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# TEXAS REGISTER

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TEXAS DOCUMENTS

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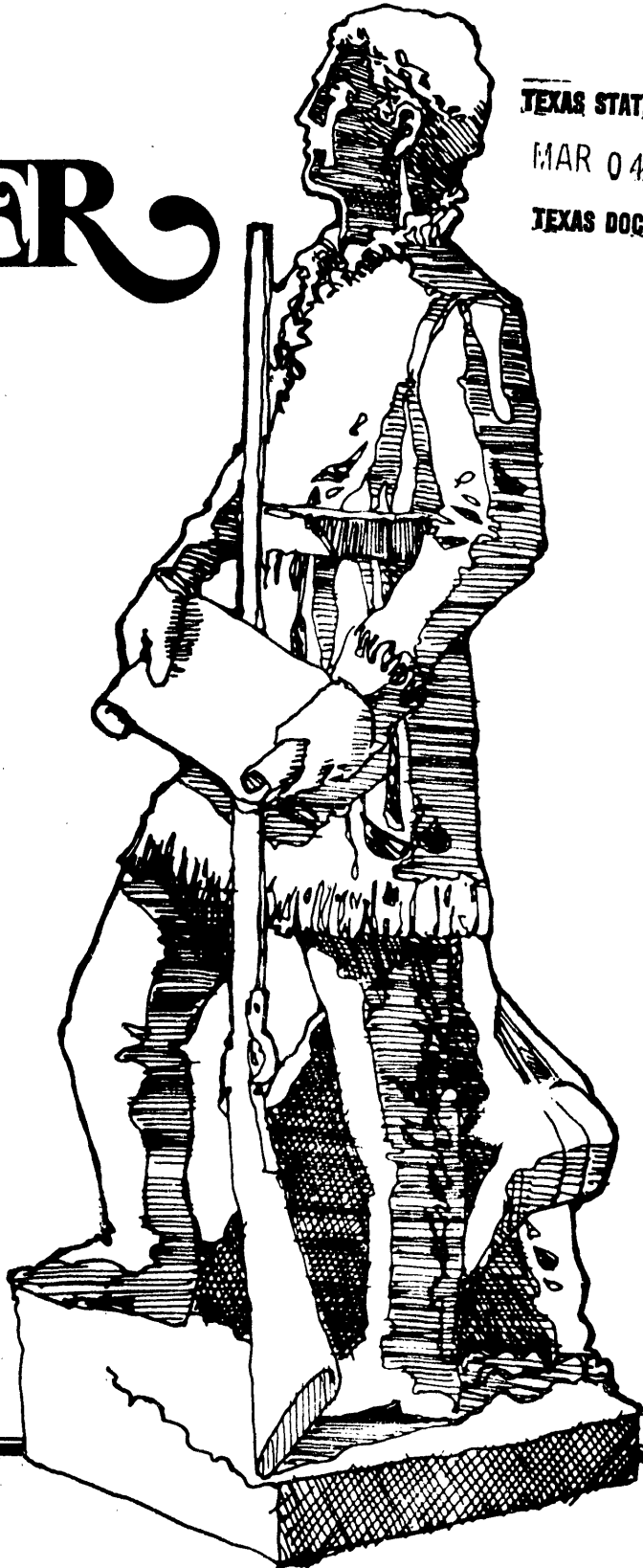
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Office of the Secretary of State

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, 31, 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)

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Latest Texas Code Reporter  
(Master Transmittal Sheet): No. 1, Oct. 79

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**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.*

# TEXAS REGISTER



George W. Strake, Jr.  
Secretary of State

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## Appointments

### Texas Cosmetology Commission

*For six-year terms to expire December 31, 1985:*

Evelyn Hunter  
7820 Meadow Park Drive, No. 214  
Dallas, Texas 75230 (operator)

Ms. Hunter is replacing James H. Jemison of Houston, Harris County, whose term expired.

Larry Lee Steinmann  
2105 Malvern Hill Drive  
Austin, Texas 78745 (shop owner)

Mr. Steinmann is replacing Wilmer Dee Cox of Longview, Gregg County, whose term expired.

### Education Commission of the States

*For a term at the pleasure of the governor:*

Alton O. Bowen  
Commissioner of Education  
Texas Education Agency  
201 East 11th Street  
Austin, Texas 78711

Mr. Bowen is replacing Dr. Marlin L. Brockette whose term expired.

