as participants in the program.

(b) Any course, seminar, or workshop designed to meet the requirements and qualifications for renewal of a nursing home administrator's license shall be registered and approved in accordance with §247.1 of this title (relating to Registration of Educational Programs) and include subject areas designated in §247.3 of this title (relating to College Courses/Programs of Study).

(c) In the event a nursing home administrator moves out of state, the license may be maintained by payment of the biennial renewal fee. While a nursing home administrator works and/or resides outside the state, no continuing education is required. A nursing home administrator may reside in another state and work in Texas, but the continuing education requirement is necessary for renewal. When the nursing home administrator returns to Texas, he or she will again become subject to the continuing education requirements established by the board. Continuing education will be prorated on a quarterly basis as follows:

(1) six or fewer months remaining until renewal requires completion of one-fourth of the continuing education requirement to renew as determined by the board;

(2) more than six months and up to 12 months remaining until renewal will require completion of one-half the continuing education requirement to renew as determined by the board;

(3) more than 12 months and up to 18 months remaining until renewal will require completion of three-fourths the continuing education requirement to renew as determined by the board;

(4) more than 18 months remaining until renewal will require completion of the full continuing education requirements to renew.

(d) The curriculum categories for continuing education are supplemental update, management theory, problems of resocialization, college, preceptor seminars, administrator-in-training completion, and exempt.

(e) For renewal, all nursing home administrators are required to obtain a minimum of 28 hours, with at

least seven hours in supplemental update. After July 1, 1985, nursing home administrators will be required to obtain 28 hours minimum, with seven hours each in supplemental update, management theory, and problems of re-socialization. The additional seven hours may be in any category.

§247.5. Certification of Programs of Study for Federal Financial Participation. Programs of study will be certified by the board in a manner consistent with the requirements of the federal government in order to qualify for federal financial participation, as provided under the United States Social Security Act, §1908.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

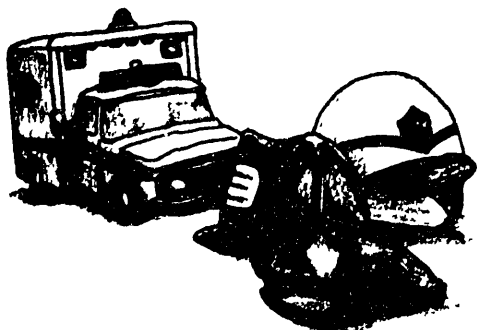
Issued in Austin, Texas, on March 8, 1984

TRD-842860 Dottie Mathieson
Supervisor
Administrative Services
Texas Board of Licensure for
Nursing Home Administrators

Earliest possible date of adoption

April 16, 1984

For further information, please call (512) 479-0922.



Chapter 249. License Certificates

22 TAC §§249.1-249.3

(Editor's note: The text of the following rules proposed for repeal will not be published. The rules may be examined in the offices of the Texas Board of Licensure for Nursing Home Administrators, 3407 IH 35 North, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The repeal is proposed under Texas Civil Statutes, Article 4442d, §8, which provide the Texas Board of Licensure of Nursing Home Administrators with the authority to make rules and regulations not inconsistent with law as may be necessary or proper for the performance of its duties, and to take such other actions as may be necessary to enable the state to meet the requirements set forth in the Social Security Act, §1908, the federal rules and regulations promulgated thereunder, and other pertinent federal authority; provided, however, that no rule shall be promulgated, al-

tered, or abolished without the approval of a two-thirds majority of the board.

§249.1. Display of Licenses and Registration Certificates

§249.2. Duplicate Licenses.

§249.3. Registration of Licenses.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on March 8, 1984

TRD-842861 Dottie Mathieson
Supervisor
Administrative Services
Texas Board of Licensure for
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For further information, please call (512) 479-0922

22 TAC §§249.1-249.4

The new sections are proposed under Texas Civil Statutes, Article 4442d, §8, which provide the Texas Board of Licensure for Nursing Home Administrators with the authority to make rules and regulations not inconsistent with law as may be necessary or proper for the performance of its duties, and to take such other actions as may be necessary to enable the state to meet the requirements set forth in the Social Security Act, §1908, the federal rules and regulations promulgated thereunder, and other pertinent federal authority; provided, however, that no rule shall be promulgated, altered, or abolished without the approval of a two-thirds majority of the board

§249.1. Display of Licenses and Renewal Cards Every person licensed as a nursing home administrator will display his or her license and renewal card prominently in his or her place of employment

§249.2. Duplicate Licenses. Upon receipt of satisfactory evidence that a license or certificate of registration has been lost, mutilated, or destroyed, or if a legal name change has occurred, the board may issue a duplicate license or card upon payment of a fee to be set by the board.

§249.3. License Renewals.

(a) Upon satisfying board requirements, a nursing home administrator may make application for renewal by paying a biennial fee to be set by the board.

(b) In the event the nursing home administrator has attained the age of 70 or older, a physician's statement attesting to the medical and mental condition of the administrator shall be required.

(c) Upon receipt of an application for renewal and the required fee, the board will issue a renewal card valid for two years from the date of issue.

(d) Only an individual who has qualified as a licensed nursing home administrator and who holds a val-

id current renewal card pursuant to the provisions of these sections for the current biennial registration period will have the right and the privilege of using the title "nursing home administrator" and have the right and the privilege of using the abbreviation "NHA" after his or her name.

§249.4. *Inactive Status.* Petitioners for inactive status must file their petitions for such status with the agency on or before the date their current license expires requesting inactive status for the next two-year licensure period. Petitions will not be accepted after the date that the current license expires.

(1) Petitioners who are granted inactive status shall not practice nursing home administration.

(2) Petitioners who are granted inactive status shall pay the renewal fee for each two-year licensure period for which inactive status is granted. Original licensure and education requirements will apply.

(3) Petitioners who are returned to active status as nursing home administrators shall evidence their current knowledge of state standards by paying a reactivation and testing fee and take and pass the state standards examination

(4) Continuing education for each year or portion of a year of the licensing period shall be required based upon the date the application for active status was made to the agency as referenced in §247.4(c) of this title (relating to Continuing Education).

(5) Inactive status petitions must be filed prior to the renewal date of the license.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

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TRD-842862 Dottie Mathieson
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Administrative Services
Texas Board of Licensure for
Nursing Home Administrators

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April 16, 1984

For further information, please call (512) 479-0922.

Chapter 251. Inactive Status

22 TAC §251.1

(Editor's note The text of the following rule proposed for repeal will not be published. The rule may be examined in the offices of the Texas Board of Licensure for Nursing Home Administrators, 3407 IH 35 North, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The repeal is proposed under Texas Civil Statutes, Article 4442d, §8, which provide the Texas Board of Licensure for Nursing Home Administrators with the authority to make rules and regulations not inconsistent with law as may be necessary or proper for the performance of its duties, and to take such other ac-

tions as may be necessary to enable the state to meet the requirements set forth in the Social Security Act, § 1908, the federal rules and regulations promulgated thereunder, and other pertinent federal authority; provided, however, that no rule shall be promulgated, altered, or abolished without the approval of a two-thirds majority of the board.

§251.1. Inactive Status.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

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TRD-842863 Dottie Mathieson
Supervisor
Administrative Services
Texas Board of Licensure for
Nursing Home Administrators

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April 16, 1984

For further information, please call (512) 479-0922.

Chapter 251. Disciplinary

22 TAC §§251.1-251.5

The new sections are proposed under Texas Civil Statutes, Article 4442d, §8, which provide the Texas Board of Licensure for Nursing Home Administrators with the authority to make rules and regulations not inconsistent with law as may be necessary or proper for the performance of its duties, and to take such other actions as may be necessary to enable the state to meet the requirements set forth in the Social Security Act, § 1908, the federal rules and regulations promulgated thereunder, and other pertinent federal authority; provided, however, that no rule shall be promulgated, altered, or abolished without the approval of a two-thirds majority of the board.

§251.1. Prehearing Conferences

(a) An allegation against an administrator may result in the board convening a prehearing conference with the accused party or parties for the purpose of:

- (1) the formulation and simplification of issues;
- (2) the desirability of amending the proceedings;
- (3) the possibility of making admissions or stipulations;

- (4) the alteration of the procedure of the hearing;
- (5) the specification of the number of witnesses;
- (6) the mutual exchange of prepared testimony and exhibits; and

(7) the determination of other matters which may expedite the hearing.

(b) The prehearing conference will be conducted in an expeditious manner to reach a fair, just, and equitable determination of issues being considered.

(c) The minutes of the conference will be recorded in an appropriate manner and will issue whatever orders are necessary covering these issues.

(d) Actions taken as a result of the conference will be made in writing.

§251.2. Consolidation. The hearing officer may consolidate the testimony of parties if the evidence can be effectively consolidated into one document. The standard by which the desirability of consolidation should be judged is whether each party can offer unique or new evidence that has not been previously introduced. Any party, under oath, may make an offer of proof of the testimony or evidence excluded through consolidation. This should be dictated into the record or submitted in writing prior to the conclusion of the hearing.

§251.3. Hearing Officer Procedures.

(a) The hearing officer on the day and time designated shall:

- (1) convene and call the hearing to order;
- (2) state the purpose of and the legal authority for the hearing;
- (3) announce that a record of the hearing will be made;
- (4) outline the procedure and order of presentation that will be followed;
- (5) administer oaths to those who intend to testify; and
- (6) take any and all other actions as authorized by applicable law and these regulations to provide for a fair, just, and proper hearing.

(b) Order of presentation

(1) After making the necessary introductory and explanatory remarks on the purpose, etc., of the hearing, the hearing officer will begin receiving testimony and evidence from the witnesses.

(2) Each party may present evidence and testimony and cross-examine or ask clarifying questions of any witness who presents evidence or testimony.

(3) When the party first proceeding finishes, the remaining parties will be allowed to present evidence and testimony in the same manner. Each witness is subject to cross-examination and clarifying questions by other parties to the proceedings.

(4) The hearing officer may limit the number of witnesses whose testimony will be repetitious and establish time limits for testimony so long as all viewpoints are given a reasonable opportunity to be expressed.

(5) When the parties have concluded their testimony and evidence, the hearing officer will ask the audience if any interested person desires to make a statement. If so, the interested person will be allowed to make a statement subject to cross-examination and clarifying questions by any party.

(6) At this point, the hearing officer may allow final arguments or take the case under advisement, note the time, and close the hearing. For sufficient cause, the record may be held open for a stated number of days for the purpose of receiving additional evidence into the record.

(c) The hearing officer shall make a proposal for decision which contains findings of fact and conclusions of law to the board. Such proposal will be sent by certified mail, return receipt requested, to each party to the hearing. Any exceptions to the recommendation of the hearing officer must be received by the board within 15 days of the date of the recommendation of the hearing officer. Any replies to the exceptions must be received

by the board within 25 days of the date of the recommendation of the hearing officer.

§251.4. Department of Public Safety Information. The agency will obtain from the Texas Department of Public Safety or from a local law enforcement agency the record of felony or misdemeanor conviction(s) for any person applying for or holding a license from this agency as authorized by House Bill 247, 67th Legislature, 1981, concerning occupations, professions, and licenses—persons with criminal backgrounds.

§251.5. Special Fees for Expert Witnesses. Usual and customary fees for required expert witnesses subpoenaed in disciplinary hearings is authorized over and above the amount specified in the Administrative Procedure and Texas Register Act, §14, when such fees are quoted in writing and approved by the agency prior to the hearing.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on March 8, 1984

TRD-842864

Dottie Mathieson
Supervisor
Administrative Services
Texas Board of Licensure for
Nursing Home Administrators

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April 16, 1984

For further information, please call (512) 479-0922.

Chapter 253. Complaint Procedures

22 TAC §§253.1-253.4

(Editor's note: The text of the following rules proposed for repeal will not be published. The rules may be examined in the offices of the Texas Board of Licensure for Nursing Home Administrators, 3407 IH 35 North, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The repeal is proposed under Texas Civil Statutes, Article 4442d, §8, which provide the Texas Board of Licensure for Nursing Home Administrators with the authority to make rules and regulations not inconsistent with law as may be necessary or proper for the performance of its duties, and to take such other actions as may be necessary to enable the state to meet the requirements set forth in the Social Security Act, §1908, the federal rules and regulations promulgated thereunder, and other pertinent federal authority; provided, however, that no rule shall be promulgated, altered, or abolished without the approval of a two-thirds majority of the board.

§253.1. Initiation of Investigations.

§253.2. Acknowledgment.

§253.3. Filing of Formal Complaints.

§253.4. Information Files.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on March 8, 1984.

TRD-842865 Dottie Mathieson
Supervisor
Administrative Services
Texas Board of Licensure for
Nursing Home Administrators

Earliest possible date of adoption:
April 16, 1984

For further information, please call (512) 479-0922.

Chapter 255. Disciplinary Action

22 TAC §§255.1-255.5

(Editor's note: The text of the following rules proposed for repeal will not be published. The rules may be examined in the offices of the Texas Board of Licensure for Nursing Home Administrators, 3407 IH 35 North, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The repeal is proposed under Texas Civil Statutes, Article 4442d, §8, which provide the Texas Board of Licensure for Nursing Home Administrators with the authority to make rules and regulations not inconsistent with law as may be necessary or proper for the performance of its duties, and to take such other actions as may be necessary to enable the state to meet the requirements set forth in the Social Security Act, §1908, the federal rules and regulations promulgated thereunder, and other pertinent federal authority; provided, however, that no rule shall be promulgated, altered, or abolished without the approval of a two-thirds majority of the board.

- §255.1. *Refusal to Issue, Suspension of, and Revocation of Licenses.*
- §255.2. *Refusal to Issue and Withdrawal of Preceptor Certificates.*
- §255.3. *Injunctions.*
- §255.4. *Withdrawal of Certificates of Administrators-in-Training.*
- §255.5. *Access to Information on Felonies and Misdemeanors.*

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on March 8, 1984.

TRD-842866 Dottie Mathieson
Supervisor
Administrative Services
Texas Board of Licensure for
Nursing Home Administrators

Earliest possible date of adoption:
April 16, 1984

For further information, please call (512) 479-0922.

