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JAN 09 1981

TEXAS DOCUMENTS

TEXAS REGISTER

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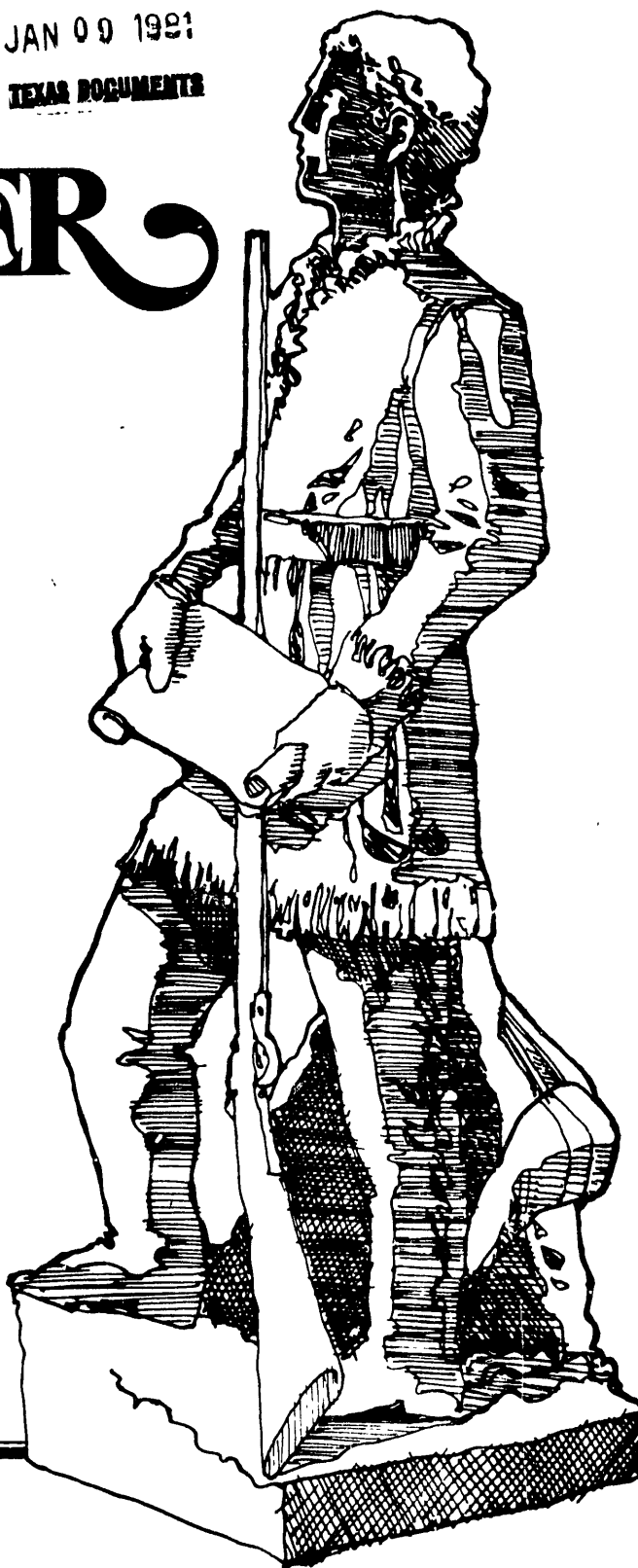
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Office of the Secretary of State

The *Texas Register* is currently in the process of converting to the numbering system found in the *Texas Administrative Code* (TAC). To aid the reader in this conversion, both the 10-digit *Register* number and the new TAC number will be listed for agencies whose rules have been published in the TAC. Emergency, proposed, and adopted rules sections of the *Register* are divided into two classifications: codified and noncodified. Codified rules appear in title number order. Non-codified rules appear in alphabetical order as they have in the past. An "Index of TAC Titles Affected" appears at the end of this issue.

Titles 1, 4, 7, 10, 13, 16, 22, 31, 34, 37, and 43 only of the TAC have now been published. Documents classified in the *Texas Register* to titles not yet published and certain documents affecting titles of the code have been accepted in the non-TAC format and may be renumbered or revised, or both, when initially codified in the TAC.

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

1 is the title (agencies grouped together by subject title which are arranged alphabetically)

TAC is the *Texas Administrative Code*

§27.15 is the section number (27 represents the chapter number and 15 represents the individual rule within the chapter)

Latest Texas Code Reporter
(Master Transmittal Sheet): No. 3, Aug. 80

HOW TO CITE: Material published in the *Texas Register* is referenced by citing the volume in which a document appears, the words "TexReg," and the beginning page number on which that document was published. For example, a document published on page 2404 of Volume 4 is cited as follows: 4 TexReg 2404.

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



George W. Strake, Jr.
Secretary of State

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Article 4399, Vernon's Texas Civil Statutes, requires the attorney general to give written opinions to certain public officials. The Texas Open Records Act, Article 6252-17a, Section 7, Vernon's Texas Civil Statutes, requires that a governmental body which receives a request for release of records seek a decision of the attorney general if the governmental body determines that the information may be withheld from public disclosure. Opinions and open records decisions issued under the authority of these two statutes, as well as the request for opinions and decisions, are required to be summarized in the *Texas Register*.

Copies of requests, opinions, and open records decisions may be obtained from the Opinion Committee, Attorney General's Office, Supreme Court Building, Austin, Texas 78701, telephone (512) 475-5445.

Requests for Opinions

Summary of Request for Opinion RQ-498

Request from David G. Lewis, county attorney, Sherman County.

Summary of Request: May the county treasurer legally invest at an unrestricted rate of interest the accumulated interest income earned upon investment of the proceeds received from the sale of county construction and maintenance bonds?

Doc. No. 809571

Summary of Request for Opinion RQ-499

Request from Joel V. Roberts, city attorney, Odessa.

Summary of Request: Is a public employee's letter of resignation excepted from public disclosure by Section 3(a)(2) of the Open Records Act?

Doc. No. 809572

Summary of Request for Opinion RQ-500

Request from Lias B. "Bubba" Steen, commissioner, Texas Department of Labor and Standards, Austin.

Summary of Request: Does the terminology "gross receipts" as used in Section 11 of Article 8501 mean the sum total of all admission charges for a given event?

Doc. No. 809573

Summary of Request for Opinion RQ-501

Request from Frederick J. Biel, general counsel, Texas Board of Human Resources, Austin.

Summary of Request: Are the qualifications of applicants for public employment excepted from public disclosure by Sections 3(a)(1) or (2) of the Open Records Act?

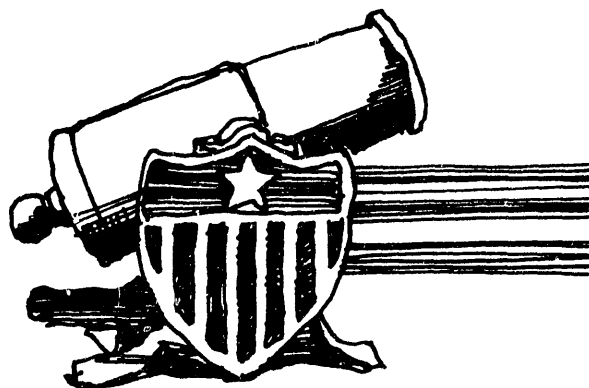
Doc. No. 809593

Summary of Request for Opinion RQ-502

Request from E. J. Voorhis, commissioner, State Board of Insurance, Austin.

Summary of Request: Are portions of HMD application for certificate of authority dealing with charges, marketing plan and financial information confidential under Section 3(a)(1) and (10) of the Open Records Act?

Doc No 809594



Opinions

Summary of Opinion MW-286 (RQ-297)

Request from John W. LaGrone, county attorney, Hutchinson County, concerning whether the wife of an adult probation officer may be employed as a clerk in the probation department.

Summary of Opinion: Article 3996a, Vernon's Texas Civil Statutes, prohibits the chief adult probation officer appointed under Section 10(b) of Article 42.12 of the Code of Criminal Procedure from taking any action to renew or extend his wife's employment as clerk in the probation department.

Doc. No. 809634

Summary of Opinion MW-287 (RQ-389)

Request from Andy James, administrator, Texas Real Estate Commission, Austin, concerning licensure of residential service company.

Summary of Opinion: National Warranty Corporation required to be licensed as a residential service company under Article 6573b, Vernon's Texas Civil Statutes, in order to do business in Texas.

Doc. No. 809635

Summary of Opinion MW-288 (RQ-252)

Request from William R. Moore, county attorney, Tom Green County, concerning constitutionality of the charitable tax exemption statute (Section 11.18 of the Property Tax Code) and related questions.

Summary of Opinion: Section 11.18 of the Property Tax Code governing charitable tax exemptions is constitutional. To be eligible for the exemption, property must be owned by an institution of purely public charity that is organized exclusively to perform certain charitable functions defined by the statute. The Baptist Memorial Geriatric Center does not satisfy this test, accordingly, its property is not eligible for a tax exemption.

Doc No. 809636

Summary of Opinion MW-289 (RQ-437)

Request from Henry Wade, criminal district attorney, Dallas, concerning time at which livestock brands must be re-registered under Article 6899j, Vernon's Texas Civil Statutes.

Summary of Opinion: Article 6899j, Vernon's Texas Civil Statutes, requires that all marks and brands registered prior to August 30, 1981, must be re-registered within six months of that date, and that the re-registration process must be repeated at subsequent 10-year intervals for then current owners.

Issued in Austin, Texas, on December 29, 1980.

Doc No. 809637

Susan L. Garrison, Acting Chairwoman
Opinion Committee
Attorney General's Office

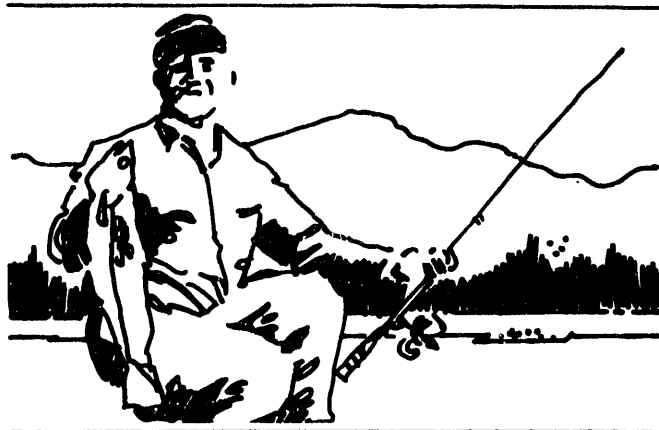
For further information, please call (512) 475-5445.

EMERGENCY RULES

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

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

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



CODIFIED

TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part II. Texas Parks and Wildlife Department

Chapter 65. Wildlife

Subchapter A. Statewide Hunting, Fishing, and Trapping

The Texas Parks and Wildlife Department renews the effectiveness of the emergency adoption of amendments to §65.45 (127.70.01.344) of this title (relating to Quail: Open Seasons, Bag, and Possession Limits) for a 60-day period, effective January 7, 1981. The text of the amendments was originally published in the September 16, 1980, issue of the *Texas Register* (5 TexReg 3736).

Issued in Austin, Texas, on December 30, 1980.

Doc. No. 810003

Maurine Ray
Administrative Assistant
Texas Parks and Wildlife Department

Effective Date: January 7, 1981

Expiration Date: March 8, 1981

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

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

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

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

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

CODIFIED

TITLE 1. ADMINISTRATION

Part IV. Office of the Secretary of State

Chapter 79. Corporations

General Information and Correspondence

The Office of the Secretary of State proposes to amend §§79.1, 79.2, 79.4, 79.5, 79.7, 79.9, 79.10, and 79.12-79.16 (004.20.01.001, .002, .004, .005, .007, .009, .010, and .012-.016) of this title (relating to General Information and Correspondence). These amendments are part of a general revision of the rules of the Corporations Division which revision has been necessitated by recent changes to the workflow processing system utilized by the division. The workflow processing system recently implemented was designed to, and has proven effective in, reducing the length of time required to process and file corporate and other legal documents. These amendments will serve in part to bring the rules of the division into conformance with current practice and procedure.

The staff of the Fiscal Division of the Office of the Secretary of State has determined that there will be no fiscal implications to the state or units of local government.

Public comment is invited. Comments may be submitted by telephoning or writing Bill Didlake, director, Corporations Division, Office of the Secretary of State, P.O. Box 13697, Austin, Texas 78711, (512) 475-5891.

These amendments are proposed under the authority of Article 9.03, Texas Business Corporation Act.

§79.1 (004.20.01.001). *Address of Communications Intended for the Corporations* [Corporation] Division. All letters and other communications intended for the **Corporations** [Corporation] Division should be addressed to Secretary of State, **Corporations** [Corporation] Division, [Sam Houston State Office Building.] **P.O. Box 13697, Capitol Station, Austin, Texas 78711.** [A letter which is merely marked for the attention of a particular person will be handled as regular mail since it is assumed that time is of the essence. If the correspondent desires that a letter be attended to by a particular person, even if that person is out of the office on account of sickness or other reasons, then the letter may be marked "personal" and it will not be opened except by the person to whom it is addressed when he returns to the office. Where a matter has been discussed with a particular person or if it is desired that questions about the matter be referred to a particular person, this should be set out in the body of the letter.]

§79.2 (004.20.01.002). *Business To Be Transacted in Writing.* All business with the **Corporations** [Corporation] Division should be transacted in writing. The action of the **Corporations** [Corporation] Division will be based exclusively on the written record in the division. [No attention will be paid to any alleged oral promise, statement of opinion concerning name availability, stipulation, or understanding in relation to which there is disagreement or doubt.]

§79.3 [§79.4 (004.20.01.004)]. *Receipt of Letters and Documents* [Instruments]. Letters **or documents** [and other papers] received in the **Corporations** [Corporation] Division are stamped with the date of receipt. The hour of receipt is not noted. **Documents** [No papers] are **not** received in the **Corporations** [Corporation] Division on Saturdays, Sundays, or **state** holidays [within the State of Texas established by law]. **Documents** [Papers] may be delivered by hand during office hours; office hours are 8 a.m. to 5 p.m. Mail is not considered as received in the **Corporations** [Corporation] Division until it has been brought from the post office or otherwise hand-delivered to the Office of the Secretary of State.

§79.4 [§79.5 (004.20.01.005)]. *Documents* [Instruments To Be Clear and Legible]. **All documents must** [instruments should] be clear and legible, written with black ink on white paper, so that clear microfilm copies may be made. [Pencil copies and gray letter or gray paper are not acceptable.]

§79.5 [§79.7 (004.20.01.007)]. *Verification.* A verification is a statement by a notary **public** or **other officer** [person] having lawful authority to **administer an oath** [act as a notary] which states that **a document was subscribed and sworn to, or affirmed by** [an instrument was "sworn to" or "acknowledged on oath" or containing other], words amounting in law to an oath.

§79.6 [§79.9 (004.20.01.009)]. *Requisites of a Verification* [or Acknowledgment]. The notary's **or officer's** statement[, whether a verification or an acknowledgment,] must contain the date **signed**, [; it] must be subscribed [by the notary], and **must be authenticated** [impressed] with **a** [his] seal if **the** [he is an] officer **is** required by law to use a seal. [The notary seal must appear on the same page with the notary's signature.]

§79.7 [§79.10 (004.20.01.010)]. *Documents* [Instruments] To Contain Verification; Acknowledgment Not Acceptable. **When a document is required by law to be verified, an** [Where the execution of an instrument is governed by the Texas Bus-

iness Corporation Act, the Texas Nonprofit Corporation Act, or the Texas Uniform Limited Partnership Act, and it is required by the provisions of such Acts that the instrument be "verified," or it is required that the persons signing such instruments shall "swear to a certificate," the instrument must contain a "verification" placed after the signature of the person who verifies or swears to the instrument. An acknowledgment is not acceptable in lieu of *the* [a] verification [on instruments filed with the Corporation Division]

§79.8 [§79.12 (004.20.01.012).] Date of Receipt. The date of receipt of a letter or *document*, [instrument] is the date stamped or written on the letter, [or] *document* [instrument] or *envelope* [on the cover of the letter or instrument] by an employee of the secretary of state. A [date placed by] postmark [on the cover,] or a date placed on a letter, [or] *document*, [instrument] or *envelope* [cover] by some person other than an employee of the secretary of state cannot be considered as the date of receipt.

§79.9 [§79.13 (004.20.01.013).] Date of Filing [Filing Date]. *The* [Ordinarily, the filing] date of *filing of* [placed by the Corporation Division on] *documents* [instruments] which conform to law and for which the filing fee has been paid will be the same date as the date of receipt. If a *document* [an instrument has been received and has been found] *does not* [to] conform to law, [and] it *will be* [is] returned to the sender.[.] When the *document* [instrument] is corrected and *resubmitted* [received in the office again,] the [filing] date of *filing of* [placed on] the *document* [instrument] will be the same date as the [latest] date of *last* receipt. *The date of filing may not be a date prior to the date on which the document is found to conform to law.* [The date placed on the instrument cannot be a date which predates the date of first receipt; in other words, no instruments are back-dated.]

§79.10 [§79.14 (004.20.01.014).] Requested [Requesting Filing] Date of Filing. [The Corporation Division cannot honor a request to place a filing date on an instrument which is a date prior to the date of first receipt. Where an instrument has been received, returned, corrected, and received again, at the request of the sender an instrument may be filed with a filing date which is the same date as the date of first receipt, provided the dates contained in the instrument, such as dates of execution, verification dates, etc., are not later dates than the filing date requested.] At the request of the sender, a *document* [an instrument] may be filed *on* [with] any [filing] date which is on or after the date *the document is found to conform to law* [of first receipt], even if the requested date falls on a Saturday, Sunday, or holiday. A certificate of filing *will not* [cannot] be issued prior to the date stamped on the *document* [instrument] as the *date of filing* [date].

§79.11 [§79.15 (004.20.01.015).] Hour of Filing. The hour of filing of a *document* will not be noted. [An instrument is deemed to be on file during the full 24-hour period of the day of the filing date.]

§79.12 [§79.16 (004.20.01.016).] Forms Provided. The secretary of state will provide forms for use in filings *when required by law, or when convenient for the Office of the Secretary of State* [by foreign corporations, for dissolutions and applications for reinstatement, for filing notice of change of registered office and registered agent, and such other forms as the secretary of state is required by law to provide or

finds convenient to provide. Forms for articles of incorporation and for amendments for Texas domestic corporations are not provided by this office].

Doc. No. 809604

(Editor's note: The text of the following sections proposed for repeal will not be published. The sections may be examined in the Office of the Secretary of State, Corporations Division, 6th floor, Sam Houston Building, Austin, or in the Texas Register Division offices, 503E Sam Houston Building, Austin.)

The Office of the Secretary of State proposes to repeal §§79.3, 79.6, 79.8, 79.11, and 79.17-79.19 (004.20.01.003, .006, .008, .011, and .017-.019) of this title (relating to General Information and Correspondence). This repeal is part of a general revision of the rules of the Corporations Division which revision has been necessitated by recent changes to the workflow processing system utilized by the division. The workflow processing system recently implemented was designed to and has proven effective in reducing the length of time required to process and file corporate and other legal documents. The repeal of these sections will serve in part to bring the rules of the division into conformance with the current practice and procedure.

The staff of the Fiscal Division of the Office of the Secretary of State has determined that there will be no fiscal implications to the state or units of local government.

Public comment is invited. Comments may be submitted by telephoning or writing Bill Didlake, director, Corporations Division, Office of the Secretary of State, P.O. Box 13697, Austin, Texas 78711, (512) 475-5891.

This repeal is proposed under the authority of Article 9.03, Texas Business Corporation Act.

§79.3 (004.20.01.003). Business To Be Conducted with Decorum and Courtesy.

§79.6 (004.20.01.006). Meaning of "Duplicate Originals."

§79.8 (004.20.01.008). Acknowledgment.

§79.11 (004.20.01.011). Certain Cooperatives, Verification Acceptable.

§79.17 (004.20.01.017). Correction of Division Mistake.

§79.18 (004.20.01.018). Correction of Mistake by Applicant.

§79.19 (004.20.01.019). Review by the Secretary of State.

Issued in Austin, Texas, on December 30, 1980.

Doc. No. 809605

H. David Herndon
Assistant Secretary of State
Office of the Secretary of State

Proposed Date of Adoption: February 9, 1981

For further information, please call (512) 475-2015.

TITLE 7. BANKING AND SECURITIES

Part VII. State Securities Board

Chapter 109. Transactions Exempt from Registration

The State Securities Board proposes to amend §109.4(11) (065.05.00.009(11)) of this title (relating to Public Solicita-

tion or Advertisements) which exempts sales of securities under Sections 5.I and 5.T of the Securities Act to purchasers who invest a minimum of \$100,000. These proposed amendments reflect the view of the Securities Board that valid reasons exist for providing flexibility in the method and manner of payment of the required minimum investment.

The staff has determined that these amendments will have no fiscal implication upon the state or any local unit of government.

Public comment is invited and written comments may be mailed to Sue Roberts, State Securities Board, P.O. Box 13167, Austin, Texas 78711.

These amendments are proposed pursuant to Sections 5.I, 5.T, and 28-1, Article 581, Vernon's Annotated Texas Statutes.

§109.4 (065.05.00.009). Public Solicitation or Advertisements. This section is intended to reflect the support of the Securities Board for the proposition that potential investors in transactions exempt under Section 5.I of the Act have a legitimate interest in receiving reasonable information concerning the plan of business and the financial condition of the issuer of the securities.

(1)-(10) (No change.)

(11) Investments of \$100,000 or more. In addition to sales made under Section 5.I of the Securities Act, the State Securities Board, pursuant to Section 5.T of the Securities Act, exempts from the registration requirements of Section 7 of the Securities Act the sale of any securities by the issuer itself or by a registered dealer acting as agent for the issuer provided all the following conditions are satisfied in sales to Texas investors:

(A) (No change.)

(B) The minimum purchase of such security by each investor is \$100,000, and such minimum amount **may be paid:** [must be paid in cash to the issuer or his agent at or before the closing of the offering.]

(i) **in cash on or before the close of the offering; or**

(ii) **in installments if at least \$100,000 is due within one year from the date of the close of the offering and any unpaid balance is secured by a full recourse note; or**

(iii) **in installments if the \$100,000 is secured by a full recourse note secured by an irrevocable letter of credit from a state or national bank for the term of the note.**

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

Doc. No. 809610

Chapter 113. Registration of Securities

The State Securities Board proposes to amend paragraphs (10) and (11) of §113.3 (065.07.00.004) of this title (relating to Fair, Just, and Equitable Standards) to allow options and warrants in excess of 10% in connection with the registration of securities pursuant to Section 7 when the issuer can demonstrate that the granting of such options is in the best interests of the shareholders.