### Egg Marketing Advisory Board

*For six-year terms to expire September 27, 1985:*

Edgar H. Burton  
Route 2, Box 314B  
Lufkin, Texas 75901 (egg dealer)

Kervin E. Jacob  
939 West 18th Street  
Houston, Texas 77008 (dealer-wholesaler)

Mr. Burton and Mr. Jacob are being reappointed.

### Governor's Committee on Employment of the Handicapped

*Pursuant to Executive Order WPC-14, dated January 23, 1980, for one-year terms to expire January 23, 1981:*

Alice May Berthelsen  
Financial Officer  
Don Berthelsen Insurance  
8811 Frankway, Suite A  
Houston, Texas 78221

A. J. Bob Blase  
Executive Director  
Goodwill Rehabilitation Service  
P.O. Box 21340  
San Antonio, Texas 78221

Harr, Burgman  
Disabled American Veterans  
2803 Williams Drive, Suite 106  
Georgetown, Texas 78621

Ollie S. Cauthen, Ph.D.  
Vice President for University Affairs  
Angelo State University  
ASU Station  
San Angelo, Texas 76901

Larry Evans, President  
Texas Association of the Deaf  
13710 Syracuse  
San Antonio, Texas 78249

Jesus H. Guevara  
Realty House  
405 East Washington  
Brownsville, Texas 78520

Peter J. Harris  
Assistant General Manager  
Edo-Aire Mitchell  
P.O. Box 610  
Mineral Wells, Texas 76067

Sam D. Millsap  
Chairman of the Board  
S. D. Millsap, Inc.  
5930 Winding Ridge  
San Antonio, Texas 78239

Robert E. Price  
Attorney at Law  
2700 Republic Bank Tower  
Dallas, Texas 75201

Shirley K. Price  
NASA, LBJ Space Center  
Houston, Texas 77058

Wells R. Rader, Manager  
Employment and Support Staff Department  
Shell Oil Company  
P.O. Box 2463  
Houston, Texas 77001

Dorothy Virginia Roberts  
Administrative Assistant for Handicapped Affairs  
Office of the Governor  
Sam Houston Building, Room 204B  
201 East 14th Street  
Austin, Texas 78711

Irene J. Weaver  
Chairman of the Board  
Industrial Industries, Inc.  
P.O. Box 2592  
Houston, Texas 77001

William G. Wolfe, Ph.D.  
Professor of Special Education  
University of Texas at Austin  
5508 Exeter  
Austin, Texas 78723

Sam D. Millsap will serve as chairman and Robert E. Price as vice chairman. Their terms as chairman and vice chairman will expire at the annual meeting of the governor's committee, which is in conjunction with "National Employ the Handicapped Week" sometime in the fall.

## Texas Housing Agency

For a term to expire January 31, 1983:

C. W. Hetherly  
P.O. Box 9470  
Austin, Texas 78766

Mr. Hetherly will be filling Place 8—a person with experience in municipal or county government.

## Interstate Oil Compact Commission

### Energy Resources Committee

James C. Herring  
Railroad Commission of Texas  
P.O. Box 12967  
Capitol Station  
Austin, Texas 78711, telephone (512) 445-1307

Richard Dale  
1424 Indian Creek Drive  
Fort Worth, Texas 76107

### Environmental Affairs Committee

J. C. Farris  
AMOCO Production Company  
P.O. Box 3092  
Houston, Texas 77001, telephone (713) 652-4400

### Legal Committee

James E. Phillips, Jr.  
Exxon Company USA  
P.O. Box 2180  
Houston, Texas 77001, telephone (713) 656-3636

John Soule  
Railroad Commission of Texas  
P.O. Box 12967  
Capitol Station  
Austin, Texas 78711, telephone (512) 445-1281

### Public Land Committee

Jack Giberson  
General Land Office  
1700 Congress Avenue  
Stephen F. Austin Building  
Austin, Texas 78711, telephone (512) 475-2496

### Regulatory Practices Committee

James P. Grove IV  
Railroad Commission of Texas  
P.O. Box 12967  
Capitol Station  
Austin, Texas 78711, telephone (512) 445-1186

## Texas 1986 Sesquicentennial Commission

Pursuant to Senate Bill 779, 66th Legislature, Regular Session, for a six-year term to expire January 31, 1985:

Mrs. Risher Randall  
3249 Chevy Chase  
Houston, Texas 77019

## Advisory Council on Youth Camp Safety

For two-year terms to expire December 1, 1981:

Dr. H. Phillip Hook  
Executive Director  
Pine Cove Conference Center  
Route 8, Box 443  
Tyler, Texas 75703 (represents church camps)

Dr. Hook is replacing Olen S. Miles of Driftwood, Hays County, whose term expired.