Chapter 257. Hearing Procedures

22 TAC §§257.1-257.10

(Editor's note: The text of the following rules proposed for repeal will not be published. The rules may be examined in the offices of the Texas Board of Licensure for Nursing Home Administrators, 3407 IH 35 North, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The repeal is proposed under Texas Civil Statutes, Article 4442d, §8, which provide the Texas Board of Licensure for Nursing Home Administrators with the authority to make rules and regulations not inconsistent with law as may be necessary or proper for the performance of its duties, and to take such other actions as may be necessary to enable the state to meet the requirements set forth in the Social Security Act, §1908, the federal rules and regulations promulgated thereunder, and other pertinent federal authority; provided, however, that no rule shall be promulgated, altered, or abolished without the approval of a two-thirds majority of the board.

- §257.1. *Purpose.*
- §257.2. *Definitions.*
- §257.3. *Contested Proceedings.*
- §257.4. *Notice.*
- §257.5. *Subpoenas.*
- §257.6. *Depositions.*
- §257.7. *Prehearing Conferences.*
- §257.8. *The Hearing Procedure.*
- §257.9. *Action after the Hearing.*
- §257.10. *Ex Parte Consultations.*

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on March 8, 1984.

TRD-842867 Dottie Mathieson
Supervisor
Administrative Services
Texas Board of Licensure for
Nursing Home Administrators

Earliest possible date of adoption:
April 16, 1984

For further information, please call (512) 479-0922.

Chapter 259. Reciprocity

22 TAC §259.1

(Editor's note: The text of the following rule proposed for repeal will not be published. The rule may be examined in the offices of the Texas Board of Licensure for Nursing Home Administrators, 3407 IH 35 North, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The repeal is proposed under Texas Civil Statutes, Article 4442d, §8, which provide the Texas Board of Li-

censure for Nursing Home Administrators with the authority to make rules and regulations not inconsistent with law as may be necessary or proper for the performance of its duties, and to take such other actions as may be necessary to enable the state to meet the requirements set forth in the Social Security Act, §1908, the federal rules and regulations promulgated thereunder, and other pertinent federal authority; provided, however, that no rule shall be promulgated, altered, or abolished without the approval of a two-thirds majority of the board.

§259.1. Reciprocity Requirements.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on March 8, 1984.

TRD-842868 Dottie Matheson
Supervisor
Administrative Services
Texas Board of Licensure for
Nursing Home Administrators

Earliest possible date of adoption:

April 16, 1984

For further information, please call (512) 479-0922.

TITLE 25. HEALTH SERVICES

Part I. Texas Department of Health

Chapter 61. Chronic Diseases

Kidney Health Care Program Benefits

25 TAC §61.4, §61.6

The Texas Department of Health proposes amendments to §61.4 and §61.6, concerning the administration of the Texas Kidney Health Care Act. Section 61.4, concerning applications for Kidney Health Care Program benefits, is amended to allow the submission of an application for a replacement Social Security card in instances when the program applicant's card has been lost or destroyed.

Section 61.6, concerning documentation of an applicant's bona fide Texas residency, is amended to add new subsections (b)-(d) to address those instances when documentation of Texas residency cannot be submitted in the applicant's own name as required under §61.6(a). The new subsection (b) and subsection (c) are intended to provide a means for the parent(s), managing conservator(s), or guardian(s) of a minor or the guardian(s) of a handicapped adult to submit all or part of the required documents in the name of the parent(s), managing conservator(s), or guardian(s). In such cases, however, additional documentation must be submitted to demonstrate the legal relationships

required in the definition of "bona fide resident" in §61.5. Subsection (d) is added to require a statement of explanation to support documents submitted which contain an address or which contain more than one address, and documents submitted which contain different names for the same person. In this latter case, additional supporting documentation, such as a marriage license, must be submitted to explain the difference in names.

Section 61.6(a)(1)(D) is amended to require that the documents addressed therein, warranty deed and rent or utility receipts, relate to the applicant's abode in Texas.

Stephen Seale, chief accountant III, has determined that there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rules.

Mr. Seale has also determined that for each year of the first five years the rules as proposed are in effect the public benefit anticipated as a result of enforcing the rules as proposed is provision of additional notice to the public of what documentation or combinations of documentation the department will consider in determining an applicant's residency status; it is anticipated that such determinations and the subsequent completion of application review can be done more rapidly and efficiently. There is no anticipated additional economic cost to individuals who are required to comply with the rules as proposed.

Comments on the proposal may be submitted to Manuel Zapata, Director, Kidney Health Care Program, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756, (512) 465-2654. Comments will be received for 30 days after publication of these rules in the *Texas Register*.

The amendments are proposed under Texas Civil Statutes, Article 4477-50, §3, which provide the Texas Board of Health the authority to adopt rules necessary to provide adequate kidney care and treatment for the citizens of the State of Texas and to carry out the purposes and intent of the Texas Kidney Health Care Act.

§61.4. Applications. Patients meeting the eligibility requirements set forth in subsection (a)(1), (2), and (4) of §61.2 of this title (relating to Eligibility Requirements) must make application for benefits through an end-stage renal disease facility that has received program approval or interim approval, a Medicare approved hospital licensed in Texas, a Veteran's Administration hospital located in Texas, or board certified nephrologist licensed to practice in Texas.

(1) Complete application. An application shall consist of:

(A)-(D) (No change.)

(E) a copy of the patient's personal Social Security card or a copy of an application for a replacement Social Security card if the applicant's Social Security card has been lost or destroyed; and

(F)-(G) (No change.)

(2) (No change.)

§61.6. Documentation of Residency. [The department will consider the following documentation as adequate evidence of bona fide residency in the State of Texas. An applicant may provide evidence of Texas residency by submitting either:]

(a) Except as provided in subsection (b) of this section, an applicant may provide and the department will consider the following documentary evidence of bona fide Texas residency by submitting:

(1) copies of three of the following documents all in the applicant's name:

(A)-(C) (No change.)

(D) a warranty deed to the applicant's abode, or receipts for the payment of mortgage on the applicant's abode or receipts for the payment of rent or utilities for the applicant's abode, for two consecutive months prior to the date of the applicant's first day of treatment for End Stage Renal Disease (ESRD) [a residential warranty deed, or receipts for the payment of mortgage, rent, or utilities, for two consecutive months prior to the date of the applicant's first dialysis]; or

(E)-(L) (No change.)

(2) (No change.)

(b) If the requirements of subsection (a) of this section cannot apply to the applicant, with the prior written authorization of the program, an applicant seeking admission to the program as a bona fide resident under §61.5(5), (6), or (7) of this title (relating to Residency) may submit documentation as follows:

(1) documents relating to and in the name of the applicant's spouse, parent(s), managing conservator(s), or guardian(s); or

(2) a combination of documents relating to and in the name of either the applicant and/or the applicant's parent(s), managing conservator(s), guardian(s), or spouse.

(c) Applications submitted under subsection (b) of this section must also include documentary evidence of the relationship upon which the submission rests as illustrated, by but not limited to, the following:

(1) a marriage license or declaration of non-ceremonial marriage to document the marriage of the applicant and spouse;

(2) the birth certificate showing the names of the parents of a minor;

(3) the judgment or other document reciting the appointment of the guardian for the minor or adult ward; or

(4) the divorce decree naming the applicant's managing conservator.

(d) If there is a difference between the name and address of the individual for whom the application is made and the name of the individual contained on any document submitted to support a determination of bona fide residency with the application, the application must be accompanied by additional documentation as follows:

(1) for documents relating to residency that do not show the individual's current address or show more than one address, a statement explaining the reason or the difference in the addresses must accompany the application and the supporting documents.

(2) for documents relating to residency that show different names each of which is intended to signify the

same individual, whether that individual is the applicant or an individual through whom the applicant is seeking to claim bona fide Texas residency, the application must be accompanied by additional documents (such as a marriage license or a judgment from a court of competent jurisdiction) to explain the difference in the names shown.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on March 13, 1984.

TRD-842950

Robert A. MacLean
Deputy Commissioner
Professional Services
Texas Department of Health

Proposed date of adoption:

May 12, 1984

For further information, please call (512) 465-2654.

Chapter 85. Community Health Services

Agreement Between the Texas Department of Health Resources and Local Health Agencies

25 TAC §85.1

(Editor's note: The text of the following rule proposed for repeal will not be published. The rule may be examined in the offices of the Texas Department of Health, 1100 West 49th Street, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The Texas Department of Health proposes the repeal of §85.1, concerning an agreement between the department and local health agencies.

Stephen Seale, chief accountant III, has determined that there will be no fiscal implications for state or local government or small businesses as a result of the repeal.

Mr. Seale has also determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result of the repeal is the deletion of a rule which no longer has any applicability. The agreement adopted by reference in the rule is no longer in effect. There is no anticipated economic cost to individuals as a result of the repeal.

Comments on the proposal may be submitted to Hal L. Nelson, Chief, Office of General Counsel, Texas Department of Health, 1100 West 49th Street, Austin, Texas. Comments will be accepted for 30 days after publication of this proposal in the *Texas Register*.

The repeal is proposed under Texas Civil Statutes, Article 4414b, §1.05(a)(4), which provide the Texas Board of Health with the authority to adopt rules for the performance of its duties.

§85.1. Adoption By Reference.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on March 13, 1984

TRD-842951 Robert A. MacLean
Deputy Commissioner
Professional Services
Texas Department of Health

Proposed date of adoption:
May 12, 1984

For further information, please call (512) 458-7236.

**Chapter 229. Food and Drug
Chemical and Pesticide Tolerance
Levels in Food**

25 TAC §229.222

The Texas Department of Health proposes new §229.222, concerning the tolerances or maximum levels for residue of the insecticide 1, 2, dibromo ethane, also known as ethylene dibromide or EDB, in food. This is a companion rule to §229.221 which was adopted on an emergency basis on February 8, 1984, and also published as a proposed rule in the February 14, 1984, issue of the *Texas Register* (9 TexReg 903)

Stephen Seale, chief accountant III, has determined that there will be no fiscal implications for state or local governments or small businesses as a result of enforcing or administering the rule

Mr. Seale has also determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is insurance that food to be consumed by the public will not contain quantities of EDB such as to render the food injurious to health. There is no anticipated economic cost to individuals who are required to comply with the rule

Comments on the proposal may be submitted to Robert L. Henna, R Ph., Director, Division of Food and Drug, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756. Comments will be received until Monday, April 23, 1984. In addition, a public hearing will be held in the auditorium, Texas Department of Health, 1100 West 49th Street, Austin, at 9 a.m. on Thursday, April 19, 1984.

The new section is proposed under Texas Civil Statutes, Article 4476-5, §20(a), which provide the Texas Department of Health with the authority to adopt rules to implement §10(a)(2) and §13 dealing with tolerance levels of poisonous and deleterious substances in food.

§229.222. Effective Date for the Tolerance Levels for 1, 2, Dibromo Ethane in Food Being Less Than One Part Per Billion.

(a) After May 1, 1986, the tolerance or maximum levels for residue of the insecticide 1, 2, dibromo ethane, also known as ethylene dibromide or EDB, in food described in §229.221(a)(1)-(3) of this title (relating to Tolerance Levels for Ethylene Dibromide (EDB) in Food) shall be less than one part per billion.

After September 1, 1984, the tolerance or maximum levels for residue of the insecticide 1, 2, dibromo ethane, also known as ethylene dibromide or EDB, in food described in §229.221(a)(4)-(5) of this title (relating to Tolerance Levels for Ethylene Dibromide (EDB) in Food) shall be less than one part per billion.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on March 13, 1984.

TRD-842953 Robert A. MacLean, M.D.
Deputy Commissioner
Professional Services
Texas Department of Health

Proposed date of adoption:
May 12, 1984.

For further information, please call (512) 458-7248.

**TITLE 31. NATURAL RESOURCES
AND CONSERVATION**

**Part X. Texas Water Development
Board**

**Chapter 343. Hazardous Substances
Release Prevention and Response
Subchapter A. General Provisions**

The Texas Department of Water Resources proposes the repeal of §343.1 and §343.2, concerning oil and hazardous substances, and proposes new §§343.1-343.6, concerning hazardous substance release prevention and response

The repeal of §343.1 and §343.2 and the adoption of new §§343.1-343.6 will allow amendments to the Texas Hazardous Substances Spill Prevention and Control Act (the Act), Texas Water Code, §§26.261-26.268, 68th Legislature, 1983, effective September 1, 1983, to be implemented. In general, the amendments by the legislature expanded the coverage of the Act from coastal waters to all surface waters of the state.

New §343.1 sets out the definitions of the words and terms used in this subchapter and conforms with the definition of "hazardous substance" to the Act. Section 343.2 is repealed because the Texas Department

of Water Resources (TDWR) has determined that no law or rule requires permits for the cleanup activity itself. New §343.4 makes it clear that disposal of a discharge or spill must be in accordance with department rules, including manifest and shipment to an authorized disposal site. New §343.2 requires that the TDWR is to be notified, pursuant to the Texas Water Code, §26.039, when an accidental discharge or spill occurs which causes or may cause pollution and, pursuant to the Texas Water Code, §26.268, when a discharge or spill of a hazardous substance occurs.

New §343.3 requires persons responsible for a discharge or spill of hazardous substances to abate and remove the discharge or spill in accordance with the requirements of the TDWR. New §343.4 requires that wastes and cleanup debris from cleanup activities are to be properly disposed and manifested. New §343.5 states that the use of dispersants and treating agents shall be in accordance with TDWR requirements. New §343.6 details the circumstances under which use of the Texas Spill Response Fund is authorized.

Mike Hodges, Fiscal Services Section chief, has determined that for the first five-year period the new rules will be in effect there will be fiscal implications as a result of enforcing or administering the new rules.

The effect on state government will be an estimated additional cost of \$630,000 in 1984, \$693,000 in 1985, \$762,000 in 1986, \$838,000 in 1987, and \$922,000 in 1988. The estimated increase in revenue to the state will be \$570,000 in 1984, \$627,000 in 1985, \$689,000 in 1986, \$758,000 in 1987, and \$834,000 in 1988.

The difference between the estimated additional cost and the estimated additional revenue is based on the department's experience in successfully recovering money spent out of the fund from individuals responsible for the discharge or spill. There are no fiscal implications to state or local government as a result of the repeal of the existing rules.