The board further proposes to amend §113.3 (004) of this title (relating to Fair, Just, and Equitable Standards), by adding a new paragraph (13) which will clarify the agency's position with respect to the fairness standards applied to loans made to officers, directors, and key employees of an issuer who has filed an application for securities registration with the securities commissioner. This paragraph reflects the view that loans to officers, directors, and key employees which are approved by a majority of independent directors will be considered fair, just, and equitable.

The staff has determined that these amendments will have no fiscal impact upon the state or any unit of local government.

Public comment is invited and written comments may be mailed to Sue Roberts, State Securities Board, P.O. 13167, Austin, Texas 78711.

These amendments are proposed pursuant to Sections 7 and 28-1 of Article 581, Vernon's Annotated Texas Statutes.

§113.3 (065.07.00.004) Fair, Just, and Equitable Standards. The following factors, among others, will usually be considered in determining whether or not a securities issue is fair, just, and equitable:

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

(10) Excessive options and warrants. Offerings ordinarily will not be considered fair, just, and equitable if the issuer has options and warrants outstanding which because of their number and terms of exercise, render likely a substantial dilution of per share equity or per share earnings.

Options in excess of 10% of the shares outstanding at the conclusion of the offering will be regarded as excessive and will be prohibited unless the issuer can clearly demonstrate that special circumstances justify such additional options and warrants.

(11) Permitted options and warrants. The following standards will be considered in determining whether or not the issuance of warrants or stock purchase options to those other than all of the purchasers of securities has been justified by the applicant:

(A)-(B) (No change.)

(C) Options to underwriters. Options to underwriters will be considered justified if all of the following conditions are met:

(i) (No change.)

(ii) If the [total] number of [shares covered by all warrants or options does not exceed 10% of the securities to be outstanding at the completion of the offering and the number of] shares covered by warrants and options to the underwriters does not exceed 10% of the securities proposed to be sold to the public in the offering under consideration.

(iii)-(ix) (No change.)

(12) (No change.)

(13) Loans to officers, directors, and key employees. Loans to officers, directors, and key employees may be considered fair, just, and equitable if approved by a majority of the independent directors of the issuer provided such loans are fully disclosed in subsequent reports to shareholders. Loans in existence prior to the filing of an application for securities registration must be ratified by a majority of the independent directors of the company and fully disclosed in the offering materials.

Doc. No. 809611

Volume 6, Number 2, January 9, 1981

(A) (No change.)

(B) Minimum course content. Courses of a Class 4 school providing approved defensive, driver improvement, or remedial training shall treat but not be limited to the following topic matter:

Minimum Course Content

Topic	Recommended Minimum Time [Requirement]
Course introduction	15 minutes
Factors influencing driver behavior, attitudes, and feelings	50 minutes
Traffic laws	50 minutes
Driver improvement	30 minutes
Physical forces affecting vehicle	30 minutes
Good seeing habits	70 minutes
Defensive driving habits	100 minutes
Mental preparation and driver impairments	30 minutes
Course summation	15 minutes

Topic titles of subject matter are not required to be the same as mentioned above but topic content *should* [must] address, and be allotted at least minimum time indicated, subject matter shown above. Class 4 school shall complete "curriculum plan" appended to these sections, indicating how its course meets minimum course content. (Plan must be state-approved by department.)

(C)-(D) (No change.)

(E) *The Department of Public Safety will make the decision as to whether a driver training course is being conducted for consideration or tuition for such services. This decision will be based upon actual documented expenses incurred in presenting the course. The receipt, directly or indirectly, of any form of compensation by any person engaged in or connected with the training will be evaluated as being a consideration or tuition. The purchase of or the payment of any fee for any material thing not used directly and solely for the training of students will also be evaluated as a consideration or tuition. However, expenses that may be claimed under the nonprofit status and will include but may not necessarily be limited to the following:*

(i) *Actual vehicle operation and maintenance expense necessary to conduct the training.*

(ii) *Personal expenses incurred in traveling to and from the training site such as meals, lodging when justified, and personal vehicle expense not to exceed the mileage rate established by law for state employees.*

(iii) *Insurance premiums necessary to cover participants enrolled in the training program.*

(iv) *Actual cost of forms and instructional material necessary to conduct the training.*

§17.16 (201 09 00 043) *Contracts—Students.*

(a) Contracts. No person shall be instructed, either theoretically or practically, or both, to operate or drive motor vehicles unless and until a written legal contract has been executed. All contracts must comply with Vernon's Texas Civil Statutes, Article 4413(29c), Section 4, and the format must be approved by the department.

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

(3) *A Class 4 school instructing students referred by the courts under Vernon's Texas Civil Statutes, Article 6701d, Section 145a, may enter into contracts with a county or municipality and omit individual student contracts provided that the school execute a bond in the sum of \$10,000 that designates the students as third-party beneficiaries. This bond may be incorporated with the bond required in Vernon's Texas Civil Statutes, Article 4413(29c), Section 4(a) (1) and (2).*

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

§17.29 (201 09 00 056) *Driver Education for Minors.*

(a) (No change.)

(b) Commercial driver training schools teaching 15- to 18-year-old students must meet the requirements promulgated in the Curriculum Guide for Driver Education approved by the Governor's Office, Texas Education Agency, and the Texas Department of Public Safety. *Motorcycle instructors must meet only the standards for the motorcycle operator training course approved by the Texas Department of Public Safety.*

(c) Commercial driver training schools who desire to instruct persons between the ages of 15 and 18 years in an approved course of driver education and who satisfy all requirements outlined in the Standards for an Approved Course in Driver Education for Commercial Driver Training Schools *or the motorcycle operator training course approved by the Texas Department of Public Safety* must make written application to the department for authority to conduct such instruction.

(d) If, after an investigation by the department, the applicant for school authority to train 15- to 18-year-old students *satisfy* [satisfied] all requirements, the department will issue a letter of approval to the school authorizing such training. Only those commercial schools who are so authorized may instruct 15- to 18-year-old students in a driver education course. The department's letter of approval shall be framed and displayed in the immediate vicinity of licenses issued by the department to the commercial school and its instructors.

(e) (No change.)

(f) *Any person, group, or organization claiming nonprofit status, as provided in §17.2(E) (.029(E)) of this title (relating to Schools and Instructors License Categories) of these sections, that desires to conduct a driver training course for persons 15 to 18 years of age and certify same to the department for driver licensing purposes, must apply to and receive written approval from the department prior to beginning any such training course. The application must include each instructor's qualifications, location of training site, a detailed list of anticipated expenses, and each student's expected prorated share of those expenses. Such training course must conform to the Texas Education Agency standards for driver education courses, Rule 226.32.95.020-100, and/or the Department of Public Safety motorcycle operator training course, §§31.1-31.6 of this title (relating to Standards for an Approved Motorcycle Operator Training Course). The department may at any time request additional information,*

investigate or inspect such courses or instructors for the purpose of assuring compliance with course standards.

Issued in Austin, Texas, on December 22, 1980.

Doc. No. 809574 James B. Adams
Director
Texas Department of Public Safety

Proposed Date of Adoption: February 9, 1981
For further information, please call (512) 465-2000.

NONCODIFIED

Governor's Committee on Aging Hearing Procedures

General Hearing Provisions 348.10.01

The Governor's Committee on Aging proposes to adopt Rules 348.10.01.001-.003, which establish procedures for hearings pursuant to the federal regulations applicable to grants for state and community programs on aging. The Governor's Committee on Aging is required to provide an opportunity for a hearing to area agencies on aging, applicants for designation as a planning and service area, nutrition projects, and service providers when particular types of action have been taken or proposed.

The Governor's Committee on Aging does not anticipate the proposed rules will have state or local fiscal implications.

Public comment is invited. Comments may be submitted by telephoning the office of Dan Stewart, chief, Organization and Development, at (512) 475-2717, or by writing to him at P.O. Box 12786, Austin, Texas 78711.

These rules are proposed under authority of the Human Resources Code, Chapter 101.

.001. Definitions

- (a) Act—is the Older Americans Act (42 United States Code, Section 3001 et seq.).
- (b) Area agency—is the agency designated by committee in a planning and service area to develop and administer the area plan for a comprehensive and coordinated system of services for older persons.
- (c) Area plan—is the document submitted by an area agency to committee in order to receive grants or contracts from committee.
- (d) Board—is the nine members appointed by the governor to direct the work of committee.
- (e) Chairman—is the presiding officer of the board, appointed by the governor.
- (f) Commissioner—is the commissioner on aging of the Administration on Aging, Office of Human Development Services, U.S. Department of Health and Human Services.

(g) Committee—is the Governor's Committee on Aging, the single state agency designated to develop and administer the state plan and be the focal point on aging in the State of Texas.

(h) Coordinator—is the coordinator of aging, the chief executive and administrative officer of committee, appointed by the governor.

(i) Grant—is an award of financial assistance by the federal government or committee to an eligible recipient.

(j) Hearing examiner—is the impartial person selected by the coordinator to preside at the hearing and render a proposed final decision.

(k) Interested person—is any person who has a justifiable and clearly identifiable interest in the decision being appealed and has been granted permission to appear at the hearing. An interested person may be granted permission to appear at the hearing by the hearing examiner upon the filing, at least 10 days in advance of the hearing date, of a written statement demonstrating the basis of interest and position on the proposed action.

(l) Party—is any petitioner and the area agency or committee which proposed or decided the action being appealed.

(m) Petitioner—is any person who has a right to a hearing under these rules and has filed a written request for a hearing.

(n) Person—is an individual, partnership, corporation, association, governmental agency or subdivision, or public or private organization of any character.

(o) Planning and service area—is a geographic area of a state that is designated by committee for purposes of planning, development, delivery, and overall administration of services under an area plan.

(p) Service provider—is an entity that is awarded a grant or contract from an area agency to provide services under the area plan.

(q) State agency—is the single state agency designated to develop and administer the state plan and to be the focal point on aging in the state.

.002. General Procedures for Hearing.

(a) Decisions unresolved on effective date of these rules. These rules shall be applicable to all cases involving actions in which the petitioner has filed a request for hearing within 30 days of the receipt of the notice of such action, and a hearing has not yet been held or informal disposition or arrangements made as specified in subsection (d) of this rule.

(b) Computation of time. In computing any period of time prescribed by these rules, or by any applicable statute, the period shall begin on the day after the event or act cited in the rule or statute and conclude on the last day of the computed period, unless the last day be a Saturday, Sunday, or legal holiday, in which case the period concludes on the end of the next day which is neither a Saturday, Sunday, or a legal holiday.

(c) Representation of petitioner. Any party may be assisted by an attorney or law authorized to practice law before the Supreme Court of the State of Texas. Any party may appear personally by a bona fide employee or officer, or other person authorized by the party to represent the party.

(d) Informal disposition. Informal disposition or arrangements may be made of any matters under these rules by written agreement between petitioner and the area agency or committee proposing or deciding the action that resolves the issue(s) that lead to the hearing.

.003. *Incorporation of Administrative Procedure and Texas Register Act.* There is hereby incorporated as a part of these rules, to the extent same be applicable, pertinent, and not in conflict herewith, the provisions of Article 6252-13a, et seq., Administrative Procedure and Texas Register Act as amended.

Doc. No. 809622

Hearing Procedures for Area Agencies 348.10.02

The Governor's Committee on Aging proposes to adopt Rules 348.10.02.001-.012, which establish procedures for hearings pursuant to the federal regulations applicable to grants for state and community programs on aging. The Governor's Committee on Aging is required to provide an opportunity for a hearing to area agencies on aging when particular types of action have been taken or are proposed.

The Governor's Committee on Aging does not anticipate the proposed rules will have state or local fiscal implications.

Public comment is invited. Comments may be submitted by telephoning the office of Dan Stewart, chief, Organization and Development, at (512) 475-2717, or by writing to him at P.O. Box 12786, Austin, Texas 78711.

These rules are proposed under authority of the Human Resources Code, Chapter 101.

.001 *Right to a Hearing.* An area agency has a right to a hearing under these rules when committee proposes to:

- (1) disapprove an area plan or plan amendment; or
- (2) withdraw an area agency designation after a determination that:

- (A) the area agency does not meet the requirements set forth in 45 Code of Federal Regulations Part 1321;
- (B) the plan or plan amendment is not approved; or
- (C) there is substantial failure in the provisions or administration of an approved area plan to comply with any provision of 45 Code of Federal Regulations Part 1321.

.002 *Notice of Proposed Action*

(a) The committee shall issue a written notice to the area agency which shall include:

- (1) a statement of the proposed action;
- (2) a short and plain statement of the reasons for the proposed action and the evidence on which the proposed action is based;
- (3) a reference to the particular sections of statutes, regulations, and rules involved; and
- (4) a notice of the right to request a hearing.

(b) Notice shall be sent by registered or certified mail, return receipt requested.

.003. *Request for Hearing.*

(a) A request for hearing must be in writing and must state with specificity the grounds upon which the proposed action is appealed and all grounds upon which petitioner refutes the basis of the proposed action. The request must include:

- (1) the dates of all relevant actions;
- (2) the names of individuals or organizations involved in the proposed action;
- (3) a specific statement of any section of the Act or regulations believed to have been violated; and

(4) a certified copy of the minutes or resolution in which the petitioner's governing body requests a hearing and authorizes a person or persons to act in behalf of the agency or organization. The minutes or resolution shall indicate adoption by a majority of the quorum of the governing body of the agency or organization.

(b) The request for hearing must be received by committee within 30 days following petitioner's receipt of the notice of the proposed action.

(c) The petitioner may submit written amendments to the request for hearing which must be received by committee not less than 10 days prior to the date set for the hearing.

(d) The committee may require that additional information as to the basis of the appeal be provided to committee at any time prior to the hearing.

.004 *Notice of Hearing*

(a) Upon receipt of a request for hearing, the coordinator shall, within 10 days, set a date for the hearing.

(b) The committee shall issue a written notice to the petitioner and interested persons which shall include:

(1) a statement of time, date, and location of the hearing;

(2) a statement of the legal authority and jurisdiction under which the hearing is to be held;

(3) a reference to the particular sections of statutes, regulations, and rules involved; and

(4) a short and plain statement of the reasons for the proposed action that is being appealed and the evidence on which the proposed action is based.

(c) Petitioner and other parties shall be given no less than 10 days notice of the scheduled hearing. Notice shall be sent by registered or certified mail, return receipt requested.

.005. *Hearing Examiner.* The coordinator shall select an impartial hearing examiner to preside at the hearing. The hearing examiner may be but is not required to be an employee of committee, and the hearing examiner may be but is not required to be an attorney at law. The hearing examiner shall have authority to administer oaths, rule on motions and the admissibility of evidence, to recess any hearing from time to time, and rule on such other procedural motions as may be presented by committee or petitioner.

.006 *Rules of Evidence*

(a) In hearings under these rules, irrelevant, immaterial, or unduly repetitious evidence shall be excluded. The rules of evidence as applied in nonjury civil cases in the district courts of this state shall be followed. When necessary to ascertain facts not reasonably susceptible of proof under those rules, evidence not admissible thereunder may be admitted, except where precluded by statute, if it is of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs. Objections to evidentiary offers may be made and shall be noted in the record.

(b) Documentary evidence may be received by the hearing examiner in the form of a copy or excerpt if the original is not readily available. On request, either party shall be given an opportunity to compare the copy with the original.

(c) If a hearing will be expedited and the interests of the parties will not be prejudiced substantially, any part of the evidence may be received in written form or the parties may stipulate as to facts or circumstances or summarize same.

(d) Either party may conduct cross-examinations required for a full and true disclosure of the facts.

(e) Official notice may be taken by the hearing examiner of all facts judicially cognizable. In addition, notice may be taken of generally recognized facts within the area of committee's specialized knowledge. Parties shall be notified either before or during the hearing, or by reference in preliminary reports or otherwise, of the material officially noticed including any staff memoranda or data; and afforded an opportunity to contest the material so noticed. The special skills or knowledge of committee and its staff may be utilized in evaluating the evidence.

(f) Formal exceptions to rulings of the hearing examiner during a hearing shall be unnecessary. It shall be sufficient that the party at the time any ruling is made or sought shall have made known to the hearing examiner the action desired. When testimony is excluded by the hearing examiner, the party offering such evidence shall be permitted to make an offer of proof by dictating or submitting in writing the substance of the proposed testimony, prior to the conclusion of the hearing, and such offer of proof shall be sufficient to preserve the point for review. The hearing examiner may ask such questions of the witness as he deems necessary to satisfy himself that the witness would testify as represented in the offer of proof.

007 Ex Parte Consultations Communications between the hearing examiner, coordinator, board, or committee thereof assigned to render a decision or to make findings of fact and conclusions of law in a contested case, and any party or interested person or their representatives shall be governed by the Administrative Procedure and Texas Register Act, Texas Revised Civil Statutes Annotated, Article 6252-13a.

008 Depositions and Discovery The taking and use of depositions, the making of discovery, and the issuance of subpoenas shall be governed by the Administrative Procedure and Texas Register Act, Texas Revised Civil Statutes Annotated, Article 6252-13a.

009 Hearing

(a) Petitioner shall open and present its evidence to establish its position on the matters involved. Interested persons shall follow and present their evidence; then committee shall present its evidence. Petitioner may thereafter present rebuttal evidence only, such evidence to be confined to issues raised in petitioner's open presentation and committee's following presentation or that of others. Petitioner shall be given the opportunity to offer final argument, but with no additional presentation of evidence.

(b) The hearing shall be completed within 120 days of the date the request for hearing was received by committee, unless an extension of time is agreed to by the area agency and committee.

010 Transcript The proceedings of the hearing shall be transcribed on written request of the area agency or its representative. The cost of transcription will be borne by the area agency requesting the transcript. Committee may require a deposit in the form of a certified check or cashier's check in an amount reasonably determined by committee to be adequate to cover all costs of transcription. In the event that transcription is not requested by the area agency, committee at its option may produce a summary record of the proceedings of the hearing; provided that if such a summary record is produced by committee, the committee shall provide the area agency with notice of the fact that such summary record was

prepared and with the opportunity to copy or inspect such summary record.

011 Final Decision

(a) The hearing examiner shall draft and recommend to the board or a committee of at least three board members a proposed final decision which addresses all matters presented at the hearing. The proposed decision shall include findings of fact and matters of law, separately stated.

(b) If the board or committee thereof making the final decision has not heard the case or read the record, the decision, if adverse to the area agency, may not be made until a copy of the proposed decision is served on the area agency and an opportunity is afforded to the area agency adversely affected to file exceptions and present briefs to the board or committee thereof. The area agency may, within 10 days after the date of service of the proposed decision, file exceptions to the proposal for decision; and replies to such exceptions may be filed within 10 days after the date for filing of such exception. The area agency may waive compliance with this paragraph by written agreement.

(c) The board or committee thereof shall consider the proposed final decision and any exceptions thereto and shall approve and sign the final decision, with or without modification. Upon approval and signature, the proposed decision shall be a final decision.

(d) All final decisions shall be in writing and shall be rendered and acted upon by the coordinator within 60 days of the close of the hearing. The area agency shall comply with the final decision. A copy of the decision shall be immediately sent to parties by registered or certified mail, return receipt requested.

(e) Procedures for rehearing and appeal shall be governed by the Administrative Procedure and Texas Register Act, Texas Revised Civil Statutes Annotated, Article 6252-13a.

012 Record The record in a hearing under these rules includes:

- (1) all pleadings, motions, and intermediate rulings;
- (2) evidence received or considered;
- (3) a statement of matters officially noticed;
- (4) questions and offers of proof, objections and rulings on them;
- (5) proposed findings and exceptions;
- (6) any decision, opinion, or report by the hearing examiner presiding at the hearing; and
- (7) all staff memoranda or data submitted to or considered by the hearing examiner.

Doc. No 809623

Hearing Procedures for Applicants for Planning and Service Area Designation 348.10.03

The Governor's Committee on Aging proposes to adopt Rules 348.10.03.001-.010, which establish procedures for hearings pursuant to 45 Code of Federal Regulations 1321.53 when any applicant for designation as a planning and service area is denied by the Governor's Committee on Aging. An applicant has a right to a hearing to appeal such denial.

The Governor's Committee on Aging does not anticipate that the section will have fiscal impact on state government and units of local government.

Public comment is invited. Comments may be submitted by telephoning the office of Dan Stewart, chief, Organization and Development, at (512) 475-2717, or by writing to him at P.O. Box 12786, Austin, Texas 78711.

These rules are proposed under authority of the Human Resources Code, Chapter 101.

001 Right to a Hearing Any applicant for designation as a planning and service area pursuant to 45 Code of Federal Regulations, Section 1321.53 whose application is denied by committee has a right to a hearing to appeal such denial.

002 Request for Hearing

(a) A request for hearing must be in writing and must state with specificity the grounds upon which committee's decision is appealed and all grounds upon which petitioner refutes the basis of committee's decision. The request must include:

- (1) the dates of all relevant actions,
- (2) the names of individuals or organizations involved in the action,
- (3) a specific statement of any section of the Act or regulations believed to have been violated, and
- (4) a certified copy of the minutes or resolution in which the applicant's governing body requests a hearing and authorizes a person or persons to act in behalf of the agency or organization. The minutes or resolution shall indicate adoption by a majority of a quorum of the governing body of the agency or organization.

(b) The request for hearing must be received by committee within 30 days following petitioner's receipt of the notice of committee's decision.

003 Notice of Hearing

(a) Upon receipt of a request for hearing, the coordinator shall, within 10 days, set a date for the hearing.

(b) The committee shall issue a written notice to the petitioner, which shall include

- (1) a statement of time, date, location, and nature of the hearing,
- (2) a statement of the legal authority and jurisdiction under which the hearing is to be held;
- (3) a reference to the particular section of statutes, regulations, and rules involved, and
- (4) a short and plain statement of the reasons for the decision that is being appealed and the evidence on which the decision was based.

(c) If the committee is unable to state in detail the evidence and reasons for the decision at the time the notice is served, the initial notice may be limited to a statement of the issues involved. Thereafter, a more definite and detailed statement shall be furnished not less than three days prior to the date set for the hearing.

(d) Petitioner shall be given no less than 10 days notice of the scheduled hearing. Notice shall be sent by registered or certified mail, return receipt requested.