Joseph C. Nelson  
Director of Programs  
South Central Region—Boy Scouts of America  
P.O. Box 61040  
Dallas/Fort Worth Airport 75261 (represents boy scouts)

Mr. Nelson is replacing Paul L. Beisenherz of Austin, Travis County, whose term expired.

Rodney James Kidd  
913 East 38th Street  
Austin, Texas 78705

Mr. Kidd is being reappointed.

Issued in Austin, Texas, on February 14, 20, 21, & 22, 1980.

Doc. No. 801447- William P. Clements, Jr.  
801449 & Governor of Texas  
801474

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

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.

## Opinions

### Summary of Opinion MW-142

Request from Charles Evans, chairman, House Committee on Government Organizations, Austin, concerning authority of the Texas Department of Community Affairs to enter into an interagency contract with the Governor's Committee on Aging.

**Summary of Opinion:** The Governor's Committee on Aging has authority under state law to enter into a contract with the Texas Department of Community Affairs for the performance of administrative services. The performance of such services must be consistent with federal regulations in order to avoid interruption of federal funds to the committee.

Issued in Austin, Texas, on February 21, 1980.

Doc. No. 801446      C. Robert Heath  
Opinion Committee Chairman  
Attorney General's Office

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



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

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.

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## NONCODIFIED

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### Comptroller of Public Accounts

#### Tax Administration

##### Miscellaneous Tax Division 026.02.23

The comptroller of public accounts is adopting on an emergency basis a new rule relating to the exemption of solar and wind-powered energy devices from ad valorem taxes. The rule is adopted on an emergency basis because Article 7150.1(h) requires the comptroller to develop guidelines to assist tax collectors after January 1, 1980 (the date on which the statute became effective). Without this rule being effective, the tax collectors have no guidelines to assess this type of property for ad valorem tax purposes. The rule describes what constitutes a solar or wind energy device and provides some guidelines for taxpayers and the assessors to determine what effect utilizing these solar energy devices will have on the value of property for ad valorem purposes.

This rule is promulgated under the authority of Texas Revised Civil Statutes Annotated, Article 7150.1.

##### .004. Solar Energy Exemption.

(a) General policy. The value of assessed property arising from the construction or installation of any solar energy device is exempt from property taxation. The assessed value of property for ad valorem tax purposes does not include the increased value due to any solar energy devices being installed or constructed on the assessed property. A tax assessor is prohibited from increasing the value of property because solar or wind energy devices have been placed on the property being assessed.

(b) Market valuation of property. In measuring the market value of property the assessor should not increase market value because solar energy devices have been

utilized, even when the actual market value has increased because of those devices. In cases where a solar energy device provides a major benefit or comfort such as water heating with no conventional back up system, the property should be valued as if there was no such system at all. In cases where solar energy devices increase the available living space in property, the extra space should not be considered to increase the market value to the extent the extra space can only be used as part of a solar energy device. Examples of how to measure the market value of property with solar energy devices are as follows:

(1) A building with a solar greenhouse as an added heat supply should be valued as if the greenhouse were not there at all, provided the greenhouse can serve no other function than supplying heat. If the greenhouse can be utilized for other purposes, a prorated portion of the increased value should be deducted to reflect its function as a solar energy device.

(2) A building with an active solar heating system consisting of collectors, storage units, and a distribution system with no conventional central heating system should be valued as a building without a central heating system.

(3) A swimming pool which is heated solely by a solar heating system should be valued as a pool without a heating system.

(4) A building with a swimming pool, which utilizes the swimming pool as a solar collector and/or storage unit in the winter and swimming pool in the warm months should be valued as if it only had a swimming pool for warm weather use.

(5) A building which has insulated outside walls and interior walls of high density material in excess of four inches thick should have the value of the property reduced in an amount equal to the value of the square footage area represented by the width of the interior wall in excess of four inches.

(6) A building without exterior insulated walls, constructed of masonry with no frame, with walls in excess of 12 inches should have value of the property reduced by an amount equal to the value of the square footage area represented by the width of the wall in excess of 12 inches.