Mr. Hodges also has determined that for each year of the first five years the rules as proposed are in effect the public benefit anticipated as a result of enforcing the rules as proposed is that the abatement and removal of discharges or spills of hazardous substances will eliminate the risk that those discharges and spills pose to the environment and public health and welfare. The anticipated economic cost to individuals, small businesses, large businesses, and local government who are required to comply with the new rules as proposed is \$570,000 in 1984, \$627,000 in 1985, \$689,000 in 1986, \$758,000 in 1987, and \$834,000 in 1988.

The cost to small businesses is not disproportionate in comparison with the cost to large businesses since the cost involved is reimbursement and/or fines assessed after cleanup through money out of the fund.

There is no anticipated economic cost to individuals and small businesses as a result of the repeal of the existing rules.

Comments on the proposal may be submitted to Kenneth L. Petersen, Jr., Assistant General Counsel, Texas Department of Water Resources, P.O. Box 13087, Austin, Texas 78711.

31 TAC §§343.1, §343.2

(Editor's note: The text of the following rules proposed for repeal will not be published. The rules may be examined in the offices of the Texas Water Development Board, Room 511, Stephen F. Austin Building, 1700 North Congress Avenue, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The repeal is proposed under the Texas Water Code, §§5 131, 5 132, and 26.264(b), which provides the Texas Water Development Board with the authority to issue rules necessary and convenient to carry out the purposes of the Act.

§343.1. Definitions

§343.2. Permit Exemption for Emergency Clean Up Activities

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on March 13, 1984

TRD-842941 Susan Plettman
General Counsel
Texas Department of Water
Resources

Earliest possible date of adoption:

April 20, 1984

For further information, please call (512) 475-7841.

31 TAC §§343.1-343.6

These new sections are proposed under the Texas Water Code, §§5 131, 5 132, and 26.264(b), which provides the Texas Water Development Board with the authority to issue rules necessary and convenient to carry out the purposes of the Act.

§343.1. *Definitions* The definitions for the words and terms in the Texas Water Code, §26.001, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise. In addition, the following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise:

Accidental discharge or spill—Any act or omission through which waste or other substances are inadvertently discharged into water in the state, or are deposited where, unless controlled or removed, they will drain, seep, run, or otherwise enter water in the state.

Activity—Any and all means of transportation, whether by pipeline, barge, ship or vessel, truck, or other vehicle.

Coastal waters—Surface waters located in counties contiguous with the Gulf of Mexico and influenced by tidal fluctuations; and that portion of the Gulf of Mexico inside the territorial jurisdiction of the State of Texas.

Discharge or spill—An act or omission by which hazardous substances in harmful quantities are spilled, leaked, pumped, poured, emitted, entered or dumped onto or into surface waters of this state, or by which those substances are deposited where, unless controlled or removed, they may drain, seep, run, or otherwise enter surface waters in the state. The term "discharge or spill" shall not include any discharge that is authorized by a permit issued pursuant to federal law or any law of this state or that is regulated, with the exception of transportation spills and spills in coastal waters, by the Railroad Commission of Texas

Facility—Any stationary facility including, but not limited to, waste treatment facilities, processing facilities, tank farms, storage areas, sludge pits, and industrial solid waste sites

Harmful quantity—That quantity of a hazardous substance the discharge or spill of which is determined to be harmful to the environment, or public health or welfare, or may reasonably be anticipated to present an imminent and substantial danger to the public health or welfare by the administrator of the Environmental Protection Agency pursuant to federal law, or that quantity or concentration of a hazardous substance that the executive director or his designee determines is causing or may cause pollution or harm to the environment, or the public health or welfare

Hazardous substance—Any substance designated as such by the administrator of the Environmental Protection Agency pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act; regulated pursuant to the Federal Water Pollution Control Act, §311; or any solid waste, waste, or other substance that is deemed to be hazardous by the executive director or his designee

Other substance—Any substance which may be useful or valuable and therefore not ordinarily considered to be a waste, but that will cause pollution if discharged into the water in the state

Surface water—Lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Gulf of Mexico inside the territorial limits of the state, and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, navigable or non-navigable, and including the beds and banks of all watercourses and bodies of surface water, that are wholly or partially inside or bordering the state or inside the jurisdiction of the state

§343.2. Notification Whenever an accidental discharge or spill occurs which causes or may cause pollution or a discharge or spill of oil or other hazardous substances occurs at or from any activity or facility, the person operating, in charge of, or responsible for the activity or facility shall immediately notify the department in accordance with the reporting requirements of the State of Texas oil and hazardous substances spill contingency plan.

§343.3. Response.

(a) Any person discharging or spilling oil or other hazardous substances shall immediately after the discharge or spill undertake all necessary actions to abate and remove the discharge or spill and the effects thereof.

(b) Abatement, removal, cleanup, and restoration activities undertaken pursuant to subsection (a) of this section shall be in compliance with the requirements of the department and shall not be complete until approved by the executive director or his designee.

§343.4. Disposal.

(a) Wastes and cleanup debris resulting from the abatement and removal of a discharge or spill shall be properly disposed of in accordance with the State of Texas oil and hazardous substances spill contingency plan and the rules of the department.

(b) The shipping, reporting, and record keeping requirements of Subchapter A of the department's industrial solid waste rules, §§335.1 *et seq.* of this title (relating to Industrial Solid Waste Management in General), shall be applicable to the generation, transportation, and disposal of all wastes resulting from the abatement and removal of a discharge or spill. In emergency situations, a responsible party may request that the executive director or his designee temporarily waive the manifesting requirements in order to expedite the removal, transportation, storage, or disposal of the wastes; provided, however, the responsible party shall keep accurate records of his actions and shall complete and process a proper shipping ticket within 15 days after the completion of his actions. Manifest waivers shall be authorized in accordance with the State of Texas oil and hazardous substances spill contingency plan.

(c) Any disposal conducted in accordance with this subchapter at an active disposal facility shall not result in the loss of any exemption to which that facility is entitled under §335.2 of this title (relating to Permit Required)

§343.5. Dispersants and Treating Agents. The use or application of dispersants, burning agents, sinking agents, biological additives, or other forms of spill treatment or dispersion must be in accordance with the State of Texas oil and hazardous substances spill contingency plan.

§343.6. Texas Spill Response Fund.

(a) The Texas spill response fund shall be utilized to finance responses of the department to discharges or spills of hazardous substances. Such responses may include obtaining personnel, equipment, and supplies for the containment, removal, transportation, disposal, and any other actions necessary to abate or remove the effects of the discharge or spill, and to restore the land and aquatic resources held in trust or owned by the state

(b) Expenditures from the fund are warranted when:

(1) a discharge or spill has occurred within the territorial jurisdiction of the state, or beyond the jurisdiction of this state that may reasonably be expected to enter waters of the state; and

(2) immediate action is necessary to stabilize the discharge or spill while the responsible party or the federal government prepares to respond; or

(3) the federal government is not undertaking any action to abate or remove the discharge or spill; and

(A) the responsible party is unwilling or, in the opinion of the executive director, is unable to respond to the discharge or spill; or

(B) the response of the responsible party is inadequate; or

(C) the source of the discharge or spill is unknown

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt

Issued in Austin, Texas, on March 12, 1984

TRD-842942 Susan Plettman
General Counsel
Texas Department of Water
Resources

Earliest possible date of adoption:
April 20, 1984

For further information, please call (512) 475-7841



TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Resources Chapter 51. Organization, Administration, and Management

(Editor's note. The text of the following rules proposed for repeal will not be published. The rules may be examined in the offices of the Texas Department of Human Resources, 706 Banister Lane, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The Texas Department of Human Resources proposes the repeal of §§51.1, 51.11, 51.12, 51.21-51.30, 51.41-51.48, 51.61, and 51.62, concerning state plan requirements, the department's relationship to other agencies, case management activities and requirements, and social services standards. These rules governed the social services program under Title XX before the block grant. The department (DHR) is repealing these rules because they are not current, are covered in the rules for other DHR programs, or are internal operating practices and procedures.

David Hawes, programs budget and statistics director, has determined that there will be no fiscal implications for state or local government or small businesses as a result of the repeal.

Mr. Hawes also has determined that for each year of the first five years the repeal is in effect the anticipated public benefit is the removal of requirements which have become obsolete. There is no anticipated economic cost to individuals as a result of the repeal.

Title XX. Plan Requirements

40 TAC §51.1

The repeal is proposed under the Human Resources Code, Title 2, Chapter 22, which authorizes the Texas Department of Human Resources to administer public assistance programs.

§51.1. State Plan.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on March 12, 1984.

TRD-842892 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Earliest possible date of adoption:
April 20, 1984

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

Relation to other Agencies

40 TAC §51.11, §51.12

The repeal is proposed under the authority of the Human Resources Code, Title 2, Chapter 22, which authorizes the department to administer public assistance programs.

§51.11. Federal and State Agencies.

§51.12. Local Agencies.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on March 12, 1984.

TRD-842893 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Earliest possible date of adoption:
April 20, 1984

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

Case Management, Recording, and Organization

40 TAC §§51.21-51.30

The repeal is proposed under the authority of the Human Resources Code, Title 2, Chapter 22, which authorizes the department to administer public assistance programs.

- §51.21. *Case Management.*
- §51.22. *Priorities for Services.*
- §51.23. *Case Recording.*
- §51.24. *Court Reports.*
- §51.25. *ABD Social Services.*
- §51.26. *ABD Protective Services.*
- §51.27. *ABD Health-Related Services.*
- §51.28. *Child Welfare/Protective Services.*
- §51.29. *Adoption Home Studies—Retention of Records.*
- §51.30. *Destruction of Case Records.*

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on March 12, 1984.

TRD-842894 Marlin W Johnston
Commissioner
Texas Department of Human
Resources

Earliest possible date of adoption:
April 20, 1984
For further information, please call (512) 441-3355,
ext 2037

Standards

40 TAC §§51.41-51.48

The repeal is proposed under the authority of the Human Resources Code, Title 2, Chapter 22, which authorizes the department to administer public assistance programs.

- §51.41 *Time Requirements.*
- §51.42. *Admission Services Standards.*
- §51.43. *Assessment Standards.*
- §51.44. *Counseling and Therapy Standards.*
- §51.45. *Case Collateral Consultation Standards.*
- §51.46. *Special Activities or Training Standards.*
- §51.47. *Standards Related to Transitional Assistance Services.*
- §51.48. *Temporary Residential Services Standards.*

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on March 12, 1984

TRD-842895 Marlin W Johnston
Commissioner
Texas Department of Human
Resources

Earliest possible date of adoption
April 20, 1984
For further information, please call (512) 441-3355,
ext. 2037

Support Documents

40 TAC §51.61, §51.62

The repeal is proposed under the authority of the Human Resources Code, Title 2, Chapter 22, which au-

thorizes the department to administer public assistance programs.

§51.61. *Title IV-B State Plan.*

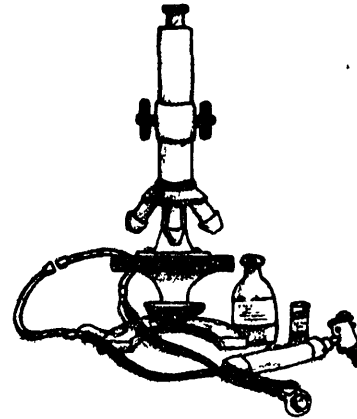
§51.62. *State Administrative Plan under Title XX.*

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on March 12, 1984

TRD-842896 Marlin W Johnston
Commissioner
Texas Department of Human
Resources

Earliest possible date of adoption
April 20, 1984
For further information, please call (512) 441-3355,
ext. 2037.



Chapter 53. Intake and Eligibility

(Editor's note. The text of the following rules proposed for repeal will not be published. The rules may be examined in the offices of the Texas Department of Human Resources, 706 Banister Lane, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The Texas Department of Human Resources proposes the repeal of §§53 2001-53 2003, 53.2101-53 2119, and 53.2301-53 2307, concerning intake and eligibility for social services. These rules governed the Social Services Program under Title XX before the block grant. The department (DHR) is repealing these rules because they are not current, are covered in the rules for other DHR programs, or are internal operating practices and procedures.

David Hawes, programs budget and statistics director, has determined that there will be no fiscal implications for state or local government or small businesses as a result of the repeal.

Mr. Hawes also has determined that for each year of the first five years the proposed repeal is in effect the anticipated public benefit will be the removal of requirements which have become obsolete. There is no anticipated economic cost to individuals as a result of the repeal.

Intake

40 TAC §§53.2001-53.2003

The repeal is proposed under the authority of the Human Resources Code, Title 2, Chapter 22, which authorizes the department to administer public assistance programs.

§53.2001. *Definition of Intake.*

§53.2002. *Service Identification.*

§53.2003. *Information and Referral.*

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on March 12, 1984.

TRD-842897 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Earliest possible date of adoption:

April 20, 1984

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

§53.2102. *Initial Determination of Eligibility for Information and Referral Services.*

§53.2103. *Initial Determination of Eligibility for Protective Services.*

§53.2104. *Authorization.*

§53.2105. *Redetermination.*

§53.2106. *Determination of Eligibility for AFDC, SSI, or Income Eligible Individuals.*

§53.2107. *Application for Social Services.*

§53.2108. *Eligibility Verification for AFDC and SSI Recipients.*

§53.2109. *Eligibility Verification for Income Eligible Individuals.*

§53.2110. *Definition of a Family.*

§53.2111. *Determination of Monthly Gross Income.*

§53.2112. *Redetermination of Eligibility.*

§53.2113. *Notification of Eligibility Status.*

§53.2114. *Limitations on Services to Eligible Individuals.*

§53.2115. *Contract Services.*

§53.2116. *Direct Service Delivery.*

§53.2117. *Eligibility for Social Services.*

§53.2118. *Individuals Eligible for Social Services.*

§53.2119. *Continuation of Eligibility for Social Services.*

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on March 12, 1984.

TRD-842898 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Earliest possible date of adoption:

April 20, 1984.

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

Eligibility

40 TAC §§53.2101-53.2119

The repeal is proposed under the Human Resources Code, Title 2, Chapter 22, which authorizes the department to administer public assistance programs.

§53.2101. *Rights and Responsibilities of Individuals Applying for Services.*

Withdrawn Rules

An agency may withdraw proposed action or the remaining effectiveness of emergency action on a rule by filing a notice of withdrawal with the *Texas Register*. The notice is generally effective immediately upon filing.