004 Hearing Examiner The coordinator shall select an impartial hearing examiner to preside at the hearing. The hearing examiner may be but is not required to be an employee of committee, and the hearing examiner may be but is not required to be an attorney at law. The hearing examiner shall conduct the hearing in an orderly fashion and in accordance with the procedures outlined herein. It is the responsibility of the hearing examiner to fully consider information relevant to the complaint and to draft a fair proposed decision based on such information.

information relevant to the complaint and to draft a fair proposed decision based on such information.

005 Discovery Before the hearing, the petitioner shall be afforded an opportunity to review any pertinent evidence on which the committee decision was based.

006 Hearing

(a) Petitioner shall open and present its evidence to establish its position on the matters involved. Any interested persons shall follow and present their evidence; the committee shall then present its evidence. Evidence presented may include witnesses and documentary evidence. Petitioner and committee shall have the right to cross-examine witnesses. Petitioner may thereafter present rebuttal evidence only, such evidence to be confined to issues raised in petitioner's opening presentation and committee's following presentation or that of others. Petitioner shall be given the opportunity to offer final argument, but with no additional presentation of evidence.

(b) The hearing shall be completed within 120 days of the date the request for hearing was received by committee, unless an extension of time is agreed to by petitioner and committee.

007 Transcript The proceedings of the hearing shall be transcribed on written request of the petitioner or his representative. The cost of transcription will be borne by petitioner. Committee may require petitioner to furnish a deposit in the form of a certified check or cashier's check in an amount reasonably determined by committee to be adequate to cover all costs of transcription. In the event that petitioner does not request transcription, committee at its option may produce a summary record of the proceedings of the hearing, provided that if such a summary record is produced by committee, committee shall provide the petitioner with notice of the fact that such summary record was prepared and with the opportunity to copy or inspect such summary record.

008 Final Decision

(a) The hearing examiner shall draft and recommend to the board or a committee of at least three board members a proposed final decision for adoption which addresses all matters presented at the hearing. The proposed decision shall include findings of fact and conclusions of law, separately stated.

(b) The board or committee thereof shall consider the final decision and shall approve it, with or without modifications. Upon approval and signature by the board or committee thereof, the proposed decision shall be a final decision and shall include the reasons for the decision and the evidence on which the decision is based.

(c) All final decisions shall be in writing and acted upon by the coordinator within 60 days of the close of the hearing. A copy of the decision shall be immediately sent to petitioner by registered or certified mail, return receipt requested.

009 Record The record in a hearing under these rules includes:

- (1) all pleadings, motions, and intermediate rulings;
- (2) evidence received or considered;
- (3) a statement of matters officially noticed;
- (4) questions and offers of proof, objections, and rulings on them;
- (5) proposed findings and exceptions;

(6) any decision, opinion, or report by the hearing examiner presiding at the hearing; and

(7) all staff memoranda or data submitted to or considered by the hearing examiner.

.010 Appeal to Commissioner Any petitioner whose appeal is denied by the committee may appeal to the commissioner. Such appeal shall be governed by the procedures outlined in 45 Code of Federal Regulations Section 1321.55.

Doc. No. 809624

Hearing Procedures for Nutrition Projects 348.10.04

The Governor's Committee on Aging proposes to adopt Rules 348.10.04.001-.012, which establish procedures for hearings pursuant to 45 Code of Federal Regulations 1321.53 when any nutrition project that was receiving funds under the former Title VII, Older Americans Act of 1965, as amended, (42 United States Code 3001, et seq.) is proposed for defunding by an area agency. The project has a right to a hearing when defunding is proposed.

The Governor's Committee on Aging does not anticipate any significant fiscal implications from the proposed rules.

Public comment is invited. Comments may be submitted by telephoning the office of Dan Stewart, chief, Organization and Development, at (512) 475-2717, or by writing to him at P.O. Box 12786, Austin, Texas 78711.

These rules are proposed under authority of the Human Resources Code, Chapter 101.

.001 Right to a Hearing A nutrition project that was receiving funds under the former Title VII of the Act on September 30, 1978, has right to a hearing under these rules when an area agency proposes to defund it.

.002 Notice of Proposed Action

(a) The area agency shall issue a written notice to the nutrition project which shall include

(1) a statement of the proposed action;

(2) a short and plain statement of the reasons for the proposed action and the evidence on which the proposed action is based;

(3) a reference to the particular sections of statutes, regulations, and rules involved; and

(4) a notice of the right to request a hearing

(b) Notice shall be sent by registered or certified mail, return receipt requested.

(c) The area agency shall submit a copy of such notice to the committee when such notice is issued to the nutrition project.

.003 Request for Hearing

(a) A request for hearing must be in writing and must state with specificity the grounds upon which the proposed action is appealed and all grounds upon which petitioner refutes the basis of the proposed action. The request must include:

(1) the dates of all relevant actions;

(2) the names of individuals or organizations involved in the proposed action;

(3) a specific statement of any section of the Act or regulations believed to have been violated; and

(4) a certified copy of the minutes or resolution in which the petitioner's governing body requests a hearing and authorizes a person or persons to act in behalf of the agency or organization. The minutes or resolution shall indicate adoption by a majority of the quorum of the governing body of the agency or organization.

The request for hearing must be received by committee within 30 days following petitioner's receipt of the notice of the proposed action

(b) The petitioner may submit written amendments to the request for hearing which must be received by committee not less than 10 days prior to the date set for the hearing.

(c) The committee may require that additional information as to the basis of the appeal be provided to committee at any time prior to the hearing.

(d) The petitioner shall submit a copy of the request for hearing, amendments, and additional information to the area agency when such information is submitted to committee.

.004 Notice of Hearing

(a) Upon receipt of a request for hearing, the coordinator shall, within 10 days, set a date for the hearing

(b) The committee shall issue a written notice to the petitioner, area agency, and interested persons which shall include:

(1) a statement of time, date, and location of the hearing;

(2) a statement of the legal authority and jurisdiction under which the hearing is to be held;

(3) a reference to the particular sections of statutes, regulations, and rules involved; and

(4) a short and plain statement of the reasons for the proposed action that is being appealed and the evidence on which the proposed action is based

(c) Petitioner and our agency shall be given no less than 10 days notice of the scheduled hearing. Notice shall be sent by registered or certified mail, return receipt requested.

.005 Hearing Examiner The coordinator shall select an impartial hearing examiner to preside at the hearing. The hearing examiner may be but is not required to be an employee of committee, and the hearing examiner may be but is not required to be an attorney at law. The hearing examiner shall have authority to administer oaths, rule on motions and the admissibility of evidence, to recess any hearing from time to time, and rule on such other procedural motions as may be presented by area agency or petitioner.

.006 Rules of Evidence

(a) In hearings under these rules, irrelevant, immaterial, or unduly repetitious evidence shall be excluded. The rules of evidence as applied in nonjury civil cases in the district courts of this state shall be followed. When necessary to ascertain facts not reasonably susceptible of proof under those rules, evidence not admissible thereunder may be admitted, except where precluded by statute if it is of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs. Objections to evidentiary offers may be made and shall be noted in the record

(b) Documentary evidence may be received by the hearing examiner in the form of a copy or excerpt if the original is not readily available. On request, either party shall be given an opportunity to compare the copy with the original.

(c) If a hearing will be expedited and the interests of the parties will not be prejudiced substantially, any part of the evidence may be received in written form or the parties may stipulate as to facts or circumstances or summarize same.

(d) Either party may conduct cross-examinations required for a full and true disclosure of the facts.

(e) Official notice may be taken by the hearing examiner of all facts judicially cognizable. In addition, notice may be taken of generally recognized facts within the area of committee's specialized knowledge. Parties shall be notified either before or during the hearing, or by reference in preliminary reports or otherwise, of the material officially noticed, including any staff memoranda or data; and they must be afforded an opportunity to contest the material so noticed. The special skills or knowledge of committee and its staff may be utilized in evaluating the evidence.

(f) Formal exceptions to rulings of the hearing examiner during a hearing shall be unnecessary. It shall be sufficient that the party at the time any ruling is made or sought shall have made known to the hearing examiner the action desired. When testimony is excluded by the hearing examiner, the party offering such evidence shall be permitted to make an offer of proof by dictating or submitting in writing the substance of the proposed testimony, prior to the conclusion of the hearing, and such offer of proof shall be sufficient to preserve the point for review. The hearing examiner may ask such questions of the witness as he deems necessary to satisfy himself that the witness would testify as represented in the offer of proof.

007 Ex Parte Consultations Communications between the hearing examiner, coordinator, board, or committee thereof assigned to render a decision or to make findings of fact and conclusions of law in a contested case, and any party or interested person or their representatives shall be governed by the Administrative Procedure and Texas Register Act, Texas Revised Civil Statutes Annotated, Article 6252-13a.

008 Depositions and Discovery The taking and use of depositions, the making of discovery, and the issuance of subpoenas shall be governed by the Administrative Procedure and Texas Register Act, Texas Revised Civil Statutes Annotated, Article 6252-13a.

009 Hearing

(a) Petitioner shall open and present its evidence to establish its position on the matters involved. Area agency shall follow and present its evidence, interested persons shall present their evidence; committee shall then present its evidence. Petitioner may thereafter present rebuttal evidence only, such evidence to be confined to issues raised in petitioner's open presentation and area agency's following presentation or that of others. Petitioner shall be given the opportunity to offer final argument, but with no additional presentation of evidence.

(b) The hearing shall be completed within 120 days of the date the request for hearing was received by committee, unless an extension of time is agreed to by the area agency and nutrition project.

010 Transcript The proceedings of the hearing shall be transcribed on written request of the area agency or nutrition project or its representative. The cost of transcription will be borne by the area agency or nutrition project requesting the

transcript. Committee may require a deposit in the form of a certified check or cashier's check in an amount reasonably determined by committee to be adequate to cover all costs of transcription. In the event that transcription is not requested, committee at its option may produce a summary record of the proceedings of the hearing; provided that if such a summary record is produced by committee, the committee shall provide the area agency and nutrition project with notice of the fact that such summary record was prepared and with the opportunity to copy or inspect such summary record.

011 Final Decision

(a) The hearing examiner shall draft and recommend to the coordinator for adoption a proposed final decision which addresses all matters presented at the hearing. The proposed decision shall include findings of fact and conclusions of law, separately stated.

(b) If the coordinator has not heard the case or read the record, the decision may not be made until a copy of the proposed decision is served on the parties and an opportunity is afforded to the area agency or nutrition project adversely affected to file exceptions and present briefs to the coordinator. The area agency or nutrition project may, within 10 days after the date of service of the proposed decision, file exceptions to the proposal for decision, and replies to such exceptions may be filed within 10 days after the date for filing of such exception. The area agency and nutrition project may waive compliance with this paragraph by written agreement.

(c) The coordinator shall consider the proposed final decision and any exceptions thereto and shall approve and sign the final decision, with or without modification. Upon approval and signature, the proposed decision shall be a final decision.

(d) All final decisions shall be in writing and shall be rendered and acted upon by the coordinator within 60 days of the close of the hearing. The area agency shall comply with the final decision. A copy of the decision shall be immediately sent to area agency and nutrition project by registered or certified mail, return receipt requested.

(e) Procedures for rehearing and appeal shall be governed by the Administrative Procedure and Texas Register Act, Texas Revised Civil Statutes Annotated, Article 6252-13a.

012 Record The record in a hearing under these rules includes:

- (1) all pleadings, motions, and intermediate rulings;
- (2) evidence received or considered;
- (3) a statement of matters officially noticed;
- (4) questions and offers of proof, objections and rulings on them;
- (5) proposed findings and exceptions;
- (6) any decision, opinion, or report by the hearing examiner presiding at the hearing; and
- (7) all staff memoranda or data submitted to or considered by the hearing examiner.

Doc No 809625

Hearing Procedures for Service Providers 348.10.05

The Governor's Committee on Aging proposes to adopt Rules 348.10.05.001-.007, which establish procedures for hearings

pursuant to 45 Code of Federal Regulations Part 74, when any service provider or applicant to provide services whose application under an area plan is denied or whose contract or subgrant is terminated or not renewed. Any provider or applicant has a right to a hearing to appeal such actions. The Governor's Committee on Aging is required to provide an opportunity for a hearing to area agencies on aging when particular types of action have been taken or are proposed.

The Governor's Committee on Aging does not anticipate any significant fiscal implications from the proposed rules.

Public comment is invited. Comments may be submitted by telephoning the office of Dan Stewart, chief, Organization and Development, at (512) 475-2717, or by writing to him at P.O. Box 12786, Austin, Texas 78711.

These rules are proposed under authority of the Human Resources Code, Chapter 101.

001 Right to a Hearing Any service provider or applicant to provide services whose application under an area plan is denied or whose contract or subgrant is terminated or not renewed (except as provided in 45 Code of Federal Regulations Part 74, Subpart M) has a right to a hearing to appeal such action.

002 Request for Hearing

(a) A request for hearing must be in writing and must state with specificity the grounds upon which the action is appealed and all grounds upon which petitioner refutes the basis of the action. The request must include:

- (1) the dates of all relevant actions;
- (2) the names of individuals or organizations involved in the proposed action;
- (3) a specific statement of any section of the Act or regulations believed to have been violated, and
- (4) a certified copy of the minutes or resolution in which the petitioner's governing body requests a hearing and authorizes a person or persons to act in behalf of the agency or organization. The minutes or resolution shall indicate adoption by a majority of a quorum of the governing body of the agency or organization.

(b) The request for hearing must be received by the area agency and committee within 30 days following petitioner's receipt of the notice of the action.

003 Notice of Hearing

(a) Upon receipt of a request for hearing, the area agency shall, in accordance with procedures developed by the area agency and approved by committee, make efforts to resolve the action upon which the request for hearing is based. Informal disposition or arrangements may be made by written agreement between petitioner and area agency. Such efforts to resolve the action shall be completed within 30 days of the receipt of a request for hearing. If no resolution is made, the area agency shall notify committee of such fact within 35 days of the receipt of a request for hearing.

(b) Upon receipt of a notice from area agency that no resolution of the action upon which the request for hearing is based has been reached, the coordinator shall, within 10 days, set a date for the hearing.

(c) The committee shall issue a written notice to the petitioner which shall include:

- (1) a statement of time, date, location, and nature of the hearing, and

(2) a short and plain statement of the matters asserted and issues involved.

(d) Petitioner shall be given no less than 10 days notice of the scheduled hearing. Notice shall be sent by registered or certified mail, return receipt requested.

004 Hearing Examiner The coordinator shall select an impartial hearing examiner to preside at the hearing. The hearing examiner may be but is not required to be an employee of committee, and the hearing examiner may be but is not required to be an attorney at law. The hearing examiner shall conduct the hearing in an orderly fashion and in accordance with the procedures outlined herein. It is the responsibility of the hearing examiner to fully consider information relevant to the complaint and to draft a fair proposed decision based on such information.

005 Hearing The hearing examiner shall conduct the hearing in a manner so as to ensure a full and fair determination of the issues. The following format shall be used:

(a) Petitioner shall present information relevant to the action appealed; opportunity shall be provided to the area agency shall then present relevant information; interested persons and committee shall follow and present any relevant information. Each party shall be given the opportunity to question other parties witnesses and examine documentation.

(b) The hearing shall be completed within 120 days of the date the request for hearing was received by committee.

006 Transcript The committee shall make an audible, understandable electronic recording of the hearing. Upon request by petitioner or the area agency, committee shall provide a copy of such recording to the petitioner or area agency. The cost of the copy shall be borne by the requesting party.

007 Final Decision

(a) The hearing examiner shall draft a proposed final decision which includes a statement of facts and issues presented at the hearing. Such proposed decision shall be submitted to the coordinator for approval.

(b) Upon approval, with or without modifications and signature by the coordinator, such decision shall be a final decision.

(c) All final decisions shall be in writing and issued by the coordinator within 60 days of the close of the hearing. The coordinator shall direct that appropriate action be taken by the area agency in accordance with the final decision. A copy of the decision shall be forwarded to petitioner and the area agency.

Issued in Austin, Texas, on December 30, 1980.

Doc. No. 809626

Chris Kyker
Coordinator of Aging
Governor's Committee on Aging

Proposed Date of Adoption February 9, 1981

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

Texas Department of Human Resources

Day Activity and Health Services

The Texas Department of Human Resources proposes to add a new chapter of rules entitled Day Activity and Health Ser-

vices (DAHS) to the body of rules filed with the secretary of state. The Day Activity and Health Services Program will serve eligible Title XIX and Title XX clients who, because of medical or functional impairment, require care in a nurse-supervised facility setting for not more than 10 hours per day. It is targeted at that population of clients who can continue to remain in their own homes or communities if daily health-oriented services are available to them. Program services will be contracted with providers who meet Texas Department of Health minimum standards for adult day health care facilities and who meet certificate of need requirements of the Texas Health Facilities Commission. The Texas Department of Human Resources community care staff will refer clients to the Day Activity and Health Services Program, and medical criteria determination will be completed by the DHR regional nurse.

The department has determined that the state cost of implementing the proposed rules, as appropriated by the 66th Legislature, will be approximately \$383,120 for fiscal year 1981. Budget recommendations for the following years are: \$2,295,069 for fiscal year 1982; \$2,844,717 for fiscal year 1983; \$3,302,725 for fiscal year 1984; and \$3,951,429 for fiscal year 1985. Impact on recipient caseload for fiscal years 1981-85 is as follows: 1,425 in fiscal year 1981; 2,497 in fiscal year 1982; 2,886 in fiscal year 1983; 3,290 in fiscal year 1984; and 3,774 in fiscal year 1985.

Written comments are invited and may be sent to Susan L. Johnson, administrator, Handbook and Procedures Development Division—424, Texas Department of Human Resources, P.O. Box 2960, Austin, Texas 78769, within 21 days of publication in this *Register*.

Program Overview 326.49.10

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

001. Legal Authority

(a) The rules and standards for day activity and health services were developed to comply with both the intent and requirements of Article 4442a-1, Vernon's Texas Civil Statutes, 45 Code of Federal Regulations Part 228, and Title XX of the Social Security Act. They provide for the care, treatment, health, safety, and welfare of recipients in day activity and health services (DAHS) facilities. These rules apply to those facilities licensed/approved as adult day health care facilities by the Texas Department of Health (TDH) and approved by Texas Department of Human Resources (DHR) for vendor participation. These rules shall supplement all current licensing laws and licensing standards.

(b) Day activity and health services are a component of rehabilitative services as defined in 42 Code of Federal Regulations 440.130(d). The department will pay for DAHS services when provided to eligible recipients by providers approved by and under contract with DHR.

002. *Service Objective* DAHS was mandated by the 66th Texas Legislature for the purpose of providing services to recipients residing in the community, to prevent premature or unnecessarily prolonged placement in institutions. Services are designed to address the physical, mental, and social needs of clients through the provision of therapeutic exercise, and social and rehabilitative/restorative nursing services which improve or maintain a person's level of functioning. The client will be able to remain in a family environment,

thereby allowing the family a measure of normalcy for their daily activities and preventing or delaying premature institutionalization.

003. *Definitions* The following definitions apply when used in these rules:

(1) Attendance hour. Each 60-minute period during which the client is present at the facility.

(2) Client's designee/representative. Anyone the client designates or accepts as his or her representative.

(3) DAHS facility. Facility that provides services to four or more adults on a daily or regular basis but not overnight.

(4) Direct service staff. Includes the director, nurse, social services and activity coordinator, and DAHS attendants.

(5) Disabled. Having a medically determinable mental or physical handicap or a combination of mental and physical handicaps.

(6) Licensed vocational nurse. A person licensed by the Texas State Board of Licensed Vocational Nurses (LVN) of Texas, who works under the supervision of an RN or a physician.

(7) Nutritionist/dietician. An individual who has attained at least a minimum degree of bachelor of science in home economics with a major in either nutrition or dietetics.

(8) Occupational therapist. A graduate of an occupational therapy curriculum accredited jointly by the Council on Medical Education of the American Medical Association and the American Occupational Therapy Association.

(9) Personal care service. Assistance in dressing, eating, grooming, bathing, toileting, transferring/ambulation, assistance with and self-administering of medication.

(10) Physical therapist. A person who is licensed as a physical therapist by the State of Texas.

(11) Registered nurse. A nurse currently licensed by the Texas State Board of Nurse Examiners (RN) to practice in Texas.

(12) Speech pathologist. A therapist who is eligible for or has been granted a certificate of clinical competence in speech pathology granted by the American Speech and Hearing Association, meets the educational requirements for certification, and is in the process of accumulating the supervisory clinical experience required for certification.

004. *Service Descriptions* Day activity and health services are provided through purchase of service contracts. Participant facilities must have services available for at least 10 hours each day, and at least five days a week, Monday through Friday. Services in excess of 10 hours per day per client shall not be reimbursed by DHR. Services must include but are not limited to:

(1) Nursing services.

(A) Evaluation/observation/monitoring of the individual nursing needs of the recipient and provision of care and treatment that is indicated. Monitoring of patient's condition includes taking blood pressure and other vital signs.

(B) Assisting the participant in obtaining and maintaining a supply of his or her prescribed medication. Assisting with or administering medication.

(C) Provision of health education oriented toward prevention.

(D) Assistance with personal care tasks. This assistance will be provided with the goal of enabling the recipient to relearn personal care skills.

(E) Assessment and reassessment of recipient's physical and functional problems and nursing needs.

(2) Physical rehabilitative services.

(A) Provision of rehabilitative services such as rehabilitative and restorative nursing.

(B) Direction of group and individual exercises, including range of motion exercises.

(C) Arrangements shall be made for physical therapy, occupational therapy, speech and hearing therapy when these therapies are ordered by the attending physician. When rehabilitative therapies not provided by the adult day health care facility are ordered, center staff will arrange for the client to receive the services and arrange transportation to and from a facility approved to provide such therapies.

(3) Nutrition services.

(A) One noon meal will be served between the hours of 11 a.m. and 1 p.m., which shall supply 1/3 of the daily nutritional requirements for adults as recommended by the U.S. Department of Agriculture.

(B) Special diets as required by the client's plan of care.

(C) Supplementary midmorning and midafternoon snack.

(D) Dietary counseling and nutrition education for the recipient and his or her family.

(4) Social services, recreational, and educational activities.

(A) Individual and family counseling.

(B) Cultural enrichment or educational activities.

(C) Social activities on site and/or in the community.

(D) Crafts, group games, special interest group activities.