(c) Valuation of income producing property. Income producing property which has incorporated solar energy devices will benefit from a direct or indirect increase in income due to a decrease in operational utility costs. The increased income attributable to the incorporation of solar energy devices should not be considered in valuing the property for ad valorem tax purposes.

(d) Valuation of property on a cost basis. The cost of solar energy devices constructed or installed on the assessed property should not be used to increase the value of the property. If solar energy devices are used in place of or in addition to conventional systems, the cost of the solar energy devices should not be considered in valuing the property.

(e) Definitions. A "solar energy device" means a solar or wind energy collector or solar or wind energy storage mechanism which provides for the collection, storage, or distribution of solar or wind energy for subsequent use as thermal, mechanical, or electrical energy. As used in this definition, the essential terms have the following meanings:

(1) "Solar energy" means radiant energy available from the sun that may be collected and converted into useful thermal, mechanical, or electrical energy, including biomass energy imparted to living plants through photosynthesis.

(2) "Wind energy" means the energy available in wind that may be captured and converted into useful thermal, mechanical, or electrical energy.

(3) "Solar or wind energy collector" means any assembly, structure, or design used to absorb, concentrate, convert, reflect, or otherwise capture or redirect solar or wind energy for subsequent use as thermal, mechanical, or electrical energy.

(4) "Solar or wind energy storage mechanism" means equipment, components, or elements designed and used to store for subsequent use solar or wind energy, either in the same form as the energy will eventually be used, or in an intermediate form, including thermal, electrochemical, chemical, electrical, or mechanical storage mechanisms.

(f) The following is a nonexhaustive list of solar and wind energy devices:

(1) Solar greenhouses or atriums which are attached to the area to be heated. There must be a definite connection between the collection area and the area to be heated, and the collection area must be oriented to adequately capture solar energy. If the collection area faces more than 20° east or west from true south, it will be presumed inadequate to capture solar energy, unless shown otherwise.

(2) Solar water heaters utilizing a collector and storage mechanism in an integrated unit or utilizing a siphoned or pumped circulation system.

(3) Water walls or drum walls which utilize a thermally and chemically stable high density liquid placed behind a glazed wall on the southern side of the area to be heated. There should be an insulated and/or reflective moveable cover over the wall.

(4) Trombe wall which utilizes a high density mass masonry wall behind a south-facing glazed or glass wall. The high density mass masonry must be able to store and emit thermal energy for use in heating or cooling.

(5) Roof ponds with moveable insulated covers which utilize a high density, chemically stable liquid in order to collect radiant energy and transfer it to the structure below.

(6) Rock bins, pebble beds, or other similar storage units connected to a collector and used to store and emit hot or cool air in connection with a solar collection and distribution system.

(7) Liquid flat plate collector consisting of an absorber plate with good thermal conductivity in contact with a transfer liquid. Normally the absorber surface has a black coating to aid absorption, and glazing and insulation to prevent heat loss.

(8) Air flat plate collectors similar to liquid flat plate collectors except that they utilize air instead of liquid and larger ducts to facilitate air transfer.

(9) Concentrating and focusing collectors which utilize reflection and/or refraction to concentrate radiant energy, and which track the path of the sun.

(10) Windmills, wind turbines, or wind chargers using blades, rotors, turbines, or other means to capture or redirect wind energy into useful mechanical, thermal, or electrical energy.

(11) Lead storage batteries or other similar batteries for storage of accumulated wind or solar generated energy.

(12) Synchronous converters which automatically monitor on-site electrical generation and needs, and which draw site-generated solar or wind energy in the form of electricity as needed to mix with conventional back-up power.

(13) Algae ponds, ponds for growing water hyacinths, and other similar areas dedicated to the growth of living plants which are subsequently used to produce methane or other fuel.

(g) The definition of "solar energy device" does not include items used for energy conservation which do not actually provide thermal, mechanical, or electrical energy and which are not an integral part of a "solar energy device." Examples would include double plated windows, building insulation, black or reflective roofs, reflective sheeting, and solar shades for windows. The exemption from property tax will not apply to energy conservation or other devices that can be used regardless of the energy source being utilized.

Issued in Austin, Texas, on February 27, 1980.

Doc. No. 801525      Bob Bullock  
Comptroller of Public Accounts

Effective Date: February 27, 1980

Expiration Date: June 26, 1980

For further information, please call (512) 475-1932.





(4) Individuals retiring after September 1, 1979, and their dependent(s) who do not enroll in the retiree plan during the first premium due date following the date of retirement may be required by the institution to provide evidence of insurability prior to enrollment in the retiree plan.