If a proposal is not adopted or withdrawn within six months after the date of publication in the *Register*, it will automatically be withdrawn by the *Texas Register* office. Notice of the withdrawal will appear in the next regularly scheduled issue of the *Register*. The effective date of the automatic withdrawal will appear immediately following the published notice.

No further action may be taken on a proposal which has been automatically withdrawn. However, this does not preclude a new proposal of an identical or similar rule following normal rulemaking procedures.

TITLE 25. HEALTH SERVICES
Part I. Texas Department of Health
Chapter 325. Solid Waste
Management
Subchapter X. Forms and Documents
25 TAC §325.904

The Texas Department of Health has withdrawn from consideration for permanent adoption proposed new

§325.904, concerning forms and documents. The text of the new section as proposed appeared in the October 11, 1983, issue of the *Texas Register* (8 Tex-Reg 4111).

Issued in Austin, Texas, on March 13, 1984

TRD-842948

Dan LaFleur
Liaison Officer
Texas Department of Health

Filed: March 13, 1984

For further information, please call (512) 458-7236.

An agency may take final action on a rule 30 days after a proposal has been published in the *Register*. The rule becomes effective 20 days after the agency files the correct document with the *Texas Register*, unless a later date is specified or unless a federal statute or regulation requires implementation of the action on shorter notice.

The document, as published in the *Register*, must indicate whether the rule is adopted with or without changes to the proposal. The notice must also include paragraphs which: explain the legal justification for the rule; how the rule will function; contain comments received on the proposal; list parties submitting comments for and against the rule; explain why the agency disagreed with suggested changes; and contain the agency's interpretation of the statute under which the rule was adopted.

If an agency adopts the rule without any changes to the proposed text, only the preamble of the notice and statement of legal authority will be published. The text of the rule, as appropriate, will be published only if final action is taken with alterations to the proposal. The certification information, following the submission, contains the effective date of the final action, the proposal's publication date, and a telephone number to call for further information.

Adopted Rules



TITLE 1. ADMINISTRATION Part VI. Texas Surplus Property Agency

Chapter 143. Plan of Operation

1 TAC §143.1

The Texas Surplus Property Agency adopts amendments to §143.1, without changes to the proposed text published in the January 27, 1984, issue of the *Texas Register* (9 TexReg 459).

The amendments delete the word "temporary" throughout the plan of operation and include other cosmetic changes required by the General Services Administration.

This document serves as a guideline for the agency in the administration of the Donation Program within the State of Texas. This plan outlines to the administrator of the General Services Administration the methods by which the agency will implement the rules and regulations as set forth in the *General Services Administration Donation Handbook*.

No comments were received regarding adoption of the amendments.

The amendments are adopted under Texas Civil Statutes, Article 6252-6b, which provide the Texas Surplus Property Agency with the authority to make rules.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in San Antonio, Texas, on February 29, 1984

TRD-842879

Marvin J. Titzman
Executive Director
Texas Surplus Property Agency

Effective date: April 2, 1984

Proposal publication date: January 27, 1984

For further information, please call (512) 661-2381.

TITLE 22. EXAMINING BOARDS Part XXI. Texas State Board of Examiners of Psychologists Chapter 473. Fees

22 TAC §§473.1-473.5

The Texas State Board of Examiners of Psychologists adopts amendments to §473.2 and §473.4, with changes to the proposed text published in the February 7, 1984, issue of the *Texas Register* (9 TexReg 622). Sections 473.1, 473.3, and 473.5 are adopt-

ed without changes and will not be republished in this issue.

The amendments are adopted to ensure that the board has adequate funding to match the appropriated balances for fiscal years 1984 and 1985. During the 66th legislative session, the board responded to the request of the Sunset Advisory Commission to reduce any cash balance which might be considered excessive. At that time, the renewal fees of the board were greatly reduced. The board must now look toward its responsibilities to the public for the next two years and forward.

Applicants, certificands, licensees, and members of the public will be required to submit the increased fees to receive services from the board.

No comments were received regarding adoption of the amendments.

The amendments are adopted under Texas Civil Statutes, Article 4512c, §8b, which provide the board with the authority to make all rules not inconsistent with the constitution and laws of this state, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

§473.2. Examination Fees (Not Refundable).

(a) Examination for professional practice of psychology—\$90.

(b) Jurisprudence—\$20.

§473.4. Late Fees (For All Renewals) (Not Refundable).

(a) One day to ninety days—\$45.

(b) Ninety-one days to less than two years—\$90.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on March 9, 1984.

TRD-842880 Patti Bizzell
Executive Director
Texas State Board of Examiners
of Psychologists

Effective date: April 2, 1984

Proposal publication date: February 7, 1984

For further information, please call (512) 835-2036.

**TITLE 25. HEALTH SERVICES
Part I. Texas Department of Health
Chapter 37. Maternal and Child
Health Services
Epilepsy Program**

25 TAC §§37.211-37.224

The Texas Department of Health adopts new §§37.211-37.219, 37.221, 37.223, and 37.224, without changes, and §37.220 and §37.222 with minor changes to the proposed text published in the January 31, 1984, issue of the *Texas Register* (9 Tex-Reg 565).

The new rules are adopted to describe the operation of the Epilepsy Program. They cover definitions, application procedures and requirements, eligibility requirements for individuals and selection requirements for providers, a description of the program benefits, criteria for denial of individual applications and termination of program benefits, criteria for denial and termination of provider participation, procedures for obtaining administrative review and hearing, confidentiality assurances, and nondiscrimination assurances.

The following comments were received. One commenter pointed out an error in the review and hearing procedures for providers. The department agrees that the word "department" in §37.222(b)(3) should be "program," and this change has been made.

It was noted that the criteria on procedures for administrative review and hearings should also apply to the denial of an application for program benefits or provider participation. The department agrees with this observation and has made appropriate changes in §37.220(a) and (b) and §37.222(a) and (b).

One correspondent commented that the requirement in §37.221 that providers be nonprofit organizations discriminated against proprietary service organizations and requested that the provisions be removed. The department cannot agree with this suggestion because the provision is required by a specific provision of the current General Appropriations Act.

No group or association commented on the proposed rules.

The new rules are adopted under Texas Civil Statutes, Article 4477-50, §3, which provide the Texas Board of Health with the authority to adopt rules to define the medical and financial standards for eligibility and the scope of the epilepsy program. Acts of the 68th Legislature, 1983, Chapter 1095, Article II (The General Appropriations Act), require the department to administer the program through contracts with nonprofit organizations.

§37.220. Denial of Application; Modification, Suspension, and Termination of Program Benefits.

(a) Reasons for denial of application or modification, suspension, or termination of program benefits. A person who is applying for or who has been determined by the provider of services to be eligible for program services and who is receiving services may have his/her application denied or his/her eligibility for services modified, suspended, or terminated if:

(1) the person submits an application form or a document required in support of the application which contains a misstatement of fact which is material to the provider's determination that the person is eligible for program benefits;

(2) the person is not a bona fide resident of the state;

(3) the person does not have epilepsy or voluntarily declines services;

(4) the person fails or refuses to inform the provider or the department if a change in income status, residency status, or insurance coverage occurs.

(b) Procedure A person who has applied for or who is receiving program benefits may be put on notice by the service provider by means of certified mail sent to the most recent address known to the provider, that the person's application may be denied or his/her benefits may be modified, suspended, or terminated. The notice shall contain the provider's reasons for its intended action. The recipient may contest the provider's decision by initiating the following procedure within 10 working days after the recipient's receipt of the notice letter.

(1) The recipient must request a review of the decision by the local Epilepsy Program staff. At this review, the program staff must notify the recipient in writing of whom the recipient should contact in the department's central office in Austin, Texas, if the recipient is not satisfied with the results of the local review. Failure to request a review will be deemed a waiver of the opportunity to respond to the provider and the opportunity for any further redress from the provider or the department.

(2) An administrative review will be conducted by the Office of the Crippled Children's Services Bureau if requested by the aggrieved person. If the person is not satisfied with the outcome of the administrative review, the person may request an appeal.

(c) The appeal procedure, at a minimum, will include the following:

(1) Within 30 days after receiving the bureau's decision, the person's representative must send written notice to the department requesting a hearing.

(2) The department will set a date and time at the Texas Department of Health central office in Austin, Texas, or at a location more convenient to the appellant, for an administrative hearing before the department.

(3) The administrative hearing will be conducted under the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, and §§1.21-1.32 of this title (relating to Formal Hearing Procedures). A copy of the hearing rules will be provided to the recipient's representative.

(4) In the event of a decision adverse to the person's interest, the person may appeal to the District Court of Travis County.

§37.222. Denial of Application; Modification, Suspension, or Termination of Provider Participation.

(a) Criteria An organization which has applied for a contract or which is providing program services under a contract with the department may have its application denied or its privilege of participation modified, suspended, or terminated if

(1) the organization is not a nonprofit organization;

(2) the organization fails or refuses to enter into a contract with the department to participate in the epilepsy program.

(3) the contract between the provider and the department is terminated for any reason;

(4) the organization submits false or misleading information to the department and the information is material to the department's

(A) decision to contract with the provider for services;

(B) determination that the organization is in compliance with the provisions of Texas Civil Statutes, Article 4477-50, and the program rules; and

(C) determination that the organization is in compliance with the terms of the contract between the department and the organization;

(5) the organization fails to reimburse the department when overpayments have been made.

(b) Procedure. An organization which has applied or which is participating as a service provider may be put on notice by the department by means of certified mail sent to the chief executive officer of the organization that the organization's application may be denied or that its participation may be modified, suspended, or terminated. The notice shall contain the department's reasons for its intended action. The provider may contest the department's action by initiating the following procedure within 10 working days after the the provider's receipt of the department's notice letter.

(1) The provider must respond to, or question the department's reason(s) in a written response to the department by certified mail at the following address: Epilepsy Services Program, C/O Bureau of Crippled Children's Services, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756. Failure to respond will be deemed a waiver of the opportunity to respond and the opportunity for a hearing.

(2) Upon receipt of the facility's written response, the program will affirm or reverse its proposed action, in writing, to the chief executive officer of the provider, giving the reason(s) for the decision.

(3) A provider aggrieved by the program's decision is entitled to appeal to the Texas Department of Health. The appeal procedure is the same as that set forth in §37.220 of this title (relating to Denial of Application; Modification, Suspension, and Termination of Program Benefits).

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on March 13, 1984

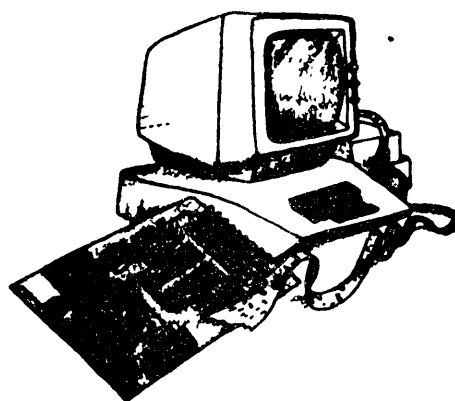
TRD-842954

Robert A. MacLean, M D
Deputy Commissioner
Professional Services
Texas Department of Health

Effective date April 3, 1984

Proposal publication date January 31, 1984

For further information, please call (512) 465-2666.



**TITLE 40. SOCIAL SERVICES AND
ASSISTANCE**

**Part I. Texas Department of
Human Resources**

**Chapter 9. Food Stamps
Subchapter YY. Special Households
Disqualified Persons and Nonmembers**

40 TAC §9.5501

The Texas Department of Human Resources adopts an amendment to §9.5501 in its Food Stamp Program rules about disqualified household members. This amendment is adopted because of regulations issued on February 15, 1983, by the United States Department of Agriculture to be effective April 1, 1983.

Section 9.5501 is amended to clarify that the DHR disqualifies a household member for intentional program violation as determined at an administrative hearing or by a court. Disqualifications based on other program requirements do not require an administrative hearing or court determination.

The amendment is adopted under the Human Resources Code, Title 2, Chapter 22 and Chapter 33, which authorizes the department to administer public assistance programs, and under federal requirements to be effective April 1, 1983.

§9.5501. Nonmembers and Disqualified Members.

(a) (No change.)

(b) The DHR disqualifies a member(s) if he:

(1) intentionally violated program requirements, as determined at an administrative hearing or by a court;

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

(c) (No change.)

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on March 12, 1984

TRD-842900 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Effective date: April 1, 1983
Proposal publication date: N/A
For further information, please call (512) 441-3355,
ext. 2037.

**Part IX. Texas Department on
Aging**

**Chapter 259. Board on Aging
Policies and Procedures**

40 TAC §259.6

The Texas Department on Aging adopts amendments to §259.6, without changes to the proposed text pub-

lished in the January 27, 1984, issue of the *Texas Register* (9 TexReg 476).

The justification for the section is to formalize the rules of conduct of the Texas Board on Aging meetings. Secondly, the section requires that when a Texas Board on Aging member resigns *de facto* because of nonattendance that the governor be notified. This would allow the governor to appoint a new board member.

The section clarifies the rules under which the Texas Board on Aging conducts its meetings plus serve notice to the governor when a board member has *de facto* resigned.

No comments were received regarding adoption of the amendments.

The amendments are adopted pursuant to the Human Resources Code, §101, which provides the Texas Department on Aging with the authority to publish rules governing the functions of the department.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on March 13, 1984.

TRD-842956 Tim Shank
General Counsel
Texas Department on Aging

Effective date: April 3, 1984
Proposal publication date: January 27, 1984
For further information, please call (512) 475-2717.

**Chapter 261. Citizens Advisory
Council on Aging
Policies and Procedures**

40 TAC §261.6

The Texas Department on Aging adopts amendments to §261.6, without changes to the proposed text published in the January 27, 1984, issue of the *Texas Register* (9 TexReg 476).

The justification for the section is to formalize the rules of conduct of the Texas Department on Aging's Advisory Council meetings. Secondly, the section describes the status of an advisory board member who is absent from three consecutive meetings without an excuse. Lastly, this section provides that there are no proxies.

The section clarifies the rules under which the Advisory Council of the Texas Department on Aging conducts its meetings.

No comments were received regarding adoption of the amendments.

The amendments are adopted pursuant to the Human Resources Code, §101, which provides the Texas De-

partment on Aging with the authority to publish rules governing the functions of the department.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on March 13, 1984.