(5) Transportation. The DAHS facility will ensure transportation to and from the center for each client.

(6) Therapy services. Therapy services may also be included in DAHS services if ordered by the client's physician. These services must be ordered and delivered with the expectation that measurable improvement will be made in a 90-day period. A review of the client's condition will be made each 30 days during the first 90 days, to determine if the services are meeting expectations. Services may include physical, occupational, and speech therapy. For therapy services, Medicare must be utilized as the primary resource for payment for Medicare-eligible clients. Authorized therapy provided for Medicaid-only clients will be reimbursed by the same reimbursement principles (procedures) currently used in reimbursement computations for comparable services under Title XVIII Medicare. Facilities providing therapy services which are certified as both Title XVIII and XIX providers may bill DHR for Medicaid services through a separate voucher system, using the Medicare interim rate.

Doc No 810021

Eligibility Requirements 326.49.20

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

.001. Service Criteria. Statewide eligibility for day activity and health services is based on the following characteristics:

(1) client meets eligibility criteria for SSI or as Title XX income eligible;

(2) client scores 40 or above on the Client Needs Assessment;

(3) client meets the medical criteria established for DAHS; and

(4) client has physician's orders for DAHS.

.002. Enrollment

(a) Intake. Enrollment into DAHS begins with the receipt of a referral or request for service by the DHR worker.

(b) Eligibility determination.

(1) The DHR worker determines the applicant's eligibility for service based on the applicant's income and functional and medical needs.

(2) The DHR worker completes the following forms: Application and Eligibility Certification for Social Services; Client Intake and Service Authorization Referral; and Client Needs Assessment Questionnaire. The worker uses the latter two to determine the applicant's functional needs in a face-to-face interview.

(3) If the applicant is determined eligible for service based on the application and the functional assessment, the worker refers the client to the prospective DAHS facility for a Medical-Nursing Care Evaluation form. The DAHS facility RN completes the form and sends it to the client's physician for his authorization. The physician authorizes "alternate care" and submits the completed form to the DHR regional nurse for medical needs determination. The regional nurse returns the evaluation form to the DHR worker. If medical need for the service is established by the DHR regional nurse, the client is referred to the facility as eligible for placement in the DAHS.

(4) If medical need is not established, the DHR worker will seek other possible alternate care placement for the client.

(c) Referral. The DHR worker transmits the appropriate forms to the DAHS facility to notify the facility to initiate services. If the client is income eligible and is to have service purchased by Title XX funds, a Client Registration form is also sent to the facility. The facility will register the client on the social services management system by submitting a duplicate form according to the instructions for that form. The DAHS facility will respond to the referral and initiate service within 10 working days from the date on the referral by returning the agency response to the DHR caseworker. If the facility is operating at full capacity and cannot provide service to a client, the facility will return the referral to the DHR worker. The DHR caseworker will notify the client and arrange another placement which is satisfactory to the client.

(d) Recertification of eligibility. The client's eligibility must be redetermined at least every six months. The DAHS facility is responsible for submitting the completed Medical-Nursing Care Evaluation to the DHR regional nurse. This documentation is due two calendar weeks before the end of the sixth month of the current certification. The regional nurse will review the Medical-Nursing Care Evaluation for medical criteria determination and send it to the DHR caseworker. The caseworker will notify the provider of the client's continued eligibility. The DHR caseworker's notifica-

tion will include a copy of the application, referral, and evaluation forms.

(e) Termination of service.

(1) Service to a client will be terminated for the following reasons:

- (A) client dies;
- (B) client moves out of center's geographic service boundaries;
- (C) client admitted to a nursing home, state hospital, or state school;
- (D) client requests the service be terminated;
- (E) client becomes ineligible.

(2) The DAHS facility must notify the DHR caseworker of any of the above. The official notification of termination will be a Notification of Denial, Reduction, or Termination of Social Services form completed by the DHR caseworker.

(f) Client appeals.

(1) The client shall have the right to appeal adverse decisions affecting his or her services to the DHR regional appeals officer.

(2) To appeal adverse decisions involving discrimination, the client should contact the DHR caseworker, who notifies the regional civil rights officer.

(3) Services shall continue during the appeal process.

003 DAHS Medical Criteria. The following list (not intended to be all inclusive) contains the general functional criteria to be used to determine need for DAHS services. The criteria allow professional judgment to be applied to each individual case.

(1) Documented basic medical social services including a written social plan of care which will include:

- (A) other alternate care arrangements considered;
- (B) diagnostic social study;
- (C) resident's mobility (abilities and limitations).

(2) Behavioral and mental status. Any one or more of the following behaviors may be exhibited, the combination of which would require varying degrees of skill to manage:

- (A) forgetful;
- (B) confused;
- (C) suspicious;
- (D) depressed—withdrawn;
- (E) hyperactive;
- (F) combative;
- (G) wanders.

(3) Mobility and transfer.

(A) Fully ambulatory or semiambulatory (necessary assistance and guidance provided).

(B) Client may need help with back brace, leg brace, etc.

(C) Client able to use walker, crutch, cane, or independent use of wheelchair.

(D) Lifting not required.

(4) Grooming May need personal grooming appropriate to individual needs.

(5) Nutrition (regular and therapeutic).

(A) May be unable to manage his or her own food and nutrition requirements.

(B) May need texture modification of regular diet.

(C) May need therapeutic diet for control of existing organic condition.

(D) Nutritional value requirements of diet may need to be calculated and adequate replacement made for food refused from planned meal pattern.

(E) Diet must be calculated and prepared as required for specific client's physical or organic condition.

(6) Feeding. Client may need supervision to eat and some assistance in eating. Assistance and encouragement to eat may be necessary due to:

(A) tremors, minor residual paralysis, some deformity of hands;

(B) client refusing to eat for brief periods of time due to social or psychological rather than physical reasons;

(C) client being withdrawn and unaware of presence of food for brief periods of time.

(7) Fluid intake and output.

(A) Client may need encouragement or assistance to drink adequate water.

(B) Measuring intake and output may be prescribed by physician on a temporary basis.

(C) Documentation of assessment to reflect signs of fluid retention such as pedal edema, etc.

(D) Notification of physician.

(8) Elimination.

(A) Toilet activities:

(i) may need occasional assistance with elimination;

(ii) toilet routine to encourage continence—taking to bathroom routinely. Needs reminding and some assistance to prevent incontinence.

(B) Bladder and bowel training:

(i) stabilized without regression;

(ii) lapses of continence (bladder and/or bowel) based on mental deterioration. Some assistance with perineal care may be needed.

(9) Medication and inhalation.

(A) Administration of prescribed medications.

(B) Oral and/or rare oral PRNs (once a month); PRN laxatives.

(C) Administration of routine injectables.

(10) Treatments.

(A) Catheter care.

(B) Oxygen: intrapositional pressure breathing.

(C) Weight, etc.; facility should have regular routine of weighing clients and recording of weight to note marked weight gain or loss. Variations in weight, from that upon admission, should be reported to client's physician.

(D) Ostomy care. Colostomy is of a permanent duration and one which client ordinarily cared for but is not unable to do so. Assistance may involve: irrigation, colostomy ring, colostomy bag, skin care surrounding opening.

(11) Restorative nursing procedures (nursing service). Independent range of motion and exercises.

(12) Therapy services by qualified therapists. Speech therapy and audiology, physical therapy, occupational therapy.

(13) Other special services required; and for continuing care which can be provided only under the direction of a professional nurse.

Doc. No. 810022

Provider Eligibility 326.49.30

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

001 Provider Enrollment

(a) A facility licensed/approved by the Texas Department of Health to provide adult day health care services, and meeting the DAHS Program standards is eligible to contract as a provider of DAHS. Under state law, facilities providing this type of medically related alternate care must comply with certificate of need requirements promulgated by the Texas Health Facilities Commission.

(b) Providers will meet all requirements in accordance with Title VI of the Civil Rights Act.

002 Rates Reimbursement will be made on a monthly basis based on \$1.50-\$1.75 per hourly unit of service. The agency may claim reimbursement for one hour of service if 30 minutes or more of service are provided.

003 Claims Processing

(a) **Billing.** The DAHS facility must file claims for services using the Alternate Care Service Delivery Report form and the State of Texas Purchase Voucher, and agree to accept the fee as full payment for units of service provided. The normal sequence of events of a DAHS claim is as follows:

(1) The Alternate Care Service Delivery Report is submitted each month by each facility. The report and a purchase voucher must be received by DHR within 90 days of the date the service is provided.

(2) The claim is verified for completeness by DHR staff.

(3) The claim is processed by Systems Development Bureau, DHR.

(4) At month's end, all adjudicated claims are paid. Each purchase voucher results in a single check.

(b) **Procedure code.** Code 002 will be used to describe DAHS services. Use of any other code will result in rejection of the claim.

(c) **Reasons for claims denial.** Claims may fail to process for any of the following reasons:

(1) claim does not meet the 90-day filing deadline;

(2) claim contains an incorrect code;

(3) eligibility data for the client is incomplete;

(4) claim is for services exceeding the allowable number of hours or days per month.

(d) **Payment problems.** Facilities should address claims payment problems to the DHR regional office.

004 Provider Requirements

(a) Notification

(1) DAHS facilities shall notify DHR about occurrences pertinent to operations, such as:

(A) change in location of administrative office;

(B) change in hours of operation;

(C) change of director, manager, or membership of governing board;

(D) initiation and termination of services to clients;

(E) serious occurrences involving facilities, clients, or staff;

(F) emergencies involving clients;

(G) significant changes.

(2) DHR will be notified within 30 days of the occurrence unless otherwise indicated by these rules.

(b) **Financial records.** DAHS facilities shall maintain financial records in accordance with recognized fiscal and accounting procedures. These records shall clearly detail each charge and payment made by and on behalf of each client. The record shall be current and clearly reveal to whom

charges were made and for whom payments were received. Financial records shall be available for review by DHR staff, Department of Health and Human Services officials, or any other authorized agency representatives at any time and without prior notice.

(1) The record or a current duplicate shall be kept in a central location at the facility for five years after submission of the final expenditure report or until all audit exceptions are resolved, whichever period is longer.

(2) The record shall itemize units of service by client served.

(3) The record shall show the date, amount, and source of each payment received.

(4) The facility shall maintain supporting fiscal documents.

(c) **Personnel records.** The facility shall keep personnel records in a central location in the facility. This includes staff qualifications, performance reports, attendance records, and staff development. Such records shall be maintained for five years after submission of final expenditure report or until all audit exceptions are resolved, whichever period is longer.

(d) **Facility requirements.** The provider shall ensure that the following requirements are met by the facility in which the DAHS is housed.

(1) An area for rest shall be provided with reclining lounge chairs or beds. A room or rooms with beds shall be available to ensure privacy for those clients who would prefer this. There will be sufficient chairs and tables to seat all clients at one time.

(2) There shall be at least one room available as a treatment/examination room for use by the DAHS nursing staff or the client's attending physician.

(3) A written daily activity schedule shall be posted at least one week in advance.

(4) A brochure or letter will be available from the center which outlines the hours of operation, holidays, and a description of activities offered.

(5) Emergency phone numbers shall be posted near the phone.

(6) The site shall include a recreation/relaxation area outdoors for DAHS clients.

(7) The noon meal may be provided either in a separate dining area for DAHS clients or in the main dining area of the site.

(8) There will be a supply of materials adequate for the participation of all clients in program activities.

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

(10) If the DAHS portion of the building and grounds are used for other purposes when the center is in operation, written approval will be obtained from the Texas Department of Human Resources (DHR).

Doc. No. 810023

Standards of Operation 326.49.40

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

001 Staffing Requirements

(a) **Nurse.** The facility nurse shall be a registered nurse currently licensed by the State Board of Nurse Ex-

aminers to practice in Texas or a licensed vocational nurse (LVN). The nurse shall be present at the center at least eight hours per day. If the nurse is an LVN, an RN must be present in the DAHS facility at least two hours each day for supervisory purposes. The facility registered nurse may also fulfill the function of facility director. In centers where both a director and a nurse are on staff, both staff members or designees who meet the same staff qualification as the nurse and director must be present at the center at least eight hours per day.

(b) Director. The director of a DAHS facility must either:

(1) Have graduated from an accredited four-year college or university and have no less than one year of experience in working with people in a human service or medically related program. (One year of experience may be substituted for one year of the required education with a maximum substitution of four years.) The DAHS director will have a high school diploma from an accredited high school or a GED; or

(2) Be a registered nurse with one year of experience in a human service or medically related program; or

(3) Be able to meet the training and experience requirements for license as a nursing home administrator under the rules of the Texas Board of Licensure for Nursing Home Administrators.

(c) Social services and activities coordinator.

(1) The social services and activities coordinator will be responsible for planning and scheduling the daily program of activities and services. He or she will direct most recreational activities although occasionally this direction may be delegated to a specially trained attendant. This individual is also responsible for social services including liaison with the family, family and individual counseling, referral to community services, admission, and discharge planning. The social services and activities coordinator may also fulfill the function of facility director.

(2) The social services and activities coordinator will have graduated from an accredited college or university with a background in social work or behavioral sciences. One year of full-time paid experience in direct social work may be substituted for one year of the required college work with a maximum substitution of two years. The social services and activities coordinator shall be trained in physical fitness.

(d) Attendant

(1) There will be at least one attendant present at the facility whenever a client is present, with a second attendant added when the client population exceeds 24. One attendant will be added for each additional 10 clients attending the center. If the facility serves private pay clients, they will also be included in the client population.

(2) The attendant must be an individual who is free of communicable diseases, is able to perform the duties prescribed, and is 18 years of age or older. If an attendant is used as the driver, he or she will have a current driver's license in accordance with the requirements of the Texas Department of Public Safety. If an attendant handles food in the facility, he or she shall meet the requirements set forth in the rules on food service sanitation (Rules 301.73.11.001-.011) of the Texas Department of Health.

(e) Housekeeper/driver (optional). Facilities may employ a part- or full-time housekeeper/driver to discharge these duties. This person will have a current driver's license

in accordance with the requirements of the Texas Department of Public Safety.

(f) Food service personnel (optional). If the DAHS facility prepares meals on site, there shall be sufficient food service personnel to prepare meals and snacks. Food service personnel shall meet the requirements set forth in the rules on food service sanitation (Rules 301.73.11.001-.011) of the Texas Department of Health.

.002 Staff Responsibilities

(a) Director. The DAHS facility director will be responsible for:

(1) overall management of the day activities and health services facility;

(2) training and supervision of DAHS staff;

(3) overseeing of the facility building and grounds to ensure compliance with licensing and program standards;

(4) management of all financial and medical records;

(5) development of relationships with community groups and agencies for the purpose of recruitment and referral of clients.

(b) Nurse. The DAHS nurse is responsible for:

(1) performance of the initial and continued stay medical needs assessment;

(2) developing each client's plan of care using the appropriate forms;

(3) administration of medication;

(4) provision of health education;

(5) management of medical records including those for medication administration.

(c) Social services and activities coordinator. The social services and activities coordinator will be responsible for:

(1) Planning and directing program activities including physical fitness exercises. Attendants may be allowed to direct activities under the supervision of the social services and activities coordinator.

(2) Providing social services.

(3) Coordinating social services and other alternate care services with community agencies.

(4) Recording the client's social history and making recommendations on social services in the plan of care.

(5) Maintaining communications with the client's family members.

(d) Attendant. The attendant will be responsible for:

(1) providing personal care services,

(2) assisting the social services and activities coordinator in the direction of recreational activities,

(3) providing protective supervision.

(e) Housekeeper/driver. The housekeeper/driver, if one is employed, will have the following responsibilities:

(1) safe operation of the DAHS vehicles;

(2) maintaining accurate daily mileage records and records of expenses for purchase of gas and oil;

(3) providing housekeeping and laundry services.

(f) Food service personnel. Food service personnel, if employed, shall have the following responsibilities:

(1) meal and snack preparation;

(2) maintaining the kitchen area and utensils used in a safe and sanitary condition.

(g) Dietitian/nutritionist consultants. The DAHS facility will have a consultation from a dietitian/nutritionist to plan and give signed approval to daily snack and luncheon menus prior to their use. The dietitian/nutritionist must

have attained at least a minimum degree of bachelor of science in home economics with a major in either nutrition or dietetics.

(h) Therapy consultants. Physical, speech, and occupational therapists (pathologist/audiologist) may be employed on an hourly basis as required to meet needs of the clients. Therapists must meet the qualifications listed in the definition section of these rules. Therapy services must be ordered by the client's physician.

.003. Staff Development and Training.

(a) Initial training.

(1) The DAHS facility will provide direct service staff with a minimum of 24 hours of training during the first three months of employment and will have a schedule for training that will include:

- (A) orientation to health care delivery and community resources;
- (B) contract agency policies, procedures, and forms;
- (C) department policies, procedures, and forms;
- (D) confidentiality as required by law;
- (E) procedures for medication administration;
- (F) applicable fire, health, and safety codes, ordinances, and regulations.

(2) The health care delivery component of the training must include the following components:

- (A) basic body function and mechanics;
- (B) personal care techniques and procedures;
- (C) the aging process and working with aged and disabled persons;
- (D) procedures for medication administration;
- (E) safety and emergency procedures.

(3) The DAHS facility will provide staff with training in the emergency/disaster procedures and evacuation plan immediately upon employment.

(4) The DAHS facility will provide each client with training in the emergency/disaster procedures and evacuation plan within 30 days from the date of service initiation.

(b) Ongoing training. The DAHS facility will also provide a minimum of three hours of ongoing training to staff during each consecutive three-month period after the first three months of employment, which will include but not be limited to the following:

- (1) basic nutritional needs;
- (2) activity and exercise for the elderly and handicapped;
- (3) client mobility;
- (4) special skin care needs;
- (5) reality orientation/remotivation;
- (6) death and dying;
- (7) recreation needs.

.004. Client Records.

(a) The facility nurse will develop a plan of care (service plan) for each client to include information from the Client Intake and Service Authorization/Referral and the Medical-Nursing Care Evaluation.

(b) A meeting will be conducted at least once a month by the facility director at the facility. At this meeting, the program plan for the next month and all new and modified individual service plans will be described/discussed; at least 50% of the DAHS facility direct-service staff will attend. DHR staff will attend as they determine appropriate.

(c) Significant changes in the client's service plan will be approved by DHR prior to the effected date of change.

(d) The client's designee(s) will be invited to confer with DAHS facility staff concerning the service being received by the client at least once every six months from the date of service initiation.

(e) If a client becomes ill or injured at the DAHS facility, the facility director or facility nurse will notify a relative or other responsible person during the same day of the occurrence. Clients with communicable diseases will be isolated from other clients until suitable arrangements can be made for their care.

(f) In the event the client is absent from a regularly scheduled program, a contact will be made with the client or someone knowledgeable about his or her condition by the social worker or facility director on the same day that the absence occurs.

(g) The facility director is responsible for overseeing the maintenance of a client health/social record for each individual enrolled in the program. He or she shall ensure that the facility nurse and social worker enter client status information at least once per month in each client's record.

(h) Such records shall be kept current, dated, and signed, and shall be available for review at any time by authorized agents of the Texas Department of Human Resources (DHR), Texas Department of Health (TDH), and/or the United States Department of Health and Human Services. The records shall be maintained in such a fashion as to comply with all state and federal requirements regarding confidentiality. Each client's record will contain at least the following information:

- (1) plan of care (service plan);
- (2) a daily record of attendance;
- (3) the initial health assessment;
- (4) certification and current recertification of need for continued care;
- (5) a daily record of all treatments;
- (6) maintenance of pertinent medical records;
- (7) medical care and social services provided;
- (8) monthly progress notes dated and signed by the director or his designee;
- (9) physician's evaluation of the client;
- (10) significant changes in client's condition;
- (11) incident reports (incidents include falls, arguments, allegations of abuse or neglect, etc.);
- (12) summary of any hospital stay while enrolled;
- (13) significant complaints and results of investigation of complaints;
- (14) record of termination;
- (15) for Title XX clients, the Client Registration form must be included in the record.

(i) All other pertinent and identifying information necessary for a complete client health/social record shall be maintained as part of the record.

.005 Facility Records The DAHS facility will maintain financial records in a central location at the facility in accordance with recognized fiscal and accounting procedures and any specified by DHR. These records will clearly detail each charge and each payment made on behalf of each client. This record must be current and must clearly reveal to whom charges were made, and for whom payments were received. Financial records shall be available for review by the Texas Department of Human Resources, the Department of Health

and Human Services, and other authorized agency representatives at any time and without prior notice.

(1) The record or current duplicate must be kept five years after submission of the final expenditure report or until all audit exceptions are resolved, whichever period is longer.

(2) The record shall itemize units of service by clients served.

(3) The record shall show the date, amount, and source of each payment received.

(4) The facility must maintain supporting fiscal documents and other records necessary to ensure that claims for federal matching funds are in accordance with federal requirements.

(5) The facility will keep personnel records including staff qualifications, performance reports, attendance records, and staff development. Such documents and records must be maintained by the facility for five years after submission of the final expenditure report or until all audit exceptions are resolved, whichever period is longer. Whether or not an audit has occurred, all supporting fiscal documents and all records supporting the extent of services provided clients must be maintained until the resolution of all audit questions.

.006 Medication Administration

(a) Clients shall be allowed to self-administer their own medication provided the attending physician has certified, in writing, that they are capable of doing so. Medications that are not self-administered shall be given only under the supervision of a registered nurse. The same person who prepared the doses for administration shall administer drugs to those clients who do not self-administer their medication. All medication will be administered as ordered by the client's physician and documented in the facility's records.

(b) Each client shall have an individual medication record. The dose administered and the route (method) of administration shall be properly recorded by the person who administers the drug. The medication record shall indicate which medications are self-administered and shall contain documentation of reminder and response. All entries are to be properly dated and signed.

(c) All medications will be properly labeled and stored in accordance with established federal and state laws and the following requirements, except for self-administered drugs, which may be kept by the client on his or her person:

(1) Client's medications must be properly labeled and stored in a locked medication room or cabinet in a location approved by the licensing agency. The label of each client's individual medication container must clearly indicate:

- (A) the client's full name;
- (B) the prescribing physician's name;
- (C) the pharmacy prescription file number;
- (D) the name and strength of the drug;
- (E) the date of issuance (date the prescription was filled or refilled);

(F) the expiration date of all time-dated drugs;

(G) the name, address, and telephone number of the pharmacy issuing the drug;

(H) warning labels, if needed;

(I) if the label is on the container of a Controlled Substances Act drug, it must contain the following warning: "Caution: Federal law prohibits the transfer of this drug to any person other than the patient for whom it was prescribed;"

(J) directions for use as indicated by prescription.