(5) Retirees shall be allowed to enroll new dependents in the uniform group health insurance plan upon the acquisition of the new dependents (e.g., marriage, adoption, birth of child(ren), etc.) provided the retiree enrolls the new dependents in the insurance plan within 31 days of the acquisition date or during the first premium due date following the date of acquisition.

Issued in Austin, Texas, on February 25, 1980.

Doc. No. 801518      James McWhorter, Executive Secretary  
Administrative Council  
Coordinating Board, Texas College and  
University System

Proposed Date of Adoption: April 10, 1980  
For further information, please call (512) 475-2033.

## Texas Education Agency

### Texas Education Agency in General

#### General Powers and Duties 226.11.02

The Texas Education Agency proposes to adopt Rule 226.11.02.040, concerning the Texas State Government Effectiveness Program. The new rule is adopted pursuant to the "resolution calling for reduction in the number of state employees," which was adopted by the board in January 1980.

The Texas Education Agency anticipates that the adoption of Rule .040 will result in a savings to the state of approximately \$200,000 per year. The rule has no fiscal implications for local units of government.

Public comment on the proposed adoption of Rule .040 is invited. Comments may be submitted by telephoning the office of Dr. J. B. Morgan, associate commissioner for policies and services, at (512) 475-7077, or by writing to him at 201 East 11th Street, Austin, Texas 78701. All requests for a public hearing on proposed rules submitted in accordance with the Administrative Procedure and Texas Register Act must be received by the commissioner of education not more than 15 calendar days after notice of a proposed change in rules has been published in the *Texas Register*.

This rule is proposed under the authority of House Bill 558, Acts of the 66th Legislature, and Section 11.62(b), Texas Education Code.

**.040. Texas State Government Effectiveness Program.** The Texas Education Agency shall actively support the Texas State Government Effectiveness Program where such support is appropriate and in the interest of the school children of Texas. Reductions in the number of full-time positions shall be accomplished in accordance with House Bill 558, Acts of the 66th Legislature. The number of seasonal and contractual employees shall be held to a minimum. To every possible extent, qualified and satisfactorily performing employees shall be retained. The Texas Education Agency shall reassign and retrain such employees where necessary.

Doc. No. 801499

## Teacher Certification

### Requirements for Issuance of Texas Certificate Based on Certificates and College Credentials from Other States 226.62.13.010, .020, .060

The Texas Education Agency proposes to amend Rules 226.62.13.010, .020, and .060, concerning requirements for issuance of Texas certificate based on certificates and college credentials from other states. Two major changes are proposed. First, out-of-state institutions which offer teacher education programs or courses in Texas must be accredited by the Southern Association of Colleges and Schools before such work may be accepted for salary increment or certificate purposes. Second, individuals with out-of-state credentials seeking Texas certification must hold a valid out-of-state certificate in order for the Texas Education Agency to evaluate their credentials. Individuals with a degree but no certificate must have their credentials evaluated by an approved Texas institution and be recommended by the Texas institution for a teaching certificate. These changes are recommended to help ensure that the quality of preparation of education professionals being certified on the basis of out-of-state training will be comparable to the training required of Texas residents in Texas teacher training institutions.

The Texas Education Agency anticipates that the proposed amendment to Rules .010, .020, and .060 will not result in increased costs for the state or for local units of government.

Public comment on the proposed amendment to Rules .010, .020, and .060 is invited. Comments may be submitted by telephoning the office of Dr. J. B. Morgan, associate commissioner for policies and services, at (512) 475-7077, or by writing to him at 201 East 11th Street, Austin, Texas 78701. All requests for a public hearing on proposed rules submitted in accordance with the Administrative Procedure and Texas Register Act must be received by the commissioner of education not more than 15 calendar days after notice of a proposed change in rules has been published in the *Texas Register*.

These rules are proposed under the authority of Sections 13.032 and 13.042, Texas Education Code.