TRD-842957 Tim Shank
 General Counsel
 Texas Department on Aging

Effective date: April 3, 1984

Proposal publication date: January 27, 1984

For further information, please call (512) 475-2717.



Open Meetings

Agencies with statewide jurisdiction must give at least seven days notice before an impending meeting. Institutions of higher education or political subdivisions covering all or part of four or more counties (regional agencies) must post notice at least 72 hours prior to a scheduled meeting time. Although some notices may be received too late for publication before the meeting is held, all those filed are published in the *Register*. Notices concerning state agencies, colleges, and universities must contain the date, time, and location of the meeting, and an agenda or agenda summary. Published notices concerning county agencies include only the date, time and location of the meeting. These notices are published alphabetically under the heading "Regional Agencies" according to the date on which they are filed.

Any of the governmental entities named above must have notice of an emergency meeting, or an emergency revision to an agenda, and the reason for such emergency posted for at least two hours before the meeting is convened. Emergency meeting notices filed by all governmental agencies will be published. However, notices of emergency additions or revisions to a regional agency's agenda will not be published since the original agenda for the agency was not published.

All notices are posted on the bulletin board outside the Office of the Secretary of State on the first floor of the East Wing in the State Capitol. These notices may contain more detailed agendas than space allows to be published in the *Register*.

State Bar of Texas

Thursday, March 22, 1984, 10 a.m. The Executive-Budget Committee of the State Bar of Texas will meet in the President Room, Texas Law Center, 1414 Colorado Street, Austin. According to the agenda summary, the committee will hear the president's report concerning general and committee matters and interest on lawyers' trust accounts; consider budgetary matters, hear the executive director's report on general and personnel matters, the Leon Jaworski conference, a proposed contract concerning the State Bar and legal services, the bar journal advertising policy, and the Professional Development Program reimbursement policy, and hear a report of the president-elect concerning the bar leadership conference, reports of the chairman of the board and the supreme court liaison, a report of the immediate past president concerning a Federal Trade Commission matter, a report of the general counsel concerning general and grievance matters, litigation, proposed new legislative guidelines, employment of a consultant regarding computerization, a report on parking and meeting facilities, a report of the director of professional development, and reports on

the 1984 and 1985 conventions and Advocacy, Inc.

Contact: Evelyn Avent, Texas Law Center, 1414 Colorado Street, Austin, Texas 78711, (512) 475-4746.

Filed: March 14, 1984, 3:31 p.m.
TRD-842017

Select Committee on Public Education

Wednesday-Friday, March 14-16, 1984, 9 a.m. daily. The Select Committee on Public Education met in emergency session in Crystal Ballroom I, Registry Hotel, 15201 Dallas Parkway, Dallas. According to the agenda, the committee considered final recommendations concerning public education. The emergency status was due to a room change to a larger room.

Contact: Rebecca Naugle, 1000 Mercantile Bank Building, 10th Floor, Dallas, Texas, (214) 760-5791.

Filed: March 13, 1984, 2:57 p.m.
TRD-842943

Employees Retirement System of Texas

Monday, March 26, 1984, 9 a.m. The Board of Trustees of the Employees Retirement System (ERS) of Texas will meet at the ERS Building, 18th and Brazos Streets, Austin. Items on the agenda include review and approval of the January 16, 1984, minutes; consideration and action on proposed insurance premium rates for the contract year beginning September 1, 1984, Blue Cross/Blue Shield rate proposals, reports from the system's consulting actuary, Rudd & Wisdom, Inc., and the Group Insurance Advisory Committee, and a continuation of the system's waiver of the administrative expense fee, discussion and action on continuing contributions to employees and retirees enrolled in the insurance program and psychiatric care benefits mandated in group health insurance plans by Senate Bill 1287, 68th Legislature, 1983, adoption of a calendar for submitting the Group Insurance Program to competitive bid if so determined by the board; consideration and action on applications of Central Texas Health Plan, Austin, CIGNA Healthplan of Texas, Inc., Houston, Manicare of Texas, Inc., Houston, Medcon, Inc., Eulless, Planned Health,

Corpus Christi, Centroplex Health Plant, Inc., Temple, CIGNA Healthplan of Texas, Inc., Dallas, Good Health Plus, Inc., San Antonio, Kaiser Foundation Health Plan of Texas, Dallas, PruCare of Austin, and PruCare of Houston health maintenance organizations to offer programs of health services to employees and retirees of the State of Texas; a review of rates to be charged by approved health maintenance organizations for the contract year beginning September 1, 1984; adoption of a calendar to elect members to the Group Insurance Advisory Committee; consideration of an appointment to fill a vacancy on the Group Insurance Advisory Committee and the investment advisor's recommendations; action on investment of the system's funds; reports of retirements and death benefits granted for the period of October 1, 1983-January 31, 1984, payments to survivors of law enforcement officers, firemen, etc., since December 9, 1983, and actuarial valuations of retirement funds and CPO/CO funds as of August 31, 1983, by Rudd & Wisdom, Inc.; action on proposed Trustee Rule 79.13, concerning sick pay adjustments to Social Security covered wages, an amendment to Trustee Rule 73.21, concerning mortality tables for the calculation of retirement benefits, and appeals of contested cases by Radie Jo Mosely—health insurance, Floyd Penney—disability retirement, Marjorie C. Shelton—health insurance, Henry Sprouls—health insurance, Max Walden—health insurance, and Ronald W. Watkins—health insurance; and the executive director's report. The board also will meet in executive session to discuss personnel matters and confirm the date of the next meeting. If necessary, this meeting may be carried through to March 27, 1984.

Contact: Clayton T. Garrison, 18th and Brazos Streets, Austin, Texas 78701, (512) 476-6431.

Filed: March 14, 1984, 9:11 a.m.
TRD-842960

Texas Employment Commission

Wednesday, March 21, 1984, 9 a.m. The Texas Employment Commission (TEC) will meet in Room 644, TEC Building, 15th Street and Congress Avenue, Austin. According to the agenda summary, the commission will consider prior meeting notes and administrative staff reports on program operations, funding, and legislation; conduct a public comment period; discuss the purchase price of TEC properties/staff rec-

ommendations, an evaluation system for the administrator position, a proposed change in 40 TAC §301.16, the TEC policy manual, Hispanic language translations in the operation of programs, expenditures from the unemployment compensation special administration fund for leases, repairs, and administrative items including an architect's fee, and the office managers' meeting; schedule the next Advisory Council meeting and consider appointing new members; establish the 1984 tax rate for governmental employers under §7-B; and set the date and agenda items of the next meeting. The commission also will meet in executive session to consider premises leases and contracts, pending litigation, and attorney general opinion requests.

Contact: Pat Joiner, TEC Building, Room 656, 15th Street and Congress Avenue, Austin, Texas, (512) 397-4514.

Filed: March 13, 1984, 3:58 p.m.
TRD-842947

State Ethics Advisory Commission

Friday, April 13, 1984, 8:30 a.m. The State Ethics Advisory Commission will meet in Room 117, Sam Houston Building, 201 East 14th Street, Austin. According to the agenda, the commission will approve the March 9, 1984, minutes, consider opinion requests and opinion drafts, and set the date of the next meeting.

Contact: Greg Pollock, Room 917, Sam Houston Building, 201 East 14th Street, Austin, Texas 78711, (512) 475-1429.

Filed: March 13, 1984, 3:50 p.m.
TRD-842946

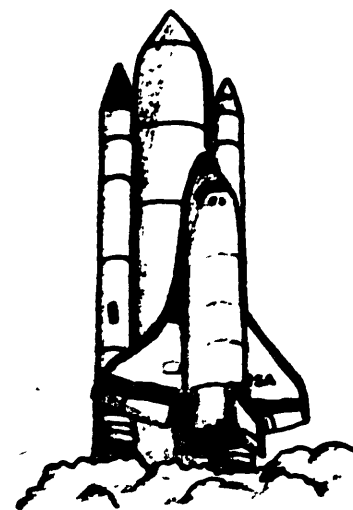
Finance Commission of Texas

Wednesday, March 21, 1984, 10 a.m. The Savings and Loan Department of the Finance Commission of Texas will meet at 1004 Lavaca Street, Austin. According to the agenda summary, the department will review and discuss the final adoption of regulations concerning the definition of improved real estate; limitations on commercial, consumer, and manufactured home loans; investments in real property; issuance of unsecured capital obligations; authorized subsidiary investments and activities; and fees for subsidiaries; and discuss department operations. The department also will meet in executive session regarding

personnel matters and savings and loan supervisory problems.

Contact: L. L. Bowman III, 1004 Lavaca Street, Austin, Texas 78701, (512) 475-7991.

Filed: March 13, 1984, 11:26 a.m.
TRD-842932



Texas Health Facilities Commission

Thursday, March 22, 1984, 1:30 p.m. The Texas Health Facilities Commission will meet in Suite 305, Jefferson Building, 1600 West 38th Street, Austin. According to the agenda summary, the commission will consider the following applications.

Amendments of Certificate of Need Order Lake Forest Village, Inc., Denton
AN79-0426-015A(093083)

Wind Crest Nursing Center, Copperas Cove
AN83-0802-077A(020284)

Baylor University Medical Center, Dallas
AH81-1211-011A(010484)

Physicians and Surgeons General Hospital, Corpus Christi
AH80-0829-009A(082583)

Corinth Manor Nursing Home, Dallas
AN81-0409-013A(111483)

Applications for Certificate of Need
Arlington Community Hospital, Arlington
AH83-0822-114
The Ranch Treatment Center, Austin
AH83-1101-280

Notices of Intent to Acquire Existing Health Care Facilities
Stonehedge Realty Corporation, a Texas corporation, Dallas
AN83-1007-201

Texas Register

Whiterock Management, Inc., Dallas
AN84-0127-062

Crystal Hill Associates, a Texas
limited partnership, Dallas
AN84-0127-061

Med West Healthcare Management
Corporation, Omaha, Nebraska
AN84-0210-086
AN84-0210-087
AN84-0210-090
AN84-0210-089

John P. Lambrecht, Mildred V.
Lambrecht, Walter C. Fox, and
Velma A. Fox, Napa, California
AN84-0210-085

John P. Lambrecht, Mildred V.
Lambrecht, Walter C. Fox, and
Velma A. Fox, Napa, California
AN84-0210-088

Contact: Judith A. Monaco, P.O. Box
50049, Austin, Texas 78763, (512) 475-6940.

Filed: March 14, 1984, 9:25 a.m.
TRD-842961

Texas Department of Human Resources

Saturday, March 24, 1984, 9 a.m. The Medical Care Advisory Committee of the Texas Department of Human Resources (DHR) will meet in the DHR board room, 706 Banister Lane, Austin. According to the agenda summary, the committee will approve the minutes, hear the commissioner's comments, and discuss fiscal year 1985-1987 program direction and budget issues for the Office of Health Care Services and the Office of Programs.

Contact: Larry Corley, P.O. Box 2960,
Austin, Texas 78769, (512) 441-3355, ext.
5082.

Filed: March 15, 1984, 9:14 a.m.
TRD-843021

Texas Indian Commission

Monday and Tuesday, March 19 and 20, 1984, 1 p.m. and 8:30 a.m., respectively. The Texas Indian Commission made an emergency revision to the agenda of a meeting held at the Alabama/Coushatta Indian Reservation Community Center, Livingston. The revisions concerned commission administration, the Alabama/Coushatta Indian Reservation, and the Tigua Indian Reservation. The emergency status was necessary because of corrections, clarifica-

tion of agenda items, and an addition of contract approval items.

Contact: Raymond D. Apodaca, 9434 Vis-
count, Suite 122, El Paso, Texas 79925.

Filed: March 14, 1984, 2:40 p.m.
TRD-843018

State Board of Insurance

Friday, March 23, 1984. The Commissioner's Hearing Section of the State Board of Insurance will conduct public hearings in Room 342, 1110 San Jacinto Street, Austin. Times and dockets follow.

10:30 a.m. Docket 7628—reinsurance agreement whereby English Life Insurance Company, Mineola, will be reinsured by New English Life Insurance Company, Mineola.

Contact: J. C. Thomas, 1110 San Jacinto
Street, Austin, Texas 78786, (512) 475-4353.

Filed: March 14, 1984, 1:49 p.m.
TRD-843004

3:30 p.m. Docket 7629—reinsurance agreement whereby J. H. English Burial Association, Mineola, will be reinsured by New English Life Insurance Company, Mineola.

Contact: John Brady, 1110 San Jacinto
Street, Austin, Texas 78786, (512) 475-2287.

Filed: March 14, 1984, 1:49 p.m.
TRD-843005

Wednesday, April 4, 1984, 9 a.m. The State Board of Insurance will meet in Room 414, 1110 San Jacinto Street, Austin. According to the agenda, the board will hold a public hearing to consider a pleading contesting the commissioner's assessment of penalty for failure to timely pay premium taxes for 1982 against a fire insurance exchange.

Contact: Pat Wagner, 1110 San Jacinto
Street, Austin, Texas, (512) 475-2950.

Filed: March 14, 1984, 2:40 p.m.
TRD-843007

Commission on Jail Standards

Wednesday, March 28, 1984, 8:30 a.m. The Commission on Jail Standards will meet in Room 206, Texas Law Center, 1414 Colorado Street, Austin. According to the agenda summary, the commission will read and approve the January 25, 1984, minutes; hear the director's report; consider old business regarding Galveston, Willacy, Jim Hogg, and Waller Counties, and new business regarding Travis, Carson, Palo Pinto, Hem-

phill, Nolan, Hays, and Dawson Counties; discuss changes in Rules 217.05.02.050, 217.05.03.046, 217.05-.04.043, 217.07.01.049, 217.07.02.045, 217.07.03.042, emergency operation of doors, and 217.02.00.030, definitions (sallyport); and consider proprietary/public records of architectural drawings, staffing for Dallas County, and applications for variance(s) for Bexar, Bowie, Culberson, Galveston, Montgomery, Polk, Randall, and Travis Counties. The commission also will meet in executive session.

Contact: Robert O. Viterna, 411 West 13th
Street, Suite 900, Austin, Texas 78701, (512)
475-2716.

Filed: March 14, 1984, 2:38 p.m.
TRD-843008

Texas Board of Land Surveying

Monday, March 26, 1984, 10 a.m. The Texas Board of Land Surveying will meet in Suite 210W, 1106 Clayton Lane, Austin. According to the agenda, the board will review old and new business and correspondence.