(2) The medications of each client must be stored in their original containers. Transferring between containers is prohibited by law.

(3) The medication room or cabinet medication storage area must have a separate, permanently attached cabinet, box, or drawer equipped with a lock to store drugs covered by Schedule II of the Controlled Substances Act of 1970.

(4) Medications requiring refrigeration must be stored in the medication room in a refrigerator used only for medicine storage or kept in a separate, permanently attached, locked medication storage box in a refrigerator.

(5) Poisons and medications for external use only must be locked in a medication room or cabinet and kept separate from other medications.

(6) Discontinued medications are to be given to the client's family by the facility RN within 10 days of the date of discontinuance or disposition made in accordance with federal and state laws. Records of the disposition of these medications are to be kept.

(7) Medications of deceased clients are to be given to the client's family by the facility RN immediately and disposition is to be recorded or medications dispensed with in accordance with federal and state laws.

(8) Medications which have passed an expiration date are to be returned to the client's family and disposition made in accordance with federal and state laws. Records of the disposition of these medications are to be kept.

(9) The client or responsible party may take his or her medication home daily. However, the contract agency should plan for medication to be available to the client; while attending the center a duplicate bottle of medication may be kept at the facility in case medication is left at home by the client.

(d) The program may include a stock supply of non-legend drugs according to an established formulary. These drugs must be stored in the same manner as required for other drugs and are to be administered by authorized personnel only on order of the client's physician.

(e) Medication errors and drug reactions must be reported immediately to the client's physician and an entry of the incident and subsequent reporting made in the health record as well as completion of an incident report.

.007. Community Interaction. DAHS facility management shall operate the program so as to promote active participation of clients in a variety of ways, including active interaction with the community. Each agency will describe in writing how it plans to meet this requirement and the results of their planned activities.

.008 Food Service. The facility will provide one noon meal suitable in quality and adequacy to attain and maintain nutritional requirements including those of special diets.

(1) Supplementary nourishment shall include at least a nutritious midmorning and midafternoon snack.

(2) A dietitian or nutritionist will approve and sign each menu, including substitutions, in accordance with 1/3 of the daily nutritional requirements for adults (RDA) as recommended by the United States Department of Agriculture (USDA).

(3) Menus will be planned at least two weeks in advance, dated, maintained on file, and posted in the facility. Meals will be served in accordance with approved menus.

(4) Special diet meals will be labeled with the client's name and by type of diet.

(5) Assistance will be provided clients in eating their meals when the need is indicated:

(A) food texture modification—meats ground, vegetables mashed, etc., for clients having trouble chewing;

(B) food management—spoon feeding, bread buttered, milk opened, etc., due to hand deformities, paralysis, or hand tremors.

.009. Transportation. The DAHS facility is responsible for and shall outline the methods by which transportation will be provided for the clients:

(1) provider will make every effort to have families transport the client;

(2) provider will coordinate the utilization of other transportation resources within the community;

(3) provider will manage upkeep of facility vehicles and operators including liability insurance;

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

Doc. No. 810024

Clients' Rights 326.49.50

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

.001. Clients' Rights. Services and assistance under programs administered by the Department of Human Resources are provided without discrimination on the basis of race, religion, color, sex, handicap, or national origin. Any client who believes he or she has been subjected to discrimination or abuse in a facility may file a complaint with the administrator of the facility. If the complaint is not resolved, the client may request a hearing with a DHR civil rights officer. Complaint and appeals processes shall be clearly explained to clients and posted in the facility.

.002. Complaint Procedures

(a) The DAHS facility will inform clients in writing about the complaint procedures within 30 calendar days from the initiation of service.

(b) The DAHS facility will register and evaluate client complaints regarding its service delivery or staff that are brought to its attention. All such incidents are to be reported to DHR, together with a report on the resolution of the incident, within three working days from awareness of the complaint.

(c) DHR may investigate complaints received by DHR against a DAHS facility's policies, procedures, and practices.

Doc. No. 810025

Utilization Review 326.49.60

The following rule is proposed under the authority of the Human Resources Code, Title II.

.001. Annual Review. DHR staff will conduct an annual on-site utilization review of each facility for the purpose of:

(1) evaluating the condition of those clients on site at the time of the review;

(2) reviewing facility records and comparing them with client condition to determine that the plan of care (service plan) was followed, re-evaluated, and revised, as needed;

(3) determining whether the outcomes of the plans of care conform to the stated expectations;

(4) determining whether services were delivered in compliance with the contract and the DAHS standards.

Issued in Austin, Texas, on January 5, 1981.

Doc. No. 810026

Marlin W. Johnston
Acting Commissioner
Texas Department of Human Resources

Proposed Date of Adoption: March 1, 1981

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

State Board of Insurance

Rating and Policy Forms

Workers' Compensation Rates 059.05.55

The State Board of Insurance proposes to amend Rule 059.05.55.001, which is the Texas Workers' Compensation and Employers' Liability Manual. There are nine categories involved in this proposed amendment.

The first amendment revises the classification code numbers of five classifications as follows:

	Present	Proposed
Chewing gum mfg.	2045	2041
Doll or doll parts mfg.	4489	4484
Drug preparation mfg.	4825	4611
Greenhouse erection	5402	5538
Veneer mfg.	2714	2915

The purpose of reclassifying these low premium classifications is to transfer the activities recited to more credible classifications, which is desirable for ratemaking purposes. Some have had no payroll reported for several years.

The second amendment erects new class Code 7605 for the following classifications:

Burglar alarm installation or repair and drivers
Fire alarm installation or repair and drivers
Intercom systems installation or repair and drivers
Sound systems installation or repair and drivers

The going-in rate of Code 7605 is to be the rate of existing Code 7600.

The third amendment erects these additional new classifications:

Code 9033: housing authority and clerical, salespersons, drivers (going-in rate 60% of Code 9015)
Code 4777: explosives distributors and drivers, and blasting agents—preparation and distribution and drivers (going-in rate the same as Code 4583)
Code 6203: oil or gas well drilling—executive supervisor
Code 1323: oil or gas well servicing—executive supervisor (going-in rates 50% of Code 6202 and Code 1322, respectively)

The purpose of these new classifications is to recognize the existence of the respective identifiable industries or exposures in their own rights.

The fourth amendment reclassifies highway mowing and maintenance work from Code 0050 to Code 5506, the purpose being to obtain closer analogy between the work performed and the classification assigned.

The fifth amendment revises the wording of class Code 7997, automotive parts store, to indicate that it applies not only to wholesale but also to combined wholesale/retail automotive parts stores and enlarges the footnote to be more definitive. The purpose is to update the classification more in line with current application.

The sixth amendment revises the rule pertaining to the passenger seat surcharge applied in connection with Code 7421, aircraft operation, to the transportation of personnel in conduct of an employer's business by aircraft or helicopter from \$35 per seat, \$300 maximum per aircraft to \$100 per seat, \$1,000 maximum. The purpose is to update the long outdated surcharge in effect since 1947 designed to provide a reasonable premium charge as a means of securing premium to cover losses incurred due to the catastrophe potential inherent in aircraft accidents.

The seventh amendment inserts additional language in the footnote of class Code 5102, door, door frame, and sash erection, to clearly indicate that overhead door installation is not contemplated by this classification.

The eighth amendment revises the footnote of class Code 8264, bottle dealer, used in order that this classification will hereafter also apply to beverage bottle or can recycling.

The ninth and final amendment inserts a cross-reference in the basic manual classification section for supermarkets to

indicate that supermarkets are properly assigned to Code 8033, meat, grocery, and provision store-retail, which represents no change from current practice.

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

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

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

.001 Texas Workers' Compensation and Employers' Liability Insurance Manual The State Board of Insurance adopts by reference the Texas Workers' Compensation and Employers' Liability Insurance Manual as amended on **March** [February] 1, 1981, which contains rules, classifications, rates, and endorsement forms for workers' compensation and employers' liability insurance. This document is published by and is available from the National Council on Compensation Insurance, One Penn Plaza, New York, New York 10119, or from the State Board of Insurance, 1110 San Jacinto, Austin, Texas 78786, where it is also available for inspection. Purchase price is \$15.75.

Issued in Austin, Texas, on December 3, 1980.

Doc. No. 809608 Pat Wagner
 Chief Clerk
 State Board of Insurance

Proposed Date of Adoption: February 9, 1981

For further information, please call (512) 475-2136.

(b) Restricted registration.

(1) Any person or company may apply for, and the commissioner may grant, restricted registration as a dealer or salesman for the purpose of effecting transactions in a particular type or category of securities or securities representing interests in one or more types or categories of business. The restricted registrations are as follows:

(A) Registration to deal exclusively in the sale of interests in oil, gas, and mining leases, fees, or titles or contracts relating thereto. Such interests are not defined to include limited partnership interests in oil and gas.

(B)-(F) (No change.)

(2) (No change.)

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

Doc. No. 809615

Chapter 133. Forms

The State Securities Board adopts by reference §133.30 (065.91.00.030) of this title (relating to Information concerning Projected Market Prices and Related Market Information—Section 5.0(3)) to be used in conjunction with Section 5.0(3) of the Securities Act.

The form was adopted pursuant to Sections 5.0 and 28-1, Article 581, Vernon's Annotated Texas Statutes.

§133.30 (065.91.00.030) *Information concerning Projected Market Prices and Related Market Information—Section 5.0(3).* The State Securities Board adopts by reference this form to be used in conjunction with the secondary trading exemption. This form is available from the Securities Board, P.O. Box 13167, Capitol Station, Austin, Texas 78711.

Doc. No. 809618

Chapter 139. Exemptions by Rule or Order

The State Securities Board adopts an amendment to §139.5 (065.20.00.005) of this title (relating to Canadian Securities) by adding a new section which will exempt certain securities issued and guaranteed by the Canadian government from the securities registration provisions of the Act.

This amendment is adopted pursuant to Sections 5.T and 28-1, Article 581, Vernon's Annotated Texas Statutes.

§139.5 (065.20.00.005) *Canadian Securities.* Any security issued or guaranteed by Canada or any Canadian province or political subdivision thereof whose power of taxation or assessment will underlie the obligations evidenced by such securities shall be exempt from the securities registration requirements of the Act when offered for sale, sold, or dealt in by a registered dealer.

Doc. No. 809616

The State Securities Board adopts an amendment to §139.6 (065.20.00.006) of this title (relating to Distributions by Liquidating Trustees) by adding a new section which will exempt securities distributed by liquidating trustees from the registration provisions of the Securities Act.

This amendment is adopted pursuant to Sections 5.T and 28-1, Article 581, Vernon's Annotated Texas Statutes.

§139.6 (065.20.00.006) *Distributions by Liquidating Trustees.* The distribution to security holders of record at the time of dissolution of any securities held by the liquidating trustee of a corporation which has filed articles of dissolution pursuant to a plan of complete liquidation and dissolution approved by the shareholders shall be exempt from the securities and dealer registration requirements of the Act, provided no security holder is obligated to pay or give any consideration other than the surrender of his shares of the dissolved corporation.

Issued in Austin, Texas, on December 30, 1980.

Doc. No. 809617 Richard D. Latham
Securities Commissioner
State Securities Board

Effective Date: January 20, 1981

Proposal Publication Date: October 17, 1980

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

TITLE 13. CULTURAL RESOURCES

Part IV. Texas Antiquities Committee

Chapter 45. State Archeological Landmarks

Protection of State Archeological Landmarks

The following sections are adopted under the authority of Chapter 191, Texas Natural Resources Code (1978).

§45.1 (355.20.10.001) *Purpose and Scope.*

(a) Purpose. The purpose of these sections is to describe avoidance or protection procedures applicable to persons who conduct or cause to be conducted any activity which would cause damage to sunken or abandoned pre-20th Century ships and wrecks of the sea.

(b) Scope. These sections apply only to activities which would cause damage to sunken or abandoned pre-20th Century ships and wrecks of the sea, and apply only to activities proposed to be conducted in certain designated state land tracts in Texas' submerged lands.

(c) Cumulation. These sections are cumulative of any other requirements applicable to the activities designated herein.

(d) Claim of title. These sections do not purport to alter any ownership or claim of title by the state to any sunken or abandoned pre-20th Century ships and wrecks of the sea.

§45.2 (355.20.10.002) *Definitions.* The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

Committee—The Texas Antiquities Committee.

Person—Any individual, firm, partnership, association, corporation that is public or private, and profit or non-profit trust, political subdivision, agency of the state, or agency of the federal government who conducts or causes to be conducted any activity which would cause damage to a state archeological landmark.

State archeological landmark—Sunken or abandoned pre-20th Century ships and wrecks of the sea, and any part of the contents of them.

Submerged lands—Land belonging to the State of Texas, including its tidelands, submerged land, and the beds of its rivers and the sea within jurisdiction of the State of Texas.

§45.3 (355.20.10.003). Findings and Policy Determinations. After consultation with affected persons and after due reflection on the committee's obligations under the Antiquities Code of Texas, Chapter 191, Texas Natural Resources Code (1978), the committee makes the following determinations of fact and policy:

(1) It is the public policy and in the public interest of the State of Texas to locate, protect, and preserve all state archeological landmarks in Texas' submerged lands.

(2) The committee shall determine and designate the site of state archeological landmarks in Texas' submerged lands and remove from the designation certain sites.

(3) The committee shall evaluate lease sales proposed to be conducted in Texas' submerged lands by the School Land Board and may recommend developmental restrictions to be applied to each designated tract which, if accepted by the General Land Office, will be published in the Notice for Bids booklet which is distributed by the General Land Office 30 days before each lease sale, and which will forewarn potential lessees of developmental restrictions that apply to the tract.

(4) The committee shall evaluate activities proposed to be conducted in Texas' submerged lands, and may comment favorably, conditionally, or adversely on applications for permits submitted to the U.S. Army Corps of Engineers, Galveston District, in accordance with applicable rules and orders.

(5) The committee may require persons working in the area of a known state archeological landmark in Texas' submerged lands to take action to avoid damaging it. The committee may require similar action of persons working in an area where there is a likelihood that a state archeological landmark exists in Texas' submerged lands. Any such requirements must be reasonable in light of the costs they impose on persons and the protection they extend to historical resources.

(6) All persons shall conduct or cause to be conducted their activities in certain designated state land tracts in Texas' submerged lands in a manner which will avoid damage to a state archeological landmark in Texas' submerged lands, and which will protect and preserve the archeological resources of Texas.

§45.4 (355.20.10.004). State Land Tracts Designated by the Committee as Containing State Archeological Landmarks in Texas' Submerged Lands.

(a) The committee has determined there is substantial evidence of the presence of state archeological landmarks in Texas' submerged lands in the state land tracts designated in subsections (b)-(d) of this section.

(b) Maps, charts, and other historic sources reflect x/y coordinates of pre-20th Century shipwrecks in the following designated state land tracts in Texas' submerged lands, and a state archeological landmark is known to exist in these areas:

(1) Offshore Gulf of Mexico:

62S	1153S
64S	1220S
101S	1211S
635S	1223S

1111S
1119S

1224S

(2) Galveston Bay: 54.

(3) Laguna Madre: 751.

(c) Maps, charts, and other historic sources refer to pre-20th Century shipwrecks in the following designated state land tracts in Texas' submerged lands, and a state archeological landmark is likely to exist in these areas:

(1) Offshore Gulf of Mexico:

1S	221S	321S	599S	855S
2S	229S	344S	629S	899S
3S	231S	356S	636S	1085S
32S	241S	366S	637S	1112S
65S	279S	367S	638S	1124S
102L	299S	376S	643S	1127S
115S	300S	378S	645S	1139S
147L	301S	406S	646S	1219S
192S	310S	411S	662L	1230S
207S	311S	555S	674S	1241S
210S	312S	559S	679S	
215S	313S	577S	847S	

(2) Galveston Bay:

47	117A
61	122
87A	122B
98A	127A
113A	132A
114A	133A
115A	134A
116A	135A

(3) Matagorda Bay:

46
67

(4) Aransas Bay: 306.

(5) Palacios Bay:

31
32
37
38
39

(6) Laguna Madre:

748
750
752

(d) The following designated state land tracts in Texas' submerged lands are areas in which pre-20th Century shipwrecks have been recorded by reference to geographic features, but without precise location. The committee designates these land tracts as areas in which there is a substantial probability of finding state archeological landmarks in Texas' submerged lands because of these records and the location of the tracts at passes and bay entrances which historically have been very active:

(1) Offshore Gulf of Mexico:

27S	190S	201S	213S	225S	640S	856S
28S	191S	202S	214S	226S	641S	857S
29S	193S	203S	216S	627S	642S	858S
30S	194S	204S	217S	628S	644S	1058S

184S	195S	205S	218S	630S	647S	1225S
185S	196S	206S	219S	631S	648S	1226S
186S	197S	208S	220S	632S	649S	1231S
187S	198S	209S	222S	633S	848S	1239S
188S	199S	211S	223S	634S	849S	1240S
189S	200S	212S	224S	639S	854S	1242S

(2) Galveston Bay:

136A
137A
138A
139A

(3) Matagorda Bay:

2	53	139
3	68	207
4	69	219
6	111	220
33	111A	221
47	112	222
48	137	232
51	138	233
52	138A	

(4) East Matagorda Bay:

8
9
10
10A
109
110
125
125A

(e) The committee possesses certain information related to state archeological landmarks in Texas' submerged lands. Any person may make a written request for the committee's shipwreck site information in any of the state land tracts in Texas' submerged lands designated in subsections (b)-(d) of this section. Provided the person agrees to maintain proper security on that data and agrees to not pass such data on to other persons, the committee will provide any and all information on file from that designated state land tract in Texas' submerged lands, including information on what kind of shipwreck is thought to exist in that area. The committee's shipwreck reference file will be available for review, on a tract-by-tract basis, at the committee's offices at 105 West 16th Street, Austin, Texas, during regular business hours.

(f) The state land tracts in Texas' submerged lands designated in subsections (b)-(d) of this section shall be updated by the committee at least annually as new data is acquired, and the committee shall take action to determine the site of and designate state archeological landmarks in Texas' submerged lands within a designated state land tract and remove from the designations certain state land tracts in which there has been a determination there is not a substantial probability of finding a state archeological landmark in Texas' submerged lands. Any such designations shall be given appropriate public notice and public comment thereon shall be invited and encouraged prior to any such designation becoming effective.

(g) No person shall be required to take any action to determine the possible existence of a state archeological landmark in any of Texas' submerged state land tracts other

than those designated in subsections (b)-(d) of this section, unless the committee has determined the site of and designated a state archeological landmark in such other state land tracts. However, if during the conduct of activities in such other state land tracts a person discovers the existence of a state archeological landmark, the person shall promptly notify the committee of the existence of the state archeological landmark and shall conduct the activities in a manner which will avoid damage to the state archeological landmark.

§45.5 (355.20.10.005). Conduct of Activities.

(a) All persons shall conduct or cause to conduct their activities in certain designated state land tracts in Texas' submerged lands in a manner which will avoid damage to a state archeological landmark in Texas' submerged lands, and which will protect and preserve the archeological resources of Texas.

(b) When a person submits an application for a permit from the U.S. Army Corps of Engineers, Galveston District, the proposed activity shall be described in sufficient detail to enable the committee to review the U.S. Army Corps of Engineers, Galveston District, public notice publication and determine if the proposed activity is located in one of the state land tracts which is designated in §45.4(b)-(d) (.004(b)-(d)) of this title (relating to State Land Tracts Designated by the Committee as Containing State Archeological Landmarks in Texas' Submerged Lands).

(1) If the proposed activity is in one of the state land tracts designated in §45.4(b)-(d) (.004(b)-(d)) of this title (relating to State Land Tracts Designated by the Committee as Containing State Archeological Landmarks in Texas' Submerged Lands), and if the activity will likely disturb the site of a known state archeological landmark in Texas' submerged lands or an area where there is a likelihood that a state archeological landmark exists in Texas' submerged lands, the committee may require a survey, the purpose of which is to locate state archeological landmarks in Texas' submerged lands.

(2) Conduct of such a survey may be recommended by the committee to the U.S. Army Corps of Engineers, Galveston District, and may be required as a condition of issuance of the permit from the U.S. Army Corps of Engineers, Galveston District.

(c) In light of equipment and surveying techniques currently available, the committee has determined that a person who conducts a survey to determine the possible existence of hazards which would be dangerous to the safety of human life and equipment in the area where the proposed activity will be performed has also conducted a survey to determine the possible existence of a state archeological landmark in Texas' submerged lands, provided such survey meets the following minimum standards.

(1) Horizontal positioning.

(A) Designated state land tracts in bays in Texas' submerged lands.

(i) Site or area-specific activities (drilling site, platform site, dredging, etc). Horizontal positioning will consist of marking the center or corner of the site with a buoy and searching outward from the buoy(s) until an adequate area is searched and no significant anomalies are detected. If there is detection of significant anomalies, the object causing the significant anomaly will be searched out and its specific x/y coordinate position recorded. The area of the survey should be adequate to ensure safety of human life and equip-

ment that will occupy the site. When optical instruments are used to delineate a site for a hazard survey, the drilling location will be clearly flagged. When electronic distance measuring (EDM) systems are used, a print-out or hand-recorded reading will be made, clearly showing that the area has been covered.

(ii) Pipelines. In bay waters where a pipeline corridor will be surveyed, the center line will be marked with stakes and flagging so that three stakes will be visible at all times to the boat operator and these stakes will be used for stationing. If EDM is used, the boat will tranverse the center line under control of the EDM and stationing will be recorded by hand or printer at fixed intervals along the line.

(B) Designated state land tracts offshore in Texas' submerged lands.

(i) Site or area-specific activities (drilling site, platform site, dredging, etc.). The horizontal positioning method will normally consist of marking the center or corners of the site with a buoy and searching outward from the buoy(s) until an adequate area is searched and no significant anomalies are detected. If there is detection of significant anomalies, the object causing the significant anomaly will be searched out and its specific x/y coordinate position recorded. The area of the survey should be adequate to ensure safety of human life and equipment that will occupy the site. When optical instruments are used to delineate a site for a hazard survey, the drilling location will be clearly flagged. When EDM systems are used, a print-out or hand-recorded reading will be made clearly showing that the area has been covered.

(ii) Pipelines. Three lines will be surveyed, a center line and two offset lines, to encompass the anchor pattern. EDM systems will normally be used to ensure that the survey will be conducted in the most expedient manner. However, buoy lines will be acceptable.

(2) Instrumentation. Instrumentation will be classified as remote sensing equipment which detects the presence of an object by its own physical properties or by signals reflected from the object.

(A) Designated state land tracts in bays in Texas' submerged lands.

(i) Drilling site—platform site. A magnetometer will be used to ensure that no ferrous metal object exists in the area which might cause damage to the proposed equipment or structure to occupy the site.

(ii) Pipelines. A magnetometer will be used to ensure that all ferrous metal objects are detected and avoided.

(B) Designated state land tracts offshore in Texas' submerged lands.

(i) Drilling site—platform site. A magnetometer and a side scan sonar will be used to ensure that all ferrous metal objects are detected and can be identified or avoided.

(ii) Pipelines. Instrumentation used for a pipeline prelay survey will consist of a magnetometer and a side scan sonar to ensure that all ferrous metal objects along the right of way are detected and can be identified or avoided.

(d) If a person detects a significant anomaly as a result of conducting the survey described in subsection (c) of this section, the person shall either:

(1) conduct a thorough and good-faith effort to search out the object causing the anomaly and identify whether the object might possibly be a state archeological landmark in Texas' submerged lands; or

(2) relocate the activity to an area at least 150 feet away from the significant anomaly in bays or at least 500 feet away from the significant anomaly offshore in order to avoid disturbance of the object causing the anomaly and thereby avoid damage to a state archeological landmark in Texas' submerged lands.

(e) If the person identifies that the object causing the anomaly is definitely not a state archeological landmark in Texas' submerged lands, the person may perform the activity in a normal, routine manner. Excavation in order to make an identification at this stage of investigation is prohibited without a permit from the committee.

(f) If the person identifies that the object causing the anomaly might possibly be a state archeological landmark in Texas' submerged lands, the person shall either:

(1) relocate the activity to an area at least 150 feet away from the significant anomaly in bays or at least 500 feet away from the significant anomaly offshore in order to avoid disturbance of the object causing the anomaly and thereby avoid damage to a state archeological landmark in Texas' submerged lands; or

(2) notify the committee of the possible existence of a state archeological landmark in Texas' submerged lands; whereupon the committee can perform its activities described in Subchapter (C), Powers and Duties, and Subchapter (E), Prohibitions, of the Antiquities Code of Texas, Chapter 191, Texas Natural Resources Code (1978). If the committee authorizes the state archeological landmark in Texas' submerged lands to be excavated and the committee is assured that no damage will occur to a state archeological landmark in Texas' submerged lands, the person may then proceed with performing the activity in a normal, routine manner.

(g) If the person detects a significant anomaly as a result of conducting the survey described in subsection (c) of this section and if the person relocates the activity to an area which will avoid disturbance of the object causing the anomaly and thereby avoids damage to a state archeological landmark in Texas' submerged lands, the person shall record the specific x/y coordinate positions of the object causing the anomaly and shall give the committee a written report of the specific x/y coordinate positions of the object causing the anomaly. Provided arrangements can be made to maintain proper security on proprietary data, the committee and the person may exchange additional data to enable the committee to add to its shipwreck reference file.

Issued in Austin, Texas, on December 17, 1980.

Doc. No. 810027 Terry Phares
Agency Liaison
Texas Antiquities Committee

Effective Date: January 26, 1981

Proposal Publication Date: November 14, 1980

For further information, please call (512) 475-6328.

TITLE 22. EXAMINING BOARDS

Part XI. State Board of Nurse Examiners

Chapter 211. Bylaws

The State Board of Nurse Examiners adopts §§211.2, 211.4, 211.9, 211.10, and 211.15 (388.01.00.002, .004, .009, .010, and

.015) of this title (relating to Bylaws). No negative comments were received on the proposed sections; therefore, the board adopts these sections with no changes in the proposed text.

Under the authority of Article 4514, Texas Revised Civil Statutes, the State Board of Nurse Examiners adopts the following sections.

§211.2 (388.01.00.002). President. The president shall preside at all meetings, appoint ad hoc committees when necessary, and perform such other duties as pertain to the office of the president.

§211.4 (388.01.00.004). Treasurer.

(a) The treasurer shall be responsible for being fully informed regarding the fiscal affairs of the Board of Nurse Examiners. The treasurer shall work cooperatively with the executive secretary in the preparation of the annual budget to be adopted by the board.

(b) (No change.)

§211.9 (388.01.00.009). Quorum. A majority of the board shall constitute a quorum for the transaction of all business at any regular or special meeting.

§211.10 (388.01.00.010). Order of Business

(a) The order of business shall be as follows:

- (1) approval of minutes of previous meeting;
- (2) (No change.)
- (3) hearings;
- (4) (No change.)
- (5) education report;
- (6) report of examinations;
- (7)-(9) (No change.)

(b) (No change.)

§211.15 (388.01.00.015). Amendments to Rules and Regulations. The rules and regulations may be amended during a meeting of the board by a vote of the majority of the members.

Issued in Austin, Texas, on December 29, 1980.

Doc. No. 809595 Margaret L. Rowland, R.N.
Executive Secretary
State Board of Nurse Examiners

Effective Date: January 20, 1981

Proposal Publication Date: November 25, 1980

For further information, please call (512) 478-9602

TITLE 37. PUBLIC SAFETY AND CORRECTIONS

Part I. Texas Department of Public Safety

Chapter 3 Traffic Law Enforcement Enforcement Action

The Texas Department of Public Safety adopts amendments to §3.23 (201.02.02.003) of this title (relating to Citation and Custody Arrest), with changes from the text proposed in the November 21, 1980, issue of the *Texas Register* (5 TexReg 4690). Language is added to §3.23(b) to further clarify the last sentence of conditions in making custody arrests.

Pursuant to the authority of Vernon's Texas Civil Statutes 4413(4), the Texas Department of Public Safety adopts the amended section to read as follows:

§3.23 (201.02.02.003). Citation and Custody Arrest.

(a) All traffic law enforcement officers of the Department of Public Safety will cite or arrest, as appropriate, all violators of the traffic laws apprehended by them who are committing a clear-cut and substantial violation of the traffic laws unless major extenuating circumstances are present.

(b) Custody arrests. Custody arrests should only be used:

- (1) when necessary to have a violator forthcoming in court;
- (2) to protect the violator or the public from injury;
- or
- (3) when required by law.

Under no circumstances will a custody arrest be used to punish the violator or as a convenience to the trooper. In obtaining information for a notice to appear in court, the violator is required by statute to furnish his name and current home address. It is desirable to elicit pertinent information such as occupation, telephone number, and business address, etc., for possible future use in the processing of warrants. However, the violator's failure to respond in the latter instance is not, standing alone, a sufficient reason to make a custody arrest for they are not legally compelled to provide additional information.

Issued in Austin, Texas, on December 23, 1980.

Doc. No. 809575 James B. Adams
Director
Texas Department of Public Safety

Effective Date: January 19, 1981

Proposal Publication Date: November 21, 1980

For further information, please call (512) 465-2000.

Chapter 21. Equipment and Vehicle Approval

Pursuant to the authority of Vernon's Texas Civil Statutes 6701d, Article XIV, Section 139A, and 6701c-3, Section 3, the Texas Department of Public Safety is adopting the amendments to §§21.1 and 21.2 (201.11.00.001 and .002) of this title (relating to Equipment and Vehicle Approval), with no changes from the text proposed in the November 18, 1980, issue of the *Texas Register* (5 TexReg 4659).

§21.1 (201.11.00.001). Minimum Safety Standards for Vehicle Equipment.

(a) Minimum safety standards—approval, cancellation, suspension, denial, or disapproval of applications.

(1) (No change.)

(2) Application for approval of vehicle equipment.

The following procedures will be followed by manufacturers, firms, or persons seeking a certificate of approval.

(A) (No change.)

(B) The request will be accompanied by:

(i) (No change.)

(ii) The required filing fee of \$50 for each item for which approval is sought. Checks should be made payable to the Texas Department of Public Safety. Checks on foreign banks cannot be accepted. Payment by foreign companies must be made payable at a United States bank payable in

United States funds and be made by regular commercial check (not bank draft) or international money order made payable in United States funds.

(C) (No change.)

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

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

§21.2 (201.11.00.002). Motorcycle Operators and Passengers Protective Headgear Minimum Safety Standards.

(a) (No change.)

(b) Application for approval of protective headgear.

The following procedure will be followed by manufacturers of protective headgear seeking a certificate of approval:

(1) (No change.)

(2) The application will be accompanied by:

(A) (No change.)

(B) The required fee of \$15 for each model for which approval is sought. All checks should be made payable to the Texas Department of Public Safety. Checks on foreign banks cannot be accepted. Payment by foreign companies must be made payable at a United States bank payable in United States funds and be made by regular commercial check (not bank draft) or international money order made payable in United States funds.

(3) (No change.)

(c) (No change.)

Issued in Austin, Texas, on December 22, 1980.

Doc. No. 809576 James B. Adams
Director
Texas Department of Public Safety

Effective Date: January 19, 1981

Proposal Publication Date: November 18, 1980

For further information, please call (512) 465-2000.

NONCODIFIED

State Board of Insurance

Title Insurance

Policy Forms and Premiums 059.09.07

The State Board of Insurance amends Rule 059.09.07.001 which adopts by reference the Basic Manual of Rules, Rates, and Forms for the Writing of Title Insurance in the State of Texas, by promulgating a new procedural rule designated P-20 (Exhibit A), promulgating a new rate rule designated R-19 (Exhibit B), and promulgating a new endorsement form designated T-30 (Exhibit C). Exhibits A, B, and C are attached hereto and incorporated herein by reference.

These amendments are adopted pursuant to the authority of Article 9.07 of the Texas Insurance Code.

.001. *Basic Manual of Rules, Rates, and Forms for the Writing of Title Insurance in the State of Texas.* The State Board of Insurance adopts by reference the attached Basic Manual of Rules, Rates, and Forms for the Writing of Title Insurance in the State of Texas as amended in July 1980. This document is published by Hart Graphics, P.O. Box 968, Austin, Texas 78767, and is available there and from the State Board of Insurance, 1110 San Jacinto, Austin, Texas 78786.

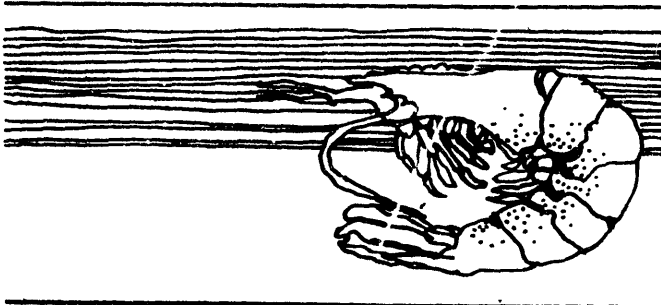
Issued in Austin, Texas, on December 30, 1980.

Doc. No. 809609 Pat Wagner
Chief Clerk
State Board of Insurance

Effective Date: January 20, 1981

Proposal Publication Date: November 21, 1980

For further information, please call (512) 475-2957.



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

Texas Air Control Board

Friday, January 9, 1981, 8:15 a.m. The Budget and Finance Committee of the Texas Air Control Board will meet in Room 209, 6330 Highway 290 East, Austin, to discuss proposed contracts.

Information may be obtained from Ramon Dasch, 6330 Highway 290 East, Austin, Texas 78723, (512) 451-5711.

Filed: December 31, 1980, 1:05 p.m.
Doc. No. 809640

Friday, January 9, 1981, 9 a.m. The Regulation Committee of the Texas Air Control Board will meet in Room 332, 6330 Highway 290 East, Austin, to discuss proposed procedural rules and future regulation development.

Information may be obtained from Ramon Dasch, 6330 Highway 290 East, Austin, Texas 78723, (512) 451-5711.

Filed: December 31, 1980, 1:06 p.m.
Doc. No. 809641

State Board of Canvassers

Monday, January 12, 1981, 4 p.m. The State Board of Canvassers will meet in the Governor's Reception Room of the State Capitol. According to the agenda, the board will canvass returns for a special election for state representative.

Information may be obtained from Austin Bray, 915 Sam Houston Building, Austin, Texas, (512) 475-3091.

Filed: January 2, 1981, 9:59 a.m.
Doc. No. 810004

Texas Education Agency

Tuesday, January 13, 1981, 10 a.m. The Foundation School Program Budget Committee of the Texas Education Agency will meet in Room 114 of the LBJ Building, 111 East

17th Street, Austin. According to the agenda, the committee will approve Foundation School Program estimates for the 1981-82 and 1982-83 school years.

Information may be obtained from Richard Bennett, 201 East 11th Street, Austin, Texas, (512) 475-1735.

Filed: January 5, 1981, 4:08 p.m.
Doc. No. 810045

Tuesday, January 13, 1981, 10 a.m. The Proprietary Schools and Veterans Education Advisory Commission of the Texas Education Agency will meet on the fourth floor of the TRS Building, 10th and Trinity, Austin. Items on the agenda include the following: introduction of new members; minutes of September 9, 1980, meeting; update on Pilot Project, Texas Student Information System (Tex-SIS); resolution concerning proprietary school participation in state-funded student aid programs; report on November 7, 1980, meeting of State Board of Education Committee on Priorities, Accountability, and Accreditation; proposed modifications to Guidelines and Minimum Standards for Operation of Texas Proprietary Schools and Application for Approval under Texas Proprietary School Act for schools offering short courses; request for consideration of amended legislation in behalf of Montessori teacher training programs.

Information may be obtained from Janice Boyd, 201 East 11th Street, Austin, Texas, (512) 475-2246.

Filed: January 5, 1981, 2:34 p.m.
Doc. No. 810039

Thursday, January 15, 1981, 10 a.m. The Educational Improvement Advisory Council of the Texas Education Agency will meet in the board room, Riverside Square North, 150 East Riverside Drive, Austin. Items on the agenda include the following: recommendations for Title IV-C priority areas for fiscal year 1982 projects; status report of fiscal year 1982 projected funding (parts B and C); recommendations for funding pattern; Title IV-C products for strengthening instruction in basic skills; update of Title II; update of Title IV-B activities, statistical report, plans for 1981-82 program.

Information may be obtained from Ira Nell Turman, 201 East 11th Street, Austin, Texas, (512) 475-2581.

Filed: January 5, 1981, 4:08 p.m.
Doc. No. 810046

Texas Energy and Natural Resources Advisory Council

Monday, January 12, 1981, 10 a.m. The Advisory Committee on Gasoline Rationing and Emergency Energy Planning of the Texas Energy and Natural Resources Advisory Council will meet in Room 403 of the Employees Retirement System Building, 18th and Brazos, Austin. Items on the agenda include the following: opening remarks of Ed Vetter, chairman; overview of TENRAC organization and Advisory Committee function by Milton Holloway, executive director; briefing on the status of the federal gasoline rationing plan and

the federal emergency energy planning effort; current state emergency energy planning activities; and objectives of the Advisory Committee.

Information may be obtained from John Gooding, 200 East 18th Street, Austin, Texas 78701, (512) 475-5491.

Filed: December 31, 1980, 3:04 p.m.
Doc. No. 809642

Texas State Board of Registration for Professional Engineers

Wednesday and Thursday, January 14 and 15, 1981, 1 p.m. and 8:30 a.m. respectively. The Texas State Board of Registration for Professional Engineers will meet in the board room, 1917 IH 35 South, Austin. According to the agenda summary, the board will receive reports from board members and staff; interview applicants; take action on applications for registration; and read communications.

Information may be obtained from Woodrow W. Mize, P.E., 1917 IH 35 South, Austin, Texas 78741, (512) 475-3141.

Filed: January 5, 1981, 2:05 p.m.
Doc. No. 810038

Texas Department of Health

Saturday, January 10, 1981, 9:30 a.m. The Texas Medical Disclosure Panel of the Texas Department of Health will meet in Room G107, first floor, 1100 West 49th Street, Austin. According to the agenda summary, the panel will cover the following matters: election of officers; review of the July 26, 1980, minutes; testimony of multidisciplinary procedures on neurosurgery and radiology, neurosurgery and orthopedic surgery, and neurosurgery and plastic surgery; testimony and letters of comment concerning plastic surgical and otolaryngologic procedures; testimony concerning plastic surgical and otolaryngologic procedures of mutual interest to both; administrative policy committee report; and publication of paper concerning the work of the panel.

Information may be obtained from E. P. Tottenham, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7528.

Filed: December 31, 1980, 3:54 p.m.
Doc. No. 809651

Thursday, January 15, 1981, 2 p.m. The Controlled Substances Therapeutic Research Review Board of the Texas Department of Health will meet in Conference Room T604, 1100 West 49th Street, Austin. According to the agenda summary, the panel will cover the following matters: minutes of October 20, 1980, meeting; current status of Texas rules and regulations; Texas forms for Tetrahydrocannabinol (THC) program; use of THC in radiation therapy; and next meeting date.

Information may be obtained from H. L. Harle, M.D., 1100 West 49th Street, Austin, Texas 78756, (512) 458-7266.

Filed: December 31, 1980, 3:34 p.m.
Doc. No. 809652

Texas Health Facilities Commission

Friday, January 16, 1981, 9:30 a.m. The Texas Health Facilities Commission will meet in Suite 305 of the Jefferson Building, 1600 West 38th Street, Austin, to consider the following applications:

Certificate of Need

Surgical Center of Corpus Christi, Corpus Christi
AS80-0630-015

San Antonio State Chest Hospital, San Antonio
AA80-0814-004

Memorial Hospital of Garland, Garland
AH80-0818-008

High Plains Baptist Hospital, Amarillo
AH80-0929-001

Meridell Achievement Center, Inc., Austin
AO80-0506-032

Memorial Hospital of Galveston County, Texas City
AH80-0103-003

The Good Samaritan White Acres Retirement Center,
El Paso
AN80-0627-021

El Paso Doctor's Hospital, Inc., El Paso
AH80-0605-033

West Dallas Family Health Care Network, Dallas
AO80-0904-016

Transfer of Certificate of Need

Roger P. Byrne, D.D.S., Inc., Corpus Christi
A078-0713-005T(1)(112480)

Roger P. Byrne, D.D.S., Inc., Corpus Christi
A078-0713-005T(2)(112480)

Information may be obtained from Linda E. Zatopek, P.O. Box 15023, Austin, Texas 78761, (512) 475-6940.

Filed: January 6, 1981, 9:39 a.m.
Doc. No. 810053

Texas Department of Human Resources

Friday, January 9, 1981, 10 a.m. The board of the Texas Department of Human Resources will meet in Room 1B, 706 Banister Lane, Austin. According to the agenda summary, the board will consider the purchased health services contract beginning September 1, 1981; proposal for creation of the office of inspector-general; proposed rules for day health-day activity program; adjustment to 1981 operating budget; final rules; technical amendments to program policies and procedures; commissioner's report; and an executive session on personnel matters, pending and contemplated litigation, and real property.

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

Filed: December 31, 1980, 3:59 p.m.
Doc. No. 809653

Saturday, January 24, 1981, 9 a.m. The Medical Care Advisory Committee of the Texas Department of Human Resources will meet in Room 1B, 706 Banister Lane, Austin. According to the agenda summary, the board will consider the commissioner's report; presentation by Dr. Pendergrass; alternate care status report and common assessment form; Inpatient Psychiatric Program; ICF-MR proposals; community health centers; vendor drug dispensing fee; Legislative Budget Board recommendations; medicaid profile; and election of officers.

Information may be obtained from John F. Boff, P.O. Box 2960, Austin, Texas 78769, (512) 458-6345.

Filed: December 31, 1980, 4 p.m.
Doc. No. 809654

State Board of Insurance

Thursday, January 8, 1981, 9 a.m. The Commissioner's Hearing Section of the State Board of Insurance will conduct a public hearing in Room 342, 1110 San Jacinto Street, Austin, in Docket 6265—proposed merger of Equitable General Insurance Company of Texas into Traders Indemnity Company; further consideration will be given to a proposed necessary amendment to the articles of incorporation of Traders Indemnity Company.

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

Filed: December 31, 1980, 9:28 a.m.
Doc. No. 809633

Tuesday, January 13, 1981, 10:30 a.m. The Commissioner's Hearing Section of the State Board of Insurance will conduct a public hearing in Room 342, 1110 San Jacinto Street, Austin, in Docket 6264—application of Gulf United Corporation, Jacksonville, Florida, to acquire control of Republic National Life Insurance Company, Dallas.

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

Filed: January 5, 1981, 1:14 p.m.
Doc. No. 810034

Wednesday, January 14, 1981, 3 p.m. The Commissioner's Hearing Section of the State Board of Insurance will conduct a public hearing in Room 342, 1110 San Jacinto Street, Austin, in Docket 6266—application of Guaranty National Life Insurance Company, Lubbock, to acquire control of Bankers General Life Insurance Company, Dallas.

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

Filed: January 5, 1981, 1:15 p.m.
Doc. No. 810035

Thursday, January 15, 1981, 9:30 a.m. The Commissioner's Hearing Section of the State Board of Insurance will conduct a rescheduled public hearing in Room 342, 1110 San Jacinto Street, Austin, in Docket 6239—incorporation of Travis Life Insurance Company, Austin. This hearing was rescheduled from December 31, 1980.

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

Filed: January 5, 1981, 1:15 p.m.
Doc. No. 810036

Friday, January 16, 1981, 1:30 p.m. The Commissioner's Hearing Section of the State Board of Insurance will conduct a public hearing in Room 342, 1110 San Jacinto Street, Austin, in Docket 6255—failure of Charter Life Insurance Company to timely file 1979 annual statement.

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

Filed: January 5, 1981, 1:15 p.m.
Doc. No. 810037

Texas Advisory Commission on Intergovernmental Relations

Friday, January 9, 1981, 8:30 a.m. The Committee on Operations and Funding of the Texas Advisory Commission on Intergovernmental Relations will meet in Room 119 of the Stephen F. Austin Building, 17th and Congress, Austin. According to the agenda summary, the committee will consider funding arrangements for future operation of the agency as well as the operating budget for fiscal year 1981.

Information may be obtained from Jay G. Stanford, 407 Sam Houston Building, 211 East 14th Street, Austin, Texas (512) 475-3728.