Contact: Betty J. Pope, 1106 Clayton Lane,
Suite 210W, Austin, Texas 78723, (512)
452-9427.

Filed: March 15, 1984, 9:49 a.m.
TRD-843023

Texas National Guard Armory Board

Sunday, March 25, 1984, 1 p.m. The Texas National Guard Armory Board will meet in the conference room, Building 64, Camp Mabry, Austin. According to the agenda summary, the board will discuss administrative and fiscal matters and facility construction, remodeling, and renovation.

Contact: Donald J. Kerr, P.O. Box 5218,
Austin, Texas 78763, (512) 451-6394.

Filed: March 14, 1984, 1:37 p.m.
TRD-843003

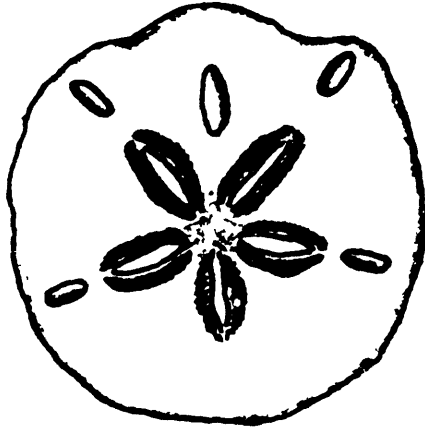
Texas State Board of Pharmacy

Wednesday-Friday, March 21-23, 1984, 2 p.m. Wednesday and 8:30 a.m. daily Thursday and Friday. The Texas State Board of Pharmacy will meet in the Capitol Room, Austin Hilton, 6000 Middle Fiskville Road, Austin. According to the agenda summary, the board will hear testimony and review evidence of alleged violations of those laws which subject persons to administrative

sanctions and what form the sanctions are to take.

Contact: Fred S. Brinkley, Jr., 211 East Seventh Street, No. 1121, Austin, Texas 78701, (512) 478-9627.

Filed: March 13, 1984, 11:16 a.m.
TRD-842931



Public Utility Commission of Texas

The Hearings Division of the Public Utility Commission of Texas will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin. Days, times, and dockets follow.

Wednesday, March 21, 1984, 10 a.m. A prehearing conference in Docket 5571—application of Lake Whitney Enterprises to amend its certificate of convenience and necessity within Bosque and Hill Counties and for approval of purchase of Steel Creek Acres Water Supply.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: March 13, 1984, 4:10 p.m.
TRD-842949

Friday, March 23, 1984, 10 a.m. Prehearings in Docket 5000—application of Coe Utilities, Inc., to acquire the water certificate rights of Tri-County Water Systems, Inc., within Harris and Montgomery Counties; Docket 5185—application of Coe Utilities, Inc., to acquire the water certificate rights of Tri-County Water Systems, Inc., pertaining to McKinney Place; and Docket 5073—application of Coe Utilities, Inc., to amend its certificate of convenience and necessity within Harris and Montgomery Counties.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: March 15, 1984, 9:50 a.m.
TRD-843022

Monday, May 14, 1984, 1:30 p.m. A hearing on the merits in Docket 5620—application of Nitsch and Son Utility Company, Inc., for a water rate increase.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: March 14, 1984, 10:29 a.m.
TRD-842969

Texas Rehabilitation Commission

Friday, March 16, 1984, 3 p.m. The Public Information Subcommittee of the Governor's Committee for Disabled Persons of the Texas Rehabilitation Commission met in emergency session in Room 104, 158 East Riverside Drive, Austin. According to the agenda, the subcommittee discussed whether the committee should request funding for an information and referral service in fiscal year 1986-1987. The emergency status was necessary because budgeting deadlines require immediate resolution of the discussion question.

Contact: Virginia Roberts, 158 East Riverside Drive, Room 104, Austin, Texas 78704, (512) 445-8272.

Filed: March 14, 1984, 10:58 a.m.
TRD-842976

Friday, March 23, 1984, 9 a.m. The Autism Task Force of the Texas Planning Council for Developmental Disabilities of the Texas Rehabilitation Commission will meet in Room 202, Texas Law Center, 14th and Colorado Streets, Austin. According to the agenda, the task force will consider an overview of the core cluster model for community services by Dr. William V. Rago of the Texas Department of Mental Health and Mental Retardation; approve minutes; hear announcements; and discuss proposed recommendations and additional business matters.

Contact: Roger Webb, 188 East Riverside Drive, Austin, Texas 78704, (512) 445-8870.

Filed: March 14, 1984, 2:34 p.m.
TRD-843009

Board for Lease of State-Owned Lands

Tuesday, March 20, 1984, 3 p.m. The Board for Lease of Texas Indian Commission of the Board for Lease of State-Owned Lands will meet in emergency session in Room 883, Stephen F. Austin Building,

1700 North Congress Avenue, Austin. Items on the agenda include approval of the previous meeting minutes, a pooling agreement application, and an easement application. The emergency status was due to lease expiration.

Contact: Linda K. Fisher, 1700 North Congress Avenue, Room 835, Austin, Texas, (512) 475-4307.

Filed: March 13, 1984, 3:24 p.m.
TRD-842935

Texas A&M University System

Sunday, March 25, 1984. Committees of the Board of Regents of the Texas A&M University System will meet at the MSC Annex, Texas A&M University, College Station. Times, committees, and agendas follow.

1:30 p.m. The Planning and Building Committee will consider the cancellation of unexpended balances of appropriations, Texas A&M University System (TAMUS); a report of contract actions by the chancellor, TAMUS; a report of construction project appropriations and authorizations by the chancellor, TAMUS; a report of contract actions by the deputy chancellor or president, TAMUS; action on bids, Texas A&M University (TAMU), Tarleton State University (TSU), and Prairie View A&M University (PVAMU); appropriations for designs, TAMU, PVAMU, and the Texas Agricultural Experiment Station (TAES); authorization for the chancellor to negotiate for the preparation of a conceptual design and an agricultural and veterinary medical facilities master plan, TAMU; and the purchase of 0.86 acres out of the J. E. Scott Survey, Brazos County, TAMU.

3 p.m. The Committee for Service Units will consider approval of the Immuno Modulators Laboratories, Inc., license agreement, Texas Agricultural Experiment Station; the appointment of Vernon L. Pellet as assistant director emeritus, Texas Agricultural Extension Service; approval of a cooperative research agreement, Texas Engineering Experiment Station; and the appointment of a peace officer, Texas Forest Service.

3:30 p.m. The Committee for Academic Campuses will consider proposed fees, TAMU, PVAMU, TSU, and Texas A&M University at Galveston (TAMUG); authorization to create a department of speech communication and theatre arts and to establish a bachelor of arts degree in speech communication, with provisional certifica-

tion for secondary teachers, TAMU; the granting of titles of Professor Emeritus, TAMU; approval of a development foundation contract, TAMU; and authorization to offer the bachelor of arts degree with a major in music in the department of art, music, and drama in the College of Arts and Sciences and to delete the present degree of bachelor of arts in music with concentrations in music education and applied music, PVAMU.

Contact: Vickie E. Burt, Texas A&M University System, College Station, Texas 77843, (409) 845-9603.

Filed: March 14, 1984, 10:34 a.m.
TRD-842971-842973

Monday, March 26, 1984, 8:30 a.m. The Committee of the Whole of the Board of Regents of the Texas A&M University System will meet in the MSC Annex, Texas A&M University, College Station. According to the agenda summary, the committee will receive reports from various ad hoc committees; consider the sale of an oil, gas, and sulphur lease and permanent university fund bonds, a special depository bank for local income from educational activities deposited in the state treasury, and real estate and personnel matters, TAMUS; consider supplemental appropriation for matching private grants, a request for funds for 1984-1985 from the available university fund for minority recruiting, and the establishment of a revolving fund, TAMU, the transfer of funds to purchase research computing equipment, Texas Engineering Experiment Station (TEES), and the appropriation of funds, Texas Forest Service (TFS); confirm budget and fiscal changes, personnel actions, appointments, promotions, and terminations, TAMUS; and discuss a request for approval of recommendations for academic tenure, the acceptance of gifts, grants, loans, and bequests, and a resolution in appreciation of James Burnett Bond, TAMUS.

Contact: Vickie E. Burt, Texas A&M University System, College Station, Texas 77843, (409) 845-9603.

Filed: March 14, 1984, 10:34 a.m.
TRD-842974

Tuesday, March 27, 1984, 8:30 a.m. The Board of Regents of the Texas A&M University System will meet in the MSC Annex, Texas A&M University, College Station. According to the agenda summary, the board will consider construction for TAMUS; proposed fees, real estate matters, and personnel matters, TAMUS; the sale of an oil, gas, and sulphur lease and permanent university fund bonds, TAMUS; a spe-

cial depository bank for local income from educational activities deposited in the state treasury, TAMUS; supplemental appropriation for matching private grants, a request for funds for 1984-1985 from the available university fund, and the establishment of a revolving fund, TAMU; the transfer of funds to purchase research computing equipment, TEES; the appropriation of funds, TFS; the confirmation of budget and fiscal changes, personnel actions, appointments, promotions, and terminations, a request for approval of recommendations of academic tenure, and the acceptance of gifts, grants, loans and bequests, TAMUS; authorization to create a Department of Speech Communications, the granting of titles of Professor Emeritus, and the approval of a development foundation contract, TAMU; and authorization to offer the degree of bachelor of arts with a major in music, PVAMU.

Contact: Vickie E. Burt, Texas A&M University System, College Station, Texas 77843, (409) 845-9603.

Filed: March 14, 1984, 10:35 a.m.
TRD-842975

Texas Water Commission

The Texas Water Commission will conduct hearings in the Stephen F. Austin Building, 1700 North Congress Avenue, Austin. Days, times, rooms, and agendas follow.

Tuesday, April 3, 1984, 2 p.m. In Room 124A, the commission will consider the following applications to the Texas Department of Water Resources.

Application of the City of Freeport for a temporary order to determine whether two authorizations to discharge partially-treated wastewater granted by the executive director of the Texas Department of Water Resources on November 18, and December 27, 1983, should be affirmed, modified, or set aside by the commission. The authorization made on November 18, 1983, permitted the City of Freeport to discharge partially-treated wastewater from the main sewage treatment plant to prevent further damage and to assess repairs needed for proper application of a temporary order. The authorization made on December 27, 1983, permitted the City of Freeport to discharge partially-treated wastewater from the main sewage treatment plant for two days to repair the skimmer arm on the primary clarifier which had broken.

Application of the City of Freeport for a temporary order to authorize the discharge of partially treated domestic wastewater effluent at a volume not to exceed an average flow of 1.7 million gallons per day (3.4 million daily maximum) from the main sewage treatment plant which is located at the southerly extension of State Highway 288 on the Brazos River in Brazoria County. The applicant proposes to make needed repairs to the final clarifier.

Contact: Carl X. Forrester, P.O. Box 13087, Austin, Texas 78711, (512) 475-7851.

Filed: March 14, 1984, 10:02 a.m.
TRD-842967, 842968

Monday, April 9, 1984, 10 a.m. In Room 152, the commission will consider the following applications.

Application of Clarence and Juanita Holt seeking to amend their portion of Certificate of Adjudication 23-2435 to change the place of use of one acre-foot of water diverted from the Rio Grande, Rio Grande Basin, to change the point of diversion on the shore of Falcon Reservoir, and to change the purpose of use from irrigation to municipal purposes in Zapata County.

Application 4436 of Betty Kacir Wheeler seeking a permit to divert and use 400 acre-feet of water directly from the Little River, tributary of the Brazos River, Brazos River Basin, for irrigation purposes in Milam County.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: March 13, 1984, 10:54 a.m.
TRD-842922, 842923

Wednesday, April 11, 1984, 10 a.m. In Room 118, the commission will consider a request for conversion of Harris County Water Control and Improvement District 89 into a municipal utility district operating under the Texas Water Code, Chapter 54.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: March 14, 1984, 2:35 p.m.
TRD-843011

Thursday, April 12, 1984, 10 a.m. In Room 118, the commission will consider the application of the Colorado River Municipal Water District seeking to amend Certificate of Adjudication 14-1008 to authorize construction of a channel dam forming a 3.4 acre-foot capacity reservoir on Beals Creek, tributary of the Colorado River, Colorado River Basin, and to authorize construction of a dam forming an 8,538 acre-foot capacity reservoir on Red Draw, tributary of

Bears Creek, tributary of the Colorado River, Colorado River Basin, for mining, industrial, and construction purposes in Howard County

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: March 13, 1984, 10:55 a.m.
TRD-842924

Friday, April 13, 1984, 10 a.m. In Room 152, the commission will consider Application 4437 of Royal-LBJ Joint Venture seeking a permit to authorize the construction of, and the impoundment of water in, four proposed overflow dams and reservoirs on Grapevine Creek, tributary of Elm Fork Trinity River, tributary of the Trinity River, Trinity River Basin, for recreational use in Dallas County

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: March 13, 1984, 10.55 a.m.
TRD-842925

Monday, April 16, 1984, 10 a.m. In Room 618, the commission will consider the following applications

Application 4438 of Pi Ren, Inc., seeking a permit to authorize the construction of, and impoundment of water in, a proposed 2.2 acre-foot capacity reservoir on an unnamed tributary of Long Branch, tributary of Duck Creek, tributary of East Fork Trinity River, tributary of the Trinity River, Trinity River Basin, for recreational purposes in Dallas County

Application 1646A of Jim C. Scott seeking an amendment to Permit 1536 to move the diversion point of 250 acre-feet of water per annum from the Frio River, tributary of the Atascosa River, tributary of the Nueces River, Nueces River Basin, for irrigation purposes in Real County.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: March 13, 1984, 10:55 a.m.
TRD-842926, 842927

Wednesday, April 18, 1984, 2 p.m. In Room 118, the commission will consider the application of the City of Goldthwaite seeking to amend Certificate of Adjudication 14-2553 to authorize the construction and maintenance of a proposed 200 acre-foot off-channel reservoir on the Colorado River, Colorado River Basin, for storage of water previously authorized for diversion under the certificate. The applicant also seeks authorization for the secondary use of 250 acre-feet of treated sewage effluent

from the city's wastewater treatment plant for irrigation purposes in Mills County.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: March 13, 1984, 10:56 a.m.
TRD-842928

Monday, April 23, 1984, 10 a.m. In Room 152, the commission will consider Application 4439 of the Ennis Company seeking a permit to divert and use 1,532 acre-feet of water per annum from the Brazos River, Brazos River Basin, for irrigation purposes in McLennan County. The applicant further seeks authority to maintain an existing 2.0 acre-foot capacity off-channel reservoir in the Carlos O'Campo and M. Martinez Grants in McLennan County.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: March 13, 1984, 10:56 a.m.
TRD-842929

Regional Agencies Meetings Filed March 13

The Sabine River Authority of Texas, Board of Directors, will meet at Doodle's Restaurant, Highway 96, San Augustine, on March 23, 1984, at 10 a.m. Information may be obtained from Sam F. Collins, P.O. Box 579, Orange, Texas 77630, (409) 883-2531

The South Texas Private Industry Council met in emergency session at the Webb County Courthouse, Laredo, on March 15, 1984, at 2 p.m. Information may be obtained from C. Y. Benavides, Jr., P.O. Drawer 29, Laredo, Texas 78040, (512) 727-7272.