Filed: December 31, 1980, 8:53 a.m.
Doc. No. 809628

Friday, January 9, 1981, 9:30 a.m. The Texas Advisory Commission on Intergovernmental Relations will meet in Room 118 of the Stephen F. Austin Building, 17th and Congress, Austin. According to the agenda summary, the commission will consider the following topics: executive director's report; report of the Special Committee on Operations and Funding; final report with recommendations on state administration of grants to local governments; report on city and county finance; report on financing of county roads; and a resource manual of duties and responsibilities for Texas county officials.

Information may be obtained from Jay G. Stanford, 407 Sam Houston Building, Austin, Texas, (512) 475-3728.

Filed: December 31, 1981, 8:53 a.m.
Doc. No. 809629

Board for Lease of State-Owned Lands

Tuesday, January 13, 1981, 2:30 p.m. The Board for Lease of Texas Department of Corrections of the Board for Lease of State-Owned Lands will meet in Room 836A of the Stephen F. Austin Building, 1700 North Congress Avenue, Austin. The board will consider nominations, terms, conditions, and procedures for the April 7, 1981, oil, gas, and sulphur lease sale.

Information may be obtained from Linda Fisher, 1700 North Congress Avenue, Stephen F. Austin Building, Room 835, Austin, Texas 78701, (512) 475-2071.

Filed: January 5, 1981, 3:55 p.m.
Doc. No. 810044

Board of Pardons and Paroles

Tuesday-Friday, January 20-23, 1981, 9 a.m. daily. The Board of Pardons and Paroles will meet in Room 711, Stephen F. Austin Building, Austin. According to the agenda, the board will review cases of inmates for parole consideration; act on emergency reprieve requests and other acts of executive clemency; review reports regarding persons on parole; review procedures affecting the day-to-day operation of support staff; review and initiate needed rule changes relating to general operation, executive clemency, parole, and all hearings conducted by this agency; and take action upon gubernatorial directives.

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

Filed: January 6, 1981, 9:25 a.m.
Doc. No. 810048

Wednesday, January 21, 1981, 9 a.m. The Board of Pardons and Paroles will meet in the Diagnostic Unit, Texas Department of Corrections, Huntsville. According to the agenda, a parole panel consisting of members of the Board of Pardons and Paroles and members of the Texas Parole Commission will conduct parole violation hearings.

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

Filed: January 6, 1981, 9:25 p.m.
Doc. No. 810049

Public Utility Commission of Texas

Thursday, January 8, 1981, 9 a.m. The Public Utility Commission of Texas makes an addition to the agenda of a meeting to be held in Suite 450N, 7800 Shoal Creek Boulevard, Austin. The commission will meet in executive session to consider pending litigation.

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

Filed: December 30, 1980, 3:33 p.m.
Doc. No. 809606

Thursday, January 8, 1981, 1:30 p.m. The Public Utility Commission of Texas will conduct a prehearing conference in Suite 450N, 7800 Shoal Creek Boulevard, Austin, in Docket 3588—appeal of S. S. S. Water Systems, Inc., from the rate order of the City of Granite Shoals.

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

Filed: December 30, 1980, 3:33 p.m.
Doc. No. 809607

Friday, January 9, 1981, 10 a.m. The Hearings Division of the Public Utility Commission of Texas will conduct a rescheduled prehearing conference in Suite 450N, 7800 Shoal Creek Boulevard, Austin, in Docket 3564—application of Spring Lake Water Supply for a rate increase within Falls County. This prehearing conference was originally set for 10 a.m. Tuesday, December 23, 1980.

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

Filed: December 31, 1980, 3:31 p.m.
Doc. No. 809643

Tuesday, January 13, 1981, 10 a.m. The Hearings Division of the Public Utility Commission of Texas will conduct a prehearing conference in Suite 450N, 7800 Shoal Creek Boulevard, Austin, in Docket 3607—application of Northwest Water System for a rate increase within Harris and Montgomery Counties (water).

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

Filed: December 30, 1980, 3:56 p.m.
Doc. No. 809627

Wednesday, January 14, 1981, 9 a.m. The Hearings Division of the Public Utility Commission of Texas will conduct a prehearing conference in Suite 450N, 7800 Shoal Creek Boulevard, Austin, in Docket 3260—application of Briarcliff Utilities, Inc., for a rate increase within Travis County.

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

Filed: January 5, 1981, 9:39 a.m.
Doc. No. 810030

Wednesday, January 14, 1981, 9 a.m. The Hearings Division of the Public Utility Commission of Texas will conduct a prehearing conference in Suite 450N, 7800 Shoal Creek Boulevard, Austin, in Docket 3621—application of Lake Kiowa Utilities, Inc., for a rate increase within Cooke County (water).

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

Filed: January 5, 1981, 10:16 a.m.
Doc. No. 810031

Thursday, February 12, 1981, 10 a.m. The Hearings Division of the Public Utility Commission of Texas will conduct a prehearing conference in Suite 450N, 7800 Shoal Creek Boulevard, Austin, in Docket 3552—application of Deer Springs Ranchettes Water System for a rate increase and a certificate of convenience and necessity within Llano County.

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

Filed: January 2, 1981, 9:01 a.m.
Doc. No. 810002

Monday, February 23, 1981, 9 a.m. The Hearings Division of the Public Utility Commission of Texas will conduct a prehearing conference in Suite 450N, 7800 Shoal Creek Boulevard, Austin, in Docket 3536—application of Big Eddy, Inc., to amend its certificate of convenience and necessity within Smith County for water utility service.

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

Filed: December 31, 1980, 3:53 p.m.
Doc. No. 809656

Wednesday, February 25, 1981, 11 a.m. The Hearings Division of the Public Utility Commission of Texas will conduct a prehearing conference in Suite 450N, 7800 Shoal Creek Boulevard, Austin, in Docket 3259—application of Dogwood Realty Company for a rate increase within Anderson County.

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

Filed: December 31, 1980, 3:56 p.m.
Doc. No. 809657

Railroad Commission of Texas

Friday, January 2, 1981, 3 p.m. The Railroad Commission of Texas met in emergency rescheduled session in the third floor conference room, 1124 South IH 35, Austin. According to the agenda, the commission went into executive session to discuss personnel actions for all divisions pursuant to Section 2g of the Act. This meeting was previously posted for 5 p.m. on this same date. It was rescheduled on less than seven days' notice as a matter of urgent public necessity because of an inability to assure a quorum at a later time and the need to provide continuity in commission leadership.

Information may be obtained from Walter E. Lilie, 1124 South IH 35, Austin, Texas 78704, (512) 445-1186.

Filed: December 31, 1981, 8:57 a.m.
Doc. No. 809630

Friday, January 2, 1981, 4:30 p.m. The Gas Utilities Division of the Railroad Commission of Texas will meet in emergency session in Room 305, 1124 South IH 35, Austin. According to the agenda, the division will consider Gas Utilities Docket 2886—inquiry into the failure of the City of Daisetta to comply with certain safety regulations. Consideration of this matter on less than seven days' notice is required as a matter of urgent public necessity because the gas operation imposes imminent peril to property and health and safety of the people of Daisetta.

Information may be obtained from Lucia Sturdevant, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1126.

Filed: January 2, 1981, 2:07 p.m.
Doc. No. 810006

Monday, January 5, 1981, 9 a.m. The Oil and Gas Division of the Railroad Commission of Texas made an emergency addition to the agenda of a meeting held in the first floor auditorium, 1124 South IH 35, Austin. The addition concerned consideration of category determinations under Sections 102(c)(1)(C), 103, Dockets F-03-019166 and F-03-019167, Superior Oil Company. Consideration on less than seven days' notice is required as a matter of urgent public necessity in order to avoid the loss of public revenues.

Information may be obtained from Priscilla M. Hubenak, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1278.

Filed: January 2, 1981, 2:08 p.m.
Doc. No. 810007

Monday, January 5, 1981, 9 a.m. The Gas Utilities Division of the Railroad Commission of Texas made an emergency addition to the agenda of a meeting held in Room 107, 1124 IH 35, Austin. The division considered Gas Utilities Docket 2845—statement of intent filed by Lone Star Gas Company to change residential and commercial rates in the environs of the City of Tom Bean. Consideration of this matter on less than seven days' notice was required as a matter of urgent public necessity because the rates will go into effect by operation of law before the next scheduled commission meeting.

Information may be obtained from Lucia Sturdevant, P.O. Drawer 12967, Austin, Texas, (512) 445-1126.

Filed: January 2, 1981, 4:56 p.m.
Doc. No. 810018

Monday, January 12, 1981, 9 a.m. The Railroad Commission of Texas will meet in the third floor conference room, 1124 South IH 35, Austin. According to the agenda, the com-

mission will go into executive session to discuss personnel actions for all divisions and to consult with its legal staff on prospective and pending litigation pursuant to Sections 2g and 2e of the Act, respectively.

Information may be obtained from Carla S. Doyne, 1124 South IH 35, Austin, Texas 78704, (512) 445-1186.

Filed: January 2, 1981, 2:07 p.m.
Doc. No. 810008

Monday, January 12, 1981, 9 a.m. The Gas Utilities Division of the Railroad Commission of Texas will meet in Room 107, 1124 South IH 35, Austin. According to the agenda summary, the division will consider Gas Utilities Dockets 2847, 2848, 2850, 2851, 2712, 2872, 2708, and the director's report.

Information may be obtained from Lucia Sturdevant, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1126.

Filed: January 2, 1981, 2:08 p.m.
Doc. No. 810009

Monday, January 12, 1981, 9 a.m. The Oil and Gas Division of the Railroad Commission of Texas will meet in the first floor auditorium, 1124 South IH 35, Austin. According to the agenda summary, the division will consider various matters falling within the Railroad Commission's oil and gas regulatory jurisdiction.

Information may be obtained from Jan Burris, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1307.

Filed: January 2, 1981, 4:14 p.m.
Doc. No. 810017

Monday, January 12, 1981, 9 a.m. The Oil and Gas Division of the Railroad Commission of Texas makes additions to the agenda of a meeting to be held in the first floor auditorium, 1124 South IH 35, Austin. According to the agenda summary, the additions concern consideration of category determinations under Sections 102(c)(1)(B), 102(c)(1)(C), 103, 107, and 108 of the Natural Gas Policy Act of 1978.

Information may be obtained from Madalyn J. Girvin, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1273.

Filed: January 2, 1981, 2:09 p.m.
Doc. No. 810010

Monday, January 12, 1981, 9 a.m. The Oil and Gas Division of the Railroad Commission of Texas has made an addition to the agenda of a meeting to be held in the first floor auditorium, 1124 South IH 35, Austin. The addition concerns consideration of recommendation to the Federal Energy Regulatory Commission that the Wilcox Lobo formation be designated as a tight formation under section 107 of the Natural Gas Policy Act of 1978.

Information may be obtained from Priscilla M. Hubenak, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1278.

Filed: January 2, 1981, 2:08 p.m.
Doc. No. 810011

Monday, January 12, 1981, 9 a.m. The Surface Mining Division of the Railroad Commission of Texas will meet in the first floor auditorium, 1124 South IH 35, Austin. The division will consider the following: Docket 008-J application for revision to Conoco, Inc.'s Permit 008, to add approximately .7 acres to the permitted mine area at the Zamzow uranium mine (Site 9) located in Karnes County; Docket 009-D application for revision to Exxon Mineral Company's Permit 009, to add approximately 123 acres to the existing permit area at its Felder uranium mining operation located in Live Oak County; and the director's report.

Information may be obtained from J. Randel (Jerry) Hill, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1176.

Filed: January 2, 1981, 2:08 p.m.
Doc No 810012

Monday, January 12, 1981, 9 a.m. The Transportation Division of the Railroad Commission of Texas will meet in Room 107, 1124 South IH 35, Austin. According to the agenda summary, the division will consider various matters falling within the Railroad Commission's transportation regulatory jurisdiction.

Information may be obtained from Owen T. Kinney, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1330.

Filed: January 2, 1981, 2:09 p.m.
Doc. No 810013

Monday, January 12, 1981, 9 a.m. The Transportation Division of the Railroad Commission of Texas will meet in Room 107, 1124 South IH 35, Austin. According to the agenda, the division will consider Texas Bulk Carriers, Inc., Docket 023872ZZT, to amend RCT tariff series 7, 10, 11, 13, 18, 19, 22, and 24 by increasing all linehaul rates therein by 16% in the manner as set forth in Exhibit 1 to MFC 22487. The application has also been broadened to consider proposed increases to apply for the accounts of all carriers handling shipments subject to the above mentioned RCT tariffs.

Information may be obtained from Owen T. Kinney, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1330.

Filed: January 2, 1981, 2:07 p.m.
Doc. No. 810014

Texas Real Estate Commission

Tuesday, January 13, 1981, 9:30 a.m. The Texas Real Estate Commission will meet in Room 119 of the Stephen F. Austin Building, Austin. According to the agenda summary, the commission will consider motions for rehearing in the matters of Guadalupe G. Vasques and James L. Gardner; final action of proposed amendments to Rules 402.03.10.001, 402.03.15.027, and 402.03.15.012; final action on proposed Rule 402.05.10.001; and review of Rule 402.03.01.001. The commission will also meet in executive session.

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

Filed: January 5, 1981, 11:45 a.m.
Doc. No. 810029

Texas State Soil and Water Conservation Board

Tuesday, January 13, 1981, 8 a.m. The Texas State Soil and Water Conservation Board will meet at 1006 First National Building, Temple. Items on the agenda include the following: district director appointments; Public Law 83-566—watershed and flood prevention program; Resource Conservation Act; 1982-83 biennium budget request; Public Law 92-500, Section 208; future research needs; future state meeting sites; proposed interagency contract with Texas Tech; Experimental Rural Clean Water Program with ASCS; NACD meeting 1981; change in Upper West Fork SWCD name; change in zone boundary lines of Wheeler SWCD and Comal-Hays-Guadalupe SWCD.

Information may be obtained from A. C. Spencer, 1002 First National Bank Building, Temple, Texas 76501, (817) 773-2250, STS 820-1250.

Filed: January 5, 1981, 10:27 a.m.
Doc. No. 810028

Commission on Standards for the Teaching Profession

Thursday, January 15, 1981, 10 a.m. The Interim Reports Committee of the Commission on Standards for the Teaching Profession will meet in the second floor conference room, 158 East Riverside Drive, Austin, to review interim reports for Paul Quinn College of Waco.

Information may be obtained from Elmer Russell, 201 East 11th Street, Austin, Texas 78701, (512) 475-0164.

Filed: December 31, 1980, 3:58 p.m.
Doc. No. 809644

Thursday, January 15, 1981, 1:30 p.m. The Teacher Education Conference Planning Committee of the Commission on Standards for the Teaching Profession will meet in the director's office, first floor, 158 East Riverside Drive, Austin, to plan program for 1981 and 1982 teacher education conference.

Information may be obtained from Elmer Russell, 201 East 11th Street, Austin, Texas 78701, (512) 475-0164.

Filed: December 31, 1980, 3:58 p.m.
Doc. No. 809645

Thursday, January 15, 1981, 1:30 p.m. The Committee on Certification Programs and Requirements of the Commission on Standards for the Teaching Profession will meet in the second floor conference room, 158 East Riverside Drive, Austin, to review certification requirements and paraprofessional certification requirements.

Information may be obtained from Elmer Russell, 201 East 11th Street, Austin, Texas 78701, (512) 475-0164.

Filed: December 31, 1980, 3:58 p.m.
Doc. No. 809646

Thursday, January 15, 1981, 2:30 p.m. The Committee on Membership of the Commission on Standards for the Teaching Profession will meet in the small conference room, 150 East Riverside Drive, Austin, to conduct a closed meeting to consider personnel matters.

Information may be obtained from Elmer Russell, 201 East 11th Street, Austin, Texas 78701, (512) 475-0164.

Filed: December 31, 1980, 3:57 p.m.
Doc. No. 809647

Friday, January 16, 1981, 9 a.m. The Commission on Standards for the Teaching Profession will meet in the fourth floor auditorium, Teacher Retirement System Building, 1001 Trinity, Austin. According to the agenda summary, the commission will consider the following: amendment to Rules 226.61.04.010-.030, Policy 61.04, The Institutional Review Process; report of Governor's Advisory Committee on Education; college/university interim reports; college/university reports on individual programs, regular; college/university visiting team reports; Teacher Education Conference Planning Committee; Committee on Certification Programs and Requirements; Committee on Membership; and discussion for commission members.

Information may be obtained from Elmer Russell, 201 East 11th Street, Austin, Texas 78701, (512) 475-0164.

Filed: December 31, 1980, 3:57 p.m.
Doc. No. 809648

Friday and Saturday, January 30 and 31, 1981, 10 a.m., daily. The Committee on Standards and Procedures for Institutional Approval of the Commission on Standards for the Teaching Profession will meet in the third floor conference room, 158 East Riverside Drive, Austin, to discuss proposed revision of Policy 61.03, Standards for Teacher Education Institutions.

Information may be obtained from Elmer Russell, 201 East 11th Street, Austin, Texas 78701, (512) 475-0164.

Filed: December 31, 1980, 3:55 p.m.
Doc. No. 809650

Teachers' Professional Practices Commission

Wednesday, January 21, 1981, 8:30 a.m. The Teachers' Professional Practices Commission will meet in the State Board of Education conference room, 150 East Riverside Drive, Austin, to consider the following: revisions of the "Code of Ethics;" alternative positions on "who can file a complaint;" majority decision reports; proposed rule changes—complainant extension on filing date of school district due process followed (30 days), regional hearings, and

Opens Meetings Act; staff reports—annual report distribution, budget update, mailing list for dissemination of TPPC information; update reports—Commission on Standards, Governor's Advisory Committee on Education, and governor's efficiency report; and June 2, 1981, TPPC meeting.

Information may be obtained from Bill Borgers, 201 East 11th Street, Austin, Texas 78701, (512) 475-6836.

Filed: December 31, 1980, 3:57 p.m.
Doc. No. 809649

University of Texas

Tuesday, January 6, 1981, 10 a.m. The University of Texas Board of Regents met in the regent's meeting room, ninth floor of Ashbel Smith Hall, 201 West 7th Street, Austin. According to the agenda, the board covered the following topics: certificate of resolution amending the resolution adopted on May 14, 1976, authorizing the issuance of Board of Regents of the University of Texas System, the University of Texas M. D. Anderson Hospital and Tumor Institute at Houston, hospital revenue bonds, subordinate lien series 1976, \$4,770,000; resolution for services rendered; executive session involving the evaluation, assignment, and duties of officers and employees of the University of Texas System pursuant to Vernon's Texas Civil Statutes, Article 6252-17, Section 2(g), including but not limited to the first report of the system management review committee; and meeting of the board.

Information may be obtained from Betty Ann Thedford, P.O. Box N, UT Station, Austin, Texas 78712, (512) 471-1265.

Filed: December 31, 1980, 9:55 a.m.
Doc. No. 809632

State Board of Veterinary Medical Examiners

Sunday, February 8, 1981, 1 p.m. MST. The board of the State Board of Veterinary Medical Examiners will meet in the Mount Christo Rey Room, One Civic Plaza, El Paso, to discuss general business, practice complaints, and enforcement.

Information may be obtained from Judy C. Smith, 603 Capital National Bank Building, Austin, Texas 78701, (512) 475-3933.

Filed: December 31, 1980, 3:56 p.m.
Doc. No. 809655

Texas Water Commission

Monday, January 12, 1981, 10 a.m. The Texas Water Commission will meet in Room 118 of the Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will consider application for district bond issue, water quality permits, amendments and renewals, and water right applications for final decisions.

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

Filed: January 2, 1981, 11:12 a.m.
Doc. No. 810005

Monday, January 12, 1981, 2 p.m. The Texas Water Commission will meet in Room 118 of the Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will conduct a hearing on an application by Everest Minerals Corp., for a temporary order to increase on a temporary basis the injection rate authorized for the disposal well regulated by Permit WDW-168, Hobson in situ uranium mining project, Karnes County.

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

Filed: December 30, 1980, 11:08 a.m.
Doc. No. 809596

Wednesday, January 21, 1981, 10 a.m. The Texas Water Commission will meet in Room 118 of the Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will consider an application by Oxirane Chemical Company for an amendment to Permit 02041, Harris County and also an application by Glenn Neans for renewal of Permit 11320-01, Travis County.

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

Filed: December 31, 1980, 11:06 a.m.
Doc. No. 809639

Tuesday, January 27, 1981, 9:30 a.m. The Texas Water Commission will meet in Room 124A of the Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will consider the following applications:

Application TA-3917—permit by Allen Keller Company to divert and use 19 acre-feet of water for a three-year period from Ash Creek, Calamity Creek, Terlingua Creek, Rio Grande, Rio Grande Basin, for industrial use (highway construction) purposes in Brewster County.

Application TA-3942—permit by Barrow Ranch to divert and use 6,000 acre-feet of water for a two-year period from Willow Marsh Ditch, Nueces-Trinity Coastal Basin for irrigation purposes in Chambers County.

Application 3922—permit by Wade Contractors, Inc., to divert and use 18 acre-feet of water for a 2 1/2-year period from Borrow ditch, Blue Creek, Colorado River, Colorado River Basin, for industrial use (highway construction) purposes in Wharton County.

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

Filed: January 5, 1981, 2:57 p.m.
Doc. Nos. 810040-810042

Thursday, February 5, 1981, 10 a.m. The Texas Water Commission will meet in Room 618 of the Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will conduct hearings on two applications by the City of Ballinger for amendments to the following certificates of adjudication.

14-1129—to change the diversion points from two authorized reservoirs on Elm Creek, Colorado River Basin, to a proposed new reservoir, Moonen Reservoir, on Valley Creek, Colorado River Basin. The reservoirs are located in Runnels County and the water is to be used for municipal water supply in Ballinger. Applicant also wishes to retain the two reservoirs on Elm Creek for nonconsumptive recreational purposes only.

14-1130—to change its authorized use of state water to divert the 60-acre feet of water per year from the proposed Moonen Reservoir on Valley Creek, tributary of the Colorado River, for municipal use by the City of Ballinger. Applicants also seek to retain the reservoir on Elm Creek for nonconsumptive recreational purposes only.

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

Filed: December 30, 1980, 11:11 a.m.
Doc. Nos. 809597 and 809598

Friday, February 6, 1981, 10 a.m. The Texas Water Commission will meet in Room 618 of the Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the summarized agendas, the commission will conduct hearings on the following:

Application 3092A of H. L. Perrin for an amendment to Permit 2831 to authorize an increase in the acreage to be irrigated annually from 74 acres out of a 106-acre tract to 219 acres in Eastland County. Applicant also requests that the authorized diversion rate be increased from 1.1 cfs (500 gpm) to 4.85 cfs (2,176 gpm) and that the permit expiration time be extended for a term of 10 years to December 31, 1995).

Application 4092 of Ludwig J. Zernicek and Lillian G. Zernicek for a permit to directly divert 80 a/f from Big Boggy Creek, tributary Intracoastal Waterway, Brazos-Colorado Coastal Basin, for irrigation purposes in Matagorda County.

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

Filed: December 30, 1980, 11:10 a.m.
Doc. Nos. 809599 and 809600

Monday-Friday, February 9-13, 1981, 2 p.m. Monday, 9 a.m. Tuesday-Friday. The Texas Water Commission will meet in the conference room of the Annex Building, Gladys E. Hampton Municipal Building, 202 East Pillar Street, Nacogdoches. According to the agenda summary, the commission will conduct adjudication hearings on the Lower Neches and Angelina Rivers Segment.

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

Filed: December 30, 1980, 11:09 a.m.
Doc. No. 809601

Monday and Tuesday, April 6 and 7, 1981, 2 p.m. and 9 a.m., respectively. The Texas Water Commission will meet in the commissioner's courtroom, Angelina County Courthouse, Lufkin. According to the agenda summary, the commission will conduct adjudication hearings on the Lower Neches and Angelina Rivers Segment.

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

Filed: December 30, 1980, 11:08 a.m.
Doc. No. 809602

Wednesday-Friday, April 8-10, 1981, 1 p.m. Wednesday, 9 a.m. and 1:30 p.m. Thursday and Friday. The Texas Water Commission will meet in the Lower Neches Valley Authority meeting room, 7850 Eastex Freeway, Beaumont. According to the agenda summary, the commission will conduct adjudication hearings on the Lower Neches and Angelina Rivers Segment.

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

Filed: December 30, 1980, 11:09 a.m.
Doc. No. 809603

Texas Department of Water Resources

Tuesday, February 3, 1981, 9:30 a.m. The Texas Department of Water Resources will meet in Room 118 of the Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the department will conduct a public hearing to receive testimony concerning proposed revisions to Texas water quality standards previously revised by the Texas Water Quality Board in February 1976, and subsequently approved by the United States Environmental Protection Agency on February 9, 1976.

Information may be obtained from Richard O. Respass, P.O. Box 13087, Austin, Texas, (512) 475-8266.

Filed: January 6, 1981, 9:23 a.m.
Doc. No. 810050

Friday, February 27, 1981, 10 a.m. The Texas Department of Water Resources will meet in the Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the department will conduct a public hearing on the proposed revised federal fiscal year 1981 project priority list for the Municipal Facilities Construction Grant Program.

Information may be obtained from Pamela Weddell, P.O. Box 13087, Austin, Texas, (512) 475-7856.

Filed: January 6, 1981, 9:23 a.m.
Doc. No. 810051

Texas Water Well Drillers Board

Monday, January 12, 1981, 8 a.m. The Texas Water Well Drillers Board will meet in the Corte Real Room of the Hilton Palacio Del Rio Hotel, San Antonio. Items on the agenda summary include the following: approval of minutes of November 3, 1980, meeting; complaints for formal public hearings for Jack C. Calhoun, James D. Fleck, William C. Rhodes, Allen Roeder, employees of Roland Drilling Company (Gilbert Davis, Johnny Sadler, and E. H. Rossee), and Charles S. Singleton; adoption of rules for standards of conduct for registered water well drillers; comments on proposed Department of Water Resources' rule changes; waiver of registration requirements for Everett L. Davis; certification of applicants for registration; registration of drillers and water well drillers examinations since last meeting; investigator's activities.

Information may be obtained from Fred Osborne, P.O. Box 13087, Austin, Texas 78711, (512) 475-6176.

Filed: January 2, 1981, 4:11 p.m.
Doc. No. 810016

Regional Agencies

Meetings Filed December 31, 1980

The Bexar-Medina-Atascosa Counties Water Control Improvement District 1, Board of Directors, met at the district office, Natalia, on January 5, 1981, at 8 a.m. Information may be obtained from Clifford Mueller, P.O. Box 180, Natalia, Texas 78059, (512) 663-2132.

The Brazos Valley Development Council, Executive Committee, met at the Brazos Center, 3232 Briarcrest Drive, Bryan, on January 8, 1981, at 1:30 p.m. Information may be obtained from Glenn J. Cook, P.O. Drawer 4128, Bryan, Texas 77801, (713) 822-7421.

The Central Appraisal District of Taylor County, Board of Directors, met at the Taylor County Courthouse, second floor of the commissioner's courtroom, Abilene, on January 8, 1981, at 7:30 p.m. Information may be obtained from Richard Petree, P.O. Box 3738, Abilene, Texas 79604, (915) 677-1711, ext. 222.

The Edwards Underground Water District, Board of Directors, will meet in the second floor meeting room, Tower Life Building, San Antonio, on January 13, 1981, at 10 a.m. Information may be obtained from Thomas P. Fox, 1200 Tower Life Building, San Antonio, Texas 78205, (512) 222-2204.

The Hale County Appraisal District met in the central appraisal office, 302 West 8th, Plainview, on January 8, 1981, at 7 p.m. Information may be obtained from Larry Hamilton, P.O. Box 26, Plainview, Texas 79072, (806) 293-4226.

The Palo Pinto Appraisal District met at 603 South Oak, Mineral Wells, on January 5, 1981, at 4 p.m. Information may be obtained from H. H. Quillen, 100 Southeast 5th Street, Mineral Wells, Texas 76067.

The Panhandle Regional Planning Commission, Governing Body of the Panhandle Health Systems Agency, met in the Amarillo Building, 3rd and Polk Streets, Amarillo, on January 8, 1981, at 7:30 p.m. Information may be obtained from E. L. Melin, P.O. Box 9257, Amarillo, Texas 79105, (806) 372-3381.

The Texas Municipal Power Board of Directors met in the agency offices, 2225 East Randol Mill Road, Arlington, on January 8, 1981, at 9 a.m. Information may be obtained from Joel T. Rodgers, 2225 East Randol Mill Road, Arlington, Texas 76011, (817) 461-4400.

The Upshur County Appraisal District will meet in the Upshur County Appraisal District office, Gilmer Middle School, Warren Street, Gilmer, on January 12, 1981, at 7:30 p.m. Information may be obtained from Louise Stracener, P.O. Box 31, Gilmer, Texas 75664, (214) 843-3736.

Doc No. 809631

Meetings Filed January 2, 1981

The Ellis County Tax Appraisal District met at 411 Gibson Street, Waxahachie, on January 8, 1981, at 7 p.m. Information may be obtained from Gray Chamberlain, P.O. Box 217, Waxahachie, Texas 75165, (214) 937-3552.

Doc. No. 810001

Meetings Filed January 5, 1981

The Austin-Travis County MH/MR Center, Board of Trustees Personnel Committee, will meet in the board room, 1430 Collier Street, Austin, on January 9, 1981, at 12:30 p.m. Information may be obtained from Cynthia C. Garcia, 1430 Collier Street, Austin, Texas 78704, (512) 447-4141, ext. 20.

The Brazos River Authority, Special Personnel Committee of the Board of Directors, met in emergency session in the office of First Federal Savings and Loan Association, Bryan, on January 6, 1981, at 10:30 a.m. Information may be obtained from Glynn A. Williams, Box 3728, Bryan, Texas 77801, (713) 658-3527.

The Canadian River Municipal Water Authority, Board of Directors, will meet at K-Bob's Restaurant, 3400-C Olton Road, Plainview, on January 14, 1981, at 10:30 a.m. Information may be obtained from John C. Williams, P.O. Box 99, Sanford, Texas 79078, (806) 865-3325.

The Colorado River Municipal Water District, Board of Directors, will meet at the district headquarters building, 400 East 24th Street, Big Spring, on January 13, 1981, at 10 a.m. Information may be obtained from O. H. Ivie, P.O. Box 869, Big Spring, Texas 79720, (915) 267-6341.

The Coryell County Appraisal Board has rescheduled a meeting to be held in the county courtroom, Coryell County, on January 13, 1981, at 7 p.m. The meeting was originally set for January 6, 1981. Information may be obtained from Jerry Donaldson, 500 Littlefield Building, Austin, Texas 78701, (512) 476-0300.

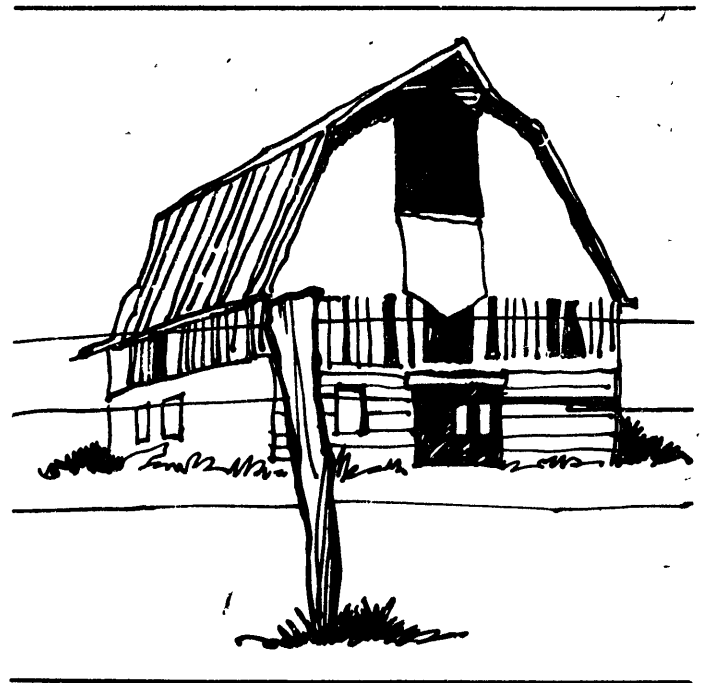
The East Texas Council of Governments, Executive Committee, will meet at the Community Inn, Kilgore, on January 8, 1981, at 7 p.m. Information may be obtained from Glynn J. Knight, 3800 Stone Road, Kilgore, Texas 75662, (214) 984-8641.

The Hockley County Appraisal District, Board of Directors, will meet in the board room, South Plains College, Levelland, on January 19, 1981, at 7 p.m. Information may be obtained from Keith Toomire, P.O. Box 1090, Levelland, Texas 79336, (806) 984-9654.

The Nortex Regional Planning Commission, Executive Committee, will meet at McBrides Land and Cattle Company, 501 Scott Street, Wichita Falls, on January 15, 1981, at noon. The North Texas State Planning Region Consortium will also meet at McBrides on January 15, 1981, but at 1 p.m. Information may be obtained from Edwin B. Daniel, 2101 Kemp Boulevard, Wichita Falls, Texas 76309, (817) 322-5281.

The Palo Pinto Appraisal District met at 603 South Oak, Mineral Wells, on January 8, 1981, at 7 p.m. Information may be obtained from H. H. Quillen, 100 Southeast 5th Street, Mineral Wells, Texas 76067, (817) 325-6871.

Doc. No. 810020



Texas Commission on Alcoholism

Consultant Request Proposal

Under the provisions of Article 6252-11c, the Texas Commission on Alcoholism is giving notice that it has received funds to implement standardized traffic safety education programs for alcohol-related traffic offenders (DWI education programs) in counties not presently being served by a program. The following counties have been identified for implementation of new programs:

Anderson	Donley	Kenedy	Real
Andrews	Eastland	Kerr	Roberts
Atascosa	Fannin	Kimble	Rockwall
Austin	Fisher	King	Sabine
Bandera	Foard	Knox	San Augustine
Baylor	Frio	Lamb	San Jacinto
Bee	Gillespie	LaSalle	San Saba
Borden	Gray	Leon	Schleicher
Bosque	Grayson	Lipscomb	Shackelford
Brewster	Hall	Live Oak	Sherman
Brown	Hamilton	Madison	Somervell
Cameron	Hansford	Marion	Starr
Camp	Hardeman	Mason	Sterling
Carson	Harrison	McCulloch	Stevens
Cherokee	Haskell	McMullen	Stonewall
Childress	Hemphill	Medina	Sutton
Cochran	Henderson	Menard	Throckmorton
Coleman	Houston	Mills	Upshur
Collin	Hudspeth	Montgomery	Upton
Collingsworth	Hutchinson	Morris	Uvalde
Comanche	Jeff Davis	Navarro	Van Zandt
Concho	Jim Hogg	Newton	Waller
Cottle	Jim Wells	Ochiltree	Wheeler
Crane	Johnson	Oldham	Willacy
Crockett	Jones	Orange	Wilson
Culberson	Karnes	Panola	Winkler
Dallas	Kaufman	Parmer	Wood
Dawson	Kemp	Presidio	Yoakum
Dimmit	Kendall	Tarrant	Zapata
		Reagan	Zavala

Description. In order to reduce alcohol-related traffic accidents and fatalities, a uniform standardized traffic safety education program for alcohol-related traffic offenders (DWI education programs) needs to be established in counties without an existing program. This request for proposal provides interested institutions of higher learning, adult probation departments, councils on alcoholism, mental health and mental retardation centers, and state hospital outreach centers with sufficient information to submit proposals to the Texas Commission on Alcoholism for establishing new traffic safety education programs for alcohol-related traffic offenders (DWI education programs) in counties not presently being served by an existing program.

This is to serve notice that invitation for offers is open to institutions of higher learning, adult probation departments, councils on alcoholism, mental health and mental retardation centers, and state hospital outreach centers. The Texas Commission on Alcoholism reserves the right to reject any and all proposals received as a result of this proposal or to negotiate separately with any competing contractor(s) to improve the quality of the cost effectiveness of any proposal. Multiple contracts will be awarded not to exceed \$200,000.

Deadline and Address for Proposal Submission. To be eligible for consideration, a proposal must arrive at the Texas Commission on Alcoholism, 809 Sam Houston Building, Austin, Texas 78701, on or before 5 p.m. February 16, 1981. Those offerors who are mailing proposals should allow sufficient

delivery time to ensure receipt by TCA prior to the specified cut-off time and date. The proposals should be addressed to the attention of Robby Duffield, criminal justice coordinator.

Period of Contract. The period of performance will be April 1, 1981, through September 30, 1981. Contracts will be on a cost-reimbursement basis. Funding for the successful proposals will be made available from funds awarded to the Commission on Alcoholism on January 1, 1981, by the State Department of Highways and Public Transportation. Multiple contracts will be awarded and many will be under \$10,000.

Proposal Specifications. There are approximately 118 counties in Texas not presently being served by a traffic safety education program for alcohol-related traffic offenders (DWI education programs). The programs developed by the eligible offerors should agree to:

(1) Conduct the traffic safety education program for alcohol-related traffic offenders (DWI education program) in substantial conformance with the state-endorsed curriculum developed by Sam Houston State University and provide a minimum of eight hours of instruction per session.

(2) Instruct a minimum of 200 DWI offenders annually. This figure is negotiable based on local statistics.

(3) Insure that all class instructors receive training in the use of the model curriculum at Sam Houston State University.

(4) Utilize pre- and posttesting instruments and student evaluations in the program.

(5) Utilize audiovisuals in class instruction.

(6) Provide TCA with letter(s) of support from the appropriate adjudicating court(s) and adult probation department(s) indicating their commitment to refer DWI offenders to local program.

The proposal should strive to serve as many counties as possible which are not presently being served by an existing program.

Review Criteria and Procedures. The Request for Proposal Review Committee will consist of the TCA criminal justice coordinator, the coordinator of driver/traffic safety education at Sam Houston State University, a staff member from the Texas Safety Association, and a staff member from the State Department of Highways and Public Transportation, Traffic Safety Section. The committee will use the following criteria for evaluating responses to the proposal:

(1) Capacity of the offeror(s) to manage and deliver a traffic safety education program for alcohol-related traffic offenders.

(2) Feasibility of work plan. This refers to the degree in which the plan outlined in the proposal can be effectively implemented in a six-month time frame.

(3) Offeror(s) qualifications. The offerors will demonstrate a sufficient capability of administering a traffic safety education program for alcohol-related traffic offenders in compliance with stated participation requirements.

(4) Interrelationship of budget to work plan. Work plan and budget will be compared to determine feasibility of work plan within the budget constraints.

(5) Appropriateness of methodology. Degree to which methods outlined will yield an effective program.

(6) Cost. Since no maximum ceiling has been established for proposals, the review committee will focus on the cost effectiveness of the program or the best approach for utilizing the funds to produce a traffic safety education program for alcohol-related traffic offenders.

(7) Degree of support program receives from court(s) and probation department(s).

The review committee will select the best offeror(s) by March 13, 1981. Notice of the awards will be placed in the *Texas Register*.

Contact. For a copy of the entire request for proposal, write or phone Robby Duffield, criminal justice coordinator, Texas Commission on Alcoholism, 809 Sam Houston Building, Austin, Texas 78701, (512) 475-2577.

Issued in Austin, Texas, on January 5, 1981.

Doc. No. 810019 Ross Newby
Executive Director
Texas Commission on Alcoholism

Filed: January 5, 1981, 8:56 a.m.
For further information, please call (512) 475-2577.

Banking Department of Texas

Applications To Purchase Control of State Banks

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

On December 30, 1980, the banking commissioner received an application to acquire control of First State Bank in Wylie by J. V. Hawn of Shreveport, Louisiana; Thomas F. MacDuff of Allen; John M. Teeling of Richardson; and Jay H. Allen, Edward S. Blythe, Jerome J. Bradley, John M. Bradley, Ronald L. Brown, T. Stuart Ducote, David de N. Franklin, Philip Goodman, Joe V. Hawn, Jr., Todd E. Henson, Robert H. Kroney, George J. Natinsky, Ron Natinsky, Michael L. Riddle, J. Richard Rolater, C. E. Seal II, George H. Spencer, J. P. Squyres, John C. Sterquell, James J. Teeling III, and Thomas T. Wardlow, all of Dallas. Additional information may be obtained from Robert E. Stewart, 2601 North Lamar, Austin, Texas 78705, telephone (512) 475-4451.

Issued in Austin, Texas, on December 30, 1980.

Doc. No. 809638 Robert E. Stewart
Banking Commissioner

Filed: December 31, 1980, 10:11 a.m.
For further information, please call (512) 475-4451.

Texas Department of Community Affairs

Request for Proposal

Notice of Invitation for Program Proposals. The Texas Department of Community Affairs (TDCA), under the authority of its enabling act, Texas Revised Civil Statutes Annotated, Article 4413-201, and Section 5.11 of the Texas Controlled Substances Act, Texas Revised Civil Statutes Annotated, Article 4476-15, announces a request for proposals (RFP) from its Drug Abuse Prevention Division. TDCA is soliciting proposals for the delivery of intervention and alternative services in order to prevent drug abuse in selected areas of the state. TDCA intends to fund one program for such services in the City of Fort Worth and one program for such services in the City of Houston.

The anticipated period of performance for successful offerors shall begin June 1, 1981, and shall not extend beyond May 31, 1982.

Qualifications Desired by TDCA. To be eligible, offerors must be able to document previous experience in the delivery of human services and evidence of the capability to accomplish the services being requested through this RFP. Offerors should focus the proposed services on youth and their families. Proposals must include specific items and documents which demonstrate the offeror's ability to provide the proposed services. Prior to the awarding of a contract, successful offerors will be required to establish legal authority to contract with TDCA. This shall be accomplished by completing and submitting certification of eligibility documents as specified in the RFP package.

Deadline for Submission of Proposals in Response to this RFP. Proposals submitted in response to this RFP will not be accepted after 5 p.m. Monday, February 16, 1981, unless they are postmarked on or before February 13, 1981.

The only submissions which will be accepted after February 16, 1981, are letters documenting community support for the services proposed. Such letters of support will be accepted only if postmarked on or before March 16, 1981. Three copies of the proposal should be sent by certified mail to the contracts officer, Drug Abuse Prevention Division, Texas Department of Community Affairs, P.O. Box 13166, Austin, Texas 78711. Proposals may also be hand-delivered up to the deadline to the Drug Abuse Prevention Division, second floor, TDCA Building, 210 Barton Springs Road, Austin, Texas, on any state workday between 8 a.m. and 5 p.m.

At a minimum, proposals must include the following elements:

- (1) Linkage and referral system between the offeror and the criminal and/or juvenile justice system, i.e., judges, police, probation, and parole.
- (2) Counseling for those clients in need of such service to be delivered by a skilled professional staff.
- (3) Close interface with schools, with the purpose of encouraging students to remain in school.
- (4) Coordination of proposed activities with existing community services.
- (5) Close interface with the immediate family of the client.

Additional suggestions for program activities are included in the RFP package.

Duration of Program and Amount of Funding. Programs should be proposed for a period of not less than 12 months and shall not extend beyond May 31, 1982. The maximum amount of the 12-month TDCA/DAPD award to any successful offeror(s) is \$50,000. Contractor support funding (match) will be required at a minimum of 10% of the total budget. The contractor support share may be case or related "in-kind" support.

General Information. TDCA reserves the right to accept or reject any or all proposals submitted under this RFP and to negotiate modifications to improve the quality or cost effectiveness of any proposal. TDCA is under no legal requirement to execute a resulting contract, if any, on the basis of this advertisement, and intends the material provided herein only as a means of identifying the services desired by TDCA and the amount of funding available. TDCA will base its selection on factors such as demonstrated competence and qualifications of the offeror and reasonableness of costs. Other factors upon which selection will be based are specified in the RFP package. In addition, proposals are subject to review by the appropriate health systems agency, as required by the National Health Planning and Resources Development Act, Public Law 93-641.

This request for proposal does not commit TDCA to pay for any costs incurred prior to execution of a contract and is subject to availability of appropriate funds. Issuance of this material in no way obligates TDCA to award a contract.

Contact. For purposes of obtaining a request for proposal package, contact the chief of program development, Drug Abuse Prevention Division, Texas Department of Community Affairs, P.O. Box 13166, Austin, Texas 78711, (512) 475-5566.

Issued in Austin, Texas, on January 2, 1981.

Doc. No. 810015 Jeanne Marcus
General Counsel
Texas Department of Community Affairs

Filed: January 2, 1981, 2:32 p.m.

For further information, please call (512) 475-6903.

Office of the Secretary of State

Correction of Error

The front cover of the January 2, 1981, issue of the *Texas Register* contained an error as published. Volume 6, Number 1, of the *Register* should have been paginated as "1 - 20." As published, Volume 6, Number 1, indicated a continued pagination from the 1980 issues of the *Register*.

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