TRD-842940

Meetings Filed March 14

The Mental Health and Mental Retardation Authority of Brazos Valley, Board of Trustees, will meet at 3232 Briarcrest Drive, Bryan, on March 22, 1984, at 1:30 p.m. Information may be obtained from Ann Pye-Shively, PH.D., P.O. Box 4588, Bryan, Texas 77805, (409) 696-8585.

The Central Counties Center for Mental Health and Mental Retardation Services, Board of Trustees, will meet at 302 South 22nd Street, Temple, on March 20, 1984, at 7:45 p.m. Information may be obtained

from Steven B. Schnee, PH.D., P.O. Box 518, Temple, Texas 76503, (817) 778-4841

The Central Texas Council of Governments, Executive Committee, will meet at 302 East Central, Belton, on March 22, 1984, at 12:45 p.m. The Central Texas Private Industry Council will meet at the same location on the same day at 2 p.m. Information may be obtained from Walton B. Reedy, P.O. Box 729, Belton, Texas 76513, (817) 939-1803.

The Dallas County Appraisal District, Appraisal Review Board, will meet at 2601 Live Oak, Dallas, on March 23, 1984, at 9 a.m. Information may be obtained from Shirley Lensky, 2601 Live Oak, Dallas, Texas 75204, (314) 826-1480.

The Region III Education Service Center, Board of Directors, met in emergency session at 1905 Leary Lane, Victoria, on March 19, 1984, at 3.30 p.m. Information may be obtained from Dennis Grizzle, 1905 Leary Lane, Victoria, Texas 77901, (512) 573-0731.

The Region XI Education Service Center, Board of Directors, will meet at 3001 North Freeway, Fort Worth, on March 27, 1984, at noon. Information may be obtained from R. P. Campbell, Jr., 3001 North Freeway, Fort Worth, Texas 76106, (817) 625-5311, ext. 102.

The Guadalupe-Blanco River Authority, Board of Directors, submitted an emergency revised agenda for a meeting held at 933 East Court Street, Seguin, on March 15, 1984, at 10 a.m. Information may be obtained from John H. Specht, P.O. Box 271, Seguin, Texas 78155, (512) 379-5822.

The Houston-Galveston Area Council, Board of Directors, will meet in the large conference room, 3701 West Alabama, Houston, on March 20, 1984, at 9:30 a.m. Information may be obtained from Charlene McCarthy, P.O. Box 22777, Houston, Texas 77027, (713) 627-3200.

The Central Appraisal District of Johnson County, Board of Directors, will meet at 109 North Main Street, Cleburne, on March 28, 1984, at 7:30 p.m. Information may be obtained from Don Gilmore, 109 North Main Street, Cleburne, Texas 76031, (817) 645-3986.

The Middle Rio Grande Development Council, Private Industry Council, will meet at the Crystal City Memorial Library, 101 East Dimmit, Crystal City, on March 20, 1984, at 1 p.m. Information may be ob-

Texas Register

tained from Mike Patterson, 200 East Nopal, Suite 211, Uvalde, Texas 78801, (512) 876-3533.

The Mills County Appraisal District will meet at the Mills County courthouse, Goldthwaite, on March 22, 1984, at 6:30 p.m. Information may be obtained from Doran E. Lemke, Box 565, Goldthwaite, Texas 76844, (915) 648-2253.

The North Texas Municipal Water District, Board of Directors, will meet at 505 East Brown Street, Wylie, on March 22, 1984, at 4 p.m. Information may be obtained from Carl W. Riehn, Drawer C, Wylie, Texas 75098, (214) 442-5405.

The Texas Municipal League Risk and Insurance Management Services, Board of

Trustees, Workers' Compensation and Municipal Liability Joint Self-Insurance Funds, will meet in the East Tower, AMFAC Hotel, Dallas/Fort Worth Airport, on March 23, 1984, at 10 a.m. Information may be obtained from William Martin, Jr., 1020 Southwest Tower, Austin, Texas 78701, (512) 478-6601.

The Trinity River Industrial Development Authority, Board of Directors, will meet at 5300 South Collins, Arlington, on March 20, 1984, at 11 a.m. Information may be obtained from Ramona A. Winer, P.O. Box 60, Arlington, Texas 76010, (817) 467-4343.

The Upper Leon River Municipal Water District, Board of Directors, will meet at the filter plant general office, Proctor Lake,

Comanche, on March 22, 1984, at 6:30 p.m. Information may be obtained from Zollie D. Skaggs, Box 67, Comanche, Texas (817) 879-2258.

TRD-842970

Meeting Filed March 15

The Austin-Travis County Mental Health and Mental Retardation Center, Operations and Planning Committee, will meet in the board room, 1430 Collier Street, Austin, on March 21, 1984, at 7:30 a.m. Information may be obtained from Sharon Taylor, 1430 Collier Street, Austin, Texas 78704, (512) 447-4141.

TRD-843020

The *Register* is required by statute to publish applications to purchase control of state banks (filed by the banking commissioner), notices of rate ceilings (filed by the consumer credit commissioner); changes in interest rate and applications to install remote service units (filed by Texas Savings and Loan commissioner); and consultant proposal requests and awards (filed by state agencies, regional councils of government, and the Texas State Library and Archives Commission).

In order to aid agencies in communicating information quickly and effectively, other information of general interest to the public is published as space allows. This often includes applications for construction permits (filed by the Texas Air Control Board); applications for amendment, declaratory ruling, and notices of intent (filed by the Texas Health Facilities Commission); applications for waste disposal permits (filed by the Texas Water Commission); and notices of public hearing

In Addition

Texas Air Control Board Applications for Construction Permits

The Texas Air Control Board gives notice of applications for construction permits received during the period of March 1-9, 1984

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

A copy of all material submitted by the applicant is available for public inspection at the central office of the Texas Air Control Board at the previously mentioned address, and at the regional office for the Air Quality Control Region within which the proposed facility will be located.

Listed are the names of the applicants and the cities in which the facilities are located, type of facilities; location of the facilities (if available); permit numbers; and type of application—new source or modification.

Rosewood Resources (POC), Inc., Sheffield; tank battery and flare; James T. Padgett 1; 9431; new source

Oconco, Inc., Pasadena; tire hydrocarbon conversion system, Farley Road; 9432; new source

Conductor Products, Inc., Marshall; manufacture of bare and insulated electrical cable; Route 80, Scottsville, 5184A; modification

Darling-Delaware, Inc., Dallas; by-products transfer station; 1100 Sargent Road; 9433; new source

St. Regis Corporation, Dallas; flexographic printing press; 2236 Cockrell Avenue; 9434; new source

Power Systems Engineering, Inc., La Porte; cogeneration project; La Porte, Harris County; 9435; new source

U.S. Intec, Inc., Port Arthur; roofing manufacture Line 2 and Granule Line; 1212 Brai Drive; 9436; new source

John Petter Construction, Inc., Lake Jackson; trench burner, Dogwood at Yaupon; 6966A; modification

Texas Instruments, Inc., Sherman; bipolar-integrated circuit manufacture; Highway 75 South; 9437; new source

Texas Instruments, Inc., Lubbock, semiconductor manufacture, 2301 North University; 9438; modification

Madden Contracting Company, Inc., Waskom; hot mix asphalt plant, U S Highway 80 West; 9439; new source

V. K. Knowlton Paving Contractors, Inc., Bracken; brush burning; 18231 FM Road 2252; 1543A; modification

Issued in Austin, Texas, on March 12, 1984

TRD-842944 Ramon Dasch
Director of Hearings
Texas Air Control Board

Filed: March 13, 1984
For further information, please call (512) 451-5711,
ext. 354

Texas Department of Community Affairs

Request for Proposals

In accordance with the Job Training Partnership Act (JTPA), Public Law 97-300, the Texas Department of Community Affairs (TDCA) announces a request for proposals (RFP) to operate a limited number of worker assistance centers. The worker assistance centers, funded under Title III, will offer limited services to workers either displaced or about to be displaced from their jobs and foster the effective delivery of additional support services by coordinating available community resources.

Detailed information regarding the project format is set forth in the request for proposal instructions which will be available on or after March 26, 1984, at the Texas Department of Community Affairs, Training and Employment Development Division, Office of Research, Demonstration and Evaluation, 2015 IH 35 South, P.O. Box 13166, Austin, Texas 78711.

The deadline for submission of proposals in response to this request will be 5 p.m. on Monday, May 14, 1984, except for those proposals received postmarked on or before May 10, 1984.

The TDCA reserves the right to accept or reject any or all proposals submitted. The TDCA is under no legal requirement to execute a resulting contract on the basis of this advertisement and intends the material provided only as a means of identifying the various contractor alternatives. The TDCA intends to use responses as a basis for further negotiation of specific project details with potential contractors. The TDCA will base its choice on demonstrated competence, qualifications, and evidence of superior conformance with criteria

This RFP does not commit the TDCA to pay any costs incurred prior to execution of a contract. Issuance of this material in no way obligates the TDCA to award a contract or to pay any costs incurred in the preparation of a response. The TDCA specifically reserves the right to vary all provisions set forth at any time prior to execution of a contract where the TDCA deems it to be in the best interest of the State of Texas.

For further information regarding this notice, or to obtain copies of the RFP instructions, please contact Christopher T King, Texas Department of Community Affairs, Training and Employment Development Division, 2015 IH 35 South, P.O. Box 13166, Austin, Texas 78711, (512) 443-4100, ext. 275.

Issued in Austin, Texas, on March 14, 1984

TRD-842965 Douglas C Brown
General Counsel
Texas Department of Community Affairs

Filed: March 14, 1984
For further information, please call (512) 443-4100, ext. 270/277.

Texas Health Facilities Commission

Application Accepted for Amendment, Declaratory Ruling, and Notice of Intent

Notice is hereby given by the Texas Health Facilities Commission of an application accepted as of the date of this publication. In the following list, the applicant is listed first, file number second, the relief sought third, and a description of the project fourth. DR indicates declaratory ruling; AMD indicates amendment of previously issued commission order; CN indicates certificate of need; PFR indicates petition for reissuance; NIE indicates notice of intent to acquire major medical equipment; NIEH indicates notice of intent to acquire existing health care facilities; NIR indicates notice of intent regarding a research project; NIE/HMO indicates notice of intent for exemption of HMO-related project; and EC indicates exemption certificate.

Should any person wish to become a party to the application, that person must file a proper request to become a party to the application within 15 days after the date of this publication of notice. If the 15th day is a Saturday, Sunday, state or federal holiday, the last day shall be extended to 5 p.m. of the next day that is not a Saturday, Sunday, state or federal holiday. A request to become a party should be mailed to the chair of the commission at P.O. Box 50049, Austin, Texas 78763, and must be received at the commission no later than 5 p.m. on the last day allowed for filing of a request to become a party.

The contents and form of a request to become a party to the application must meet the criteria set out in 25 TAC §515.9. Failure of a party to supply the necessary information in the correct form may result in a defective request to become a party

Amistad Nursing Home, Inc., a Texas corporation,
Uvalde
AN84-0306-149
NIEH—Request for a declaratory ruling that a certificate of need is not required for Amistad Nursing Home, Inc., to acquire by lease Frio County Nursing Center, an existing 104-bed nursing facility with 84 ICF and 20 personal care beds located in Pearsall, from Beverly Enterprises, a California corporation.

Issued in Austin, Texas, on March 14, 1984

TRD-842962 Judith Monaco
Assistant General Counsel
Texas Health Facilities Commission

Filed: March 14, 1984
For further information, please call (512) 475-6940.



Texas Housing Agency Public Hearing

The Texas Housing Agency (THA) gives notice of a public hearing to be conducted in connection with seeking public approval for the issuance of industrial development bonds for residential real property. In accordance with federal law, the THA intends to seek public approval from the attorney general, governor, or other applicable elected representative or designated official of the State of Texas for the issuance of multifamily residential development revenue bonds in an amount not expected to exceed the approximate amount set forth in Texas Civil Statutes, Article 12691-6.

The THA proposes to issue the bonds to provide financing for sanitary, decent, and safe dwelling accommodations for persons and families of low and moderate income. The bonds would constitute limited obligations of the THA. Neither the State of Texas nor any political subdivision other than the THA would be liable on the bonds. The bonds, if issued, will not constitute a debt of the State of Texas.

The executive administrator or deputy administrator of the THA will hold a public hearing on each residential project proposed to be financed by the bonds. The hearing will be at 2 p.m. on Wednesday, March 28, 1984, at the Ramada Inn, 820 IH 35 East at Teasley Lane, Denton, (817) 387-0591.

The proposed residential project is \$11.5 million for the benefit of Hunters Ridge Associates, a partnership having JDJ-Hunters Ridge Partners as a general partner (with Jarvis, DeLoach & Jobst as the developer), to provide financing for a multifamily rental residential development consisting of approximately 13.1 acres located on the northeast side of IH 35 East, approximately 500 feet south of the intersection of Highway 288 and IH 35 East Denton.

All interested persons are invited to attend the public hearing to express their views on the project and the proposed issuance of the bonds. Please direct questions or requests for additional information to Stan Kantrowitz, General Counsel, Texas Housing Agency, 411 West 13th Street, Suite 700, Austin, Texas 78701, (512) 475-0812 or (800) 792-1119.

Persons who intend to appear at the hearing and express views are encouraged to contact Mr. Kantrowitz either in writing or by telephone in advance of the hearing.

Any interested persons unable to attend the hearing may submit their views in writing to Mr. Kantrowitz at the Texas Housing Agency in Austin prior to the date scheduled for the hearing. All written comments will be made available for review by all parties attending the public hearing.

Issued in Austin, Texas, on March 13, 1984.

TRD-842945 Stan Kantrowitz
General Counsel
Texas Housing Agency

Filed: March 13, 1984
For further information, please call (512) 475-0812
or (800) 792-1119.

Texas Department of Human Resources Requests for Proposals

In accordance with Senate Concurrent Resolution 84, 68th Legislature, 1983, the Texas Department of Human Resources is requesting proposals for four special projects to test the provision of services to rural victims of family violence.

Description. Specific activities to be performed are implementation and provision of services under program models designed to improve the delivery of services to victims of family violence in geographically isolated and underserved areas of Texas and participation in an evaluation of the services provided.

Budget Limitations. Department funding for each project will not exceed \$6,750 for the period from June 1, 1984-August 31, 1984, and will not exceed \$20,250 for the period from September 1, 1984-May 31, 1985.

Contact. Prospective offerors may contact Beth Weber, Director, Family Violence Section, 523-A, Texas Department of Human Resources, P.O. Box 2960, Austin, Texas 78769, (512) 835-0440, ext. 2456.

Evaluation. Procedures used to evaluate offers will include an evaluation of project design, potential for success, benefits derived, resources and commitments, and evaluability.

Expression of Interest. Offerors should express interest in submitting a proposal by contacting Ms. Weber no later than 5 p.m. on March 30, 1984. The department will send interested parties an application package which contains detailed screening and evaluation criteria.

Closing Date for Receipt of Application. The closing date for receipt of application packages is 5 p.m., April 16, 1984.

Effective Date. The effective date for each contract is June 1, 1984.

Selection. Final selection will be made by the associate commissioner for families and children based upon the submitted application package and staff recommendations.

Issued in Austin, Texas, on March 14, 1984.

TRD-842963 Martin W. Johnston
Commissioner
Texas Department of Human
Resources

Filed: March 14, 1984
For further information, please call (512) 441-3355,
ext. 2037.

In accordance with Senate Concurrent Resolution 87, 68th Legislature, 1983, the Texas Department of Human Resources is requesting proposals for two special projects to test the provision of services to violent family members.

Description. Specific activities to be performed are implementation and provision of services under program models designed to reduce and prevent violent behavior

in families and participation in an evaluation of the services provided.

Budget Limitations. Department funding for each project will not exceed \$8,300 for the period from June 1-August 31, 1984, and will not exceed \$24,900 for the period from September 1, 1984-May 31, 1985.

Contact. Prospective offerors may contact Beth Weber, Director, Family Violence Section, 523-A, Texas Department of Human Resources, P.O. Box 2960, Austin, Texas 78769, (512) 835-0440, ext. 2456.

Evaluation. Procedures used to evaluate offers will include an evaluation of project design, potential for success, benefits derived, resources and commitments, and evaluability.

Expression of Interest. Offerors should express interest in submitting a proposal by contacting Ms. Weber no later than 5 p.m. on March 30, 1984. The department will send interested parties an application package which contains detailed screening and evaluation criteria.

Closing Date for Receipt of Application. The closing date for receipt of application packages is 5 p.m. on April 16, 1984.

Effective Date. The effective date for each contract is June 1, 1984.

Selection. Final selection will be made by the associate commissioner for families and children based upon the submitted application package and staff recommendations.

Issued in Austin, Texas, on March 14, 1984.

TRD-842964 Marlin W Johnston
Commissioner
Texas Department of Human
Resources

Filed: March 14, 1984
For further information, please call (512) 441-3355,
ext. 2037.

Texas Savings and Loan Department Charter Applications

Application has been made to the savings and loan commissioner of Texas for the approval of a charter for Cornerstone Savings Association, 3707 FM Road 1960 (Cornerstone Towers), Houston. A hearing on the application will be held at 9 a.m. on March 21, 1984, in the offices of the Savings and Loan Department of Texas, 1004 Lavaca Street, Austin, pursuant to authority and jurisdiction granted by the Texas Savings and Loan Act, Texas Civil Statutes, Article 852a.

The nature and purpose of the hearing is to accumulate a record of pertinent information and data in support of the application and in opposition to the application, from which record the commissioner shall determine whether to grant or deny the application. The hearing may be continued from day to day at the same location if not concluded on the day it commences.

The particular sections of Article 852a involved are §§2.01-2.09 and 11.11. The particular rules involved are 7 TAC §§51.1-51.13. Such rules are on file with the *Texas Register*, Office of the Secretary of State, or may be seen at the department's offices.

The applicants for charter assert that the prerequisites, where applicable, set forth in §§2.02-2.06 of the Act, have been met; the character, responsibility, and general fitness of the persons named in the articles of incorporation are such as to command confidence and warrant belief that the business of the proposed association will be honestly and efficiently conducted and that the proposed association will have qualified full-time management; there is a public need for the proposed association, and the volume of business in the community in which the proposed association will conduct its business is such as to indicate a profitable operation; and the operation of the proposed association will not unduly harm any existing association.

Anyone desiring to oppose this application may do so by appearing at the scheduled hearing; however, it is requested and advisable that persons who plan to oppose this application notify the commissioner of their intentions, in writing, at P.O. Box 1089, Austin, Texas 78767.

Issued in Austin, Texas, on January 24, 1984

TRD-842912 Russell R. Oliver
General Counsel
Texas Savings and Loan
Department

Filed: March 12, 1984
For further information, please call (512) 475-8991.

Application has been made to the savings and loan commissioner of Texas for the approval of a charter for Bedford Savings Association, Central and Shalmont, Bedford, Tarrant County. A hearing on the application will be held at 9 a.m. on March 26, 1984, in the offices of the Savings and Loan Department of Texas, 1004 Lavaca Street, Austin, pursuant to authority and jurisdiction granted by the Texas Savings and Loan Act, Texas Civil Statutes, Article 852a.

The nature and purpose of the hearing is to accumulate a record of pertinent information and data in support of the application and in opposition to the application, from which record the commissioner shall determine whether to grant or deny the application. The hearing may be continued from day to day at the same location if not concluded on the day it commences.

The particular sections of the statute involved are §§2.01-2.09 and 11.11. The particular rules involved are 7 TAC §§51.1-51.13. Such rules are on file with the *Texas Register*, Office of the Secretary of State, or may be seen at the department's offices.

The applicants for charter assert that the prerequisites, where applicable, set forth in §§2.02-2.06 of the Act, have been met; the character, responsibility, and general fitness of the persons named in the articles of incorporation are such as to command confidence and warrant belief that the business of the proposed association will be

honestly and efficiently conducted and that the proposed association will have qualified full-time management; there is a public need for the proposed association, and the volume of business in the community in which the proposed association will conduct its business is such as to indicate a profitable operation; and the operation of the proposed association will not unduly harm any existing association.

Anyone desiring to oppose this application may do so by appearing at the scheduled hearing; however, it is requested and advisable that persons who plan to oppose this application notify the commissioner of their intentions, in writing, at P.O. Box 1089, Austin, Texas 78767.

Issued in Austin, Texas, on February 17, 1984.

TRD-842913 Russell R. Oliver
 General Counsel
 Texas Savings and Loan
 Department

Filed: March 12, 1984
For further information, please call (512) 475-7991.

ment; there is a public need for the proposed association, and the volume of business in the community in which the proposed association will conduct its business is such as to indicate a profitable operation; the operation of the proposed association will not unduly harm any existing association; the plan of reorganization is equitable to the members of the associations; and the plan does not impair the usefulness and success of other properly conducted associations.

Anyone desiring to oppose these applications may do so by appearing at the scheduled hearing; however, it is requested and advisable that persons who plan to oppose these applications, notify the commissioner of their intentions, in writing, at P.O. Box 1089, Austin, Texas 78767.

Issued in Austin, Texas, on March 6, 1984.

TRD-8342914 Russell R. Oliver
 General Counsel
 Texas Savings and Loan
 Department

Filed: March 12, 1984
For further information, please call (512) 475-7991.

Applications for Charter and Merger

Application has been made to the savings and loan commissioner of Texas for the approval of a charter for new Petroplex Savings Association, with principal office to be located at 1004 North Big Springs, Midland, Midland County.

Application also has been made to the savings and loan commissioner of Texas by the proposed new Petroplex Savings Association and Petroplex Savings Association for approval to merge and reorganize pursuant to the Texas Savings and Loan Act, Texas Civil Statutes, Article 852a, §10.03. A plan of reorganization and related documents have been filed with the commissioner.

A hearing on the applications will be held at 9 a.m. on April 4, 1984, in the offices of the Savings and Loan Department of Texas, 1004 Lavaca Street, Austin, pursuant to authority and jurisdiction granted by the Texas Savings and Loan Act, Texas Civil Statutes, Article 852a.

The nature and purpose of the hearing is to accumulate a record of pertinent information and data in support of the application and in opposition to the application, from which record the commissioner shall determine whether to grant or deny the application.

The particular sections of the statute involved are §§2.01-2.09, 2.13, 10.03, and 11.11. The particular rules involved are 7 TAC §§51.1-51.13 and 69.1-69.7. Such rules are on file with the *Texas Register*, Office of the Secretary of State, or may be seen at the department's offices.

The applicants for charter assert that the prerequisites, where applicable, set forth in §§2.02-2.06 of the Act, have been met; the character, responsibility, and general fitness of the persons named in the articles of incorporation are such as to command confidence; and warrant belief that the business of the proposed association will be honestly and efficiently conducted and that the proposed association will have qualified full-time manage-

Texas Water Commission Applications for Waste Disposal Permits

Notice is given by the Texas Water Commission of public notices of waste disposal permit applications issued during the period of March 5-9, 1984.

No public hearing will be held on these applications unless an affected person has requested a public hearing. Any such request for a public hearing shall be in writing and contain the name, mailing address, and phone number of the person making the request; and a brief description of how the requester, or persons represented by the requester, would be adversely affected by the granting of the application. If the commission determines that the request sets out an issue which is relevant to the waste discharge permit decision, or that a public hearing would serve the public interest, the commission shall conduct a public hearing, after the issuance of proper and timely notice of the hearing. If no sufficient request for hearing is received within 30 days of the date of publication of notice concerning the applications, the permit will be submitted to the commission for final decision on the application.

Information concerning any aspect of these applications may be obtained by contacting the Texas Water Commission, P.O. Box 13087, Austin, Texas 78711, (512) 475-2678.

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

Period of March 5-9, 1984

Eldridge Road Municipal Utility District, Houston; wastewater treatment plant; approximately 0.8 mile

east-southeast of the intersection of Eldridge Road and Belknap Road and north of the City of Sugar Land in Fort Bend County; 12240-01; amendment

GRD Development Company, Inc., El Paso; wastewater treatment plant; approximately 5,600 feet west and 3,500 feet north of the Horizon City Overpass of IH 10 in El Paso County; 12876-01; new permit

Bar-B Management, Inc., Bar-B Truck Plaza, Gordon; restaurant and truck maintenance facilities; north of IH 20 near exit 370 south of the City of Gordon in Palo Pinto County; 02693; new permit

Robert Cagle, Houston; wastewater treatment plant; on Live Oak peninsula, north of Salt Lake, approximately 5,400 feet east-northeast of Hannibal Point along Copano Bay in Aransas County; 12886-01; new permit

Blue Ridge West Municipal Utility District, Bellaire; wastewater treatment plant; approximately 1.2 miles southeast of the intersection of Settegast Road and FM Road 2234 in Missouri City in Fort Bend County; 11553-01; amendment

San Antonio Municipal Utility District 1, Helotes; wastewater treatment plant; west of State Highway 16, approximately 1.7 miles north of Helotes in Bexar County; 11647-01; amendment

Cosden Oil and Chemical Company, Groves; natural gas liquids plant; at 3828 Grandview Avenue, adjacent to the American Petrofina Company of Texas refinery northeast of the City of Groves in Jefferson County; 02688; new permit

Gaylon Pantel, La Grange; confined feeding operation for swine; on the east side of County Road 132, at a point approximately one mile north of the intersection of State Highway 159 and County Road 132, in Fayette County; 02702; new permit

Mitchell L. Raymond, Houston; mobile home park; at 10009 Airline Drive, approximately one block south of the intersection of Aldine Mail Route and Airline Drive in Harris County; 12888-01; new permit

Lesco Trucking Company, Inc., Houston; pipe storage yard; at 728 Shields Street in the Community of Channelview in Harris County; 02687; new permit

George Johnson, Houston; mobile home park; immediately west of Shaw Road and approximately 820 feet north of Quail Farm Road in Harris County; 12892-01; new permit

Lake LBJ Municipal Utility District, Horseshoe Bay; wastewater treatment plant; north of FM Road 2147 and approximately three miles northeast of the intersection of FM Road 2147 and State Highway 71 in Horseshoe Bay Subdivision in Llano County; 11217-01; renewal

U.S. Army Field Artillery Center and Fort Sill, Fort Sill, Oklahoma; wastewater treatment plant; approximately 20 miles west-northwest of Mineral Wells and approximately 2,000 feet northwest of McAdams Peak in Palo Pinto County; 12048-01; renewal

City of Crystal City; wastewater treatment plant; northwest of the City of Crystal City at the terminus of Plant Street, which intersects U.S. Highway 83, approximately one block southwest of the West Zavala Street crossing of U.S. Highway 83 in Zavala County; 10098-01; renewal

Issued in Austin, Texas, on March 9, 1984

TRD-842889

Mary Ann Hefner
Chief Clerk
Texas Water Commission

Filed: March 12, 1984

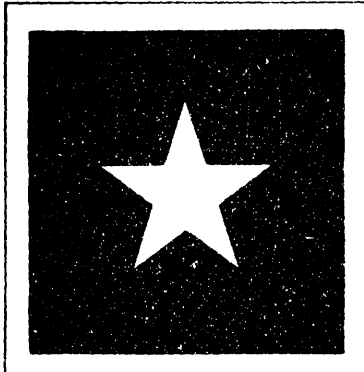
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