#### **.010. General Provisions.**

##### **(a) Policy.**

**(1) Individuals with out-of-state credentials seeking Texas certification must hold the bachelor's or higher degree and a valid out-of-state teaching certificate. Upon presentation of the out-of-state certificate and official college transcripts to the Texas State Commissioner of Education, the individual's credentials shall be evaluated. In accordance with law, the commissioner of education shall issue the out-of-state applicant a valid Texas certificate if the degree and certificate presented are considered equivalent to the requirements for a Texas certificate. Degreed but noncertificated individuals from another state must have their credentials evaluated through an approved Texas institution and be recommended for a Texas teaching certificate.**

**(2) Out-of-state institutions which offer teacher education programs or courses in Texas must be accredited by the Southern Association of Colleges and Schools before such work may be accepted for salary increment or certificate purposes.**

[For Texas certification, a person who holds the bachelor's or higher degree and a valid teaching certificate from another state shall present the out-of-state certificate and official college transcripts to the Texas State Commissioner of Education for evaluation. In accordance with law, the commissioner of education shall issue the out-of-state graduate a valid Texas certificate if the degree and certificate presented is considered equivalent to the requirements for a Texas certificate.]

(b) Administrative procedure. The commissioner of education issues an appropriate Texas teacher certificate to a person who holds a valid teaching certificate from another state and desires to teach in Texas. The issuance is made in accordance with the law and the following requirements. [The] Out-of-state *certificates* [certificate] must meet full teacher certification criteria, as specified below.

(1) Standard certification issued by the *other* state and equivalent to the [classroom] certificate(s) issued by the Texas Education Agency:

(A) may not be [a] temporary *permits* [permit,] or substandard *certificates* [certificate,] [professional or administrator certificate, or endorsement];

(B) may not be issued by a city or school district;

(C) may not be in the form of [an] approval *letters* [letter] or entitlement *cards* [card] from a teacher training institution, state department of education, city, or school district.

(Note: The applicant whose teacher education program was completed in a state which does not issue a certificate until the individual is under contract must submit a letter from that state's department of education verifying the applicant's completion of all degree and standard certification requirements. The letter may be used for employment purposes; however, a Texas teacher certificate will not be issued in reciprocity until the applicant has been issued a standard certificate by another state.)

(2) Certification based upon at least a bachelor's degree and completion of a teacher education program:

(A) recommended by a college or university accredited by a recognized accrediting agency as an approved teacher training institution, acceptable by the state's recognized accrediting or approval agency for teacher certification purposes;

(B) valid (current) certification in the issuing state at the time application is made for the Texas certificate.

(3) *The teacher education program upon which the out-of-state certificate is issued must be at least equal to the Texas requirements in semester hours, but not necessarily in content or kind. No area is recorded on the Texas certificate unless it is an area approved by the Texas State Board of Education and is approximately equal in semester hours to the Texas requirements.*

(A) *If the out-of-state certificate (or area) is not equivalent to Texas requirements in semester hours, the Texas Education Agency will prepare a deficiency plan for the comparable Texas certificate (or area). The Texas certificate would be issued directly by the Texas Education Agency upon completion of the deficiencies outlined.*

(B) *The Texas Education Agency will prepare an evaluation for an area not listed on the out-of-state certificate if it is the applicant's initial assignment area in a Texas public school. The Texas certificate would be issued directly by the Texas Education Agency upon completion of the deficiencies outlined.*

(C) *The applicant must contact an approved Texas teacher preparation institution for evaluation of areas which do not appear on the out-of-state certificate or are not initial assignment areas. The Texas certificate(s) would be issued upon recommendation by the institution.*

[(3) The teacher education program upon which the certificate from another state is issued must be at least equal to the Texas requirements in semester hours, but not necessarily in content or kind.

[(A) Certain academic areas may appear on certificates from other states but may not be approved as academic specialization areas in Texas.

[(B) No academic specialization is recorded on the Texas certificate unless it is an area approved by the Texas State Board of Education and is approximately equal in semester hours to the requirements for the academic specialization in Texas.]

(4) An applicant with an out-of-state certificate must complete course credits in government or political science and/or examination(s) which give special emphasis to the Texas and federal constitutions.

(5) An applicant with an out-of-state certificate is not required to complete course credits or examination(s) in United States history.

.020. *Texas Certificates which may be Issued Based on Certificates from Other States.*

(a) If all the requirements specified are met except the Texas and/or federal constitution (government or political science) requirement, the applicant may be issued a certificate valid for 12 months.

(1) The applicant should submit the following materials to the Division of Teacher Certification:

(A) the completed application, signed and notarized (the employing superintendent may also wish to complete the permit section);

(B) official transcripts;

(C) copy of valid (current) out-of-state certificate (both front and back);

(D) fee (money order or cashier's check) *as recommended by the commissioner of education and approved by the State Board of Education*; and

(E) statement of commitment, signed and notarized, committing the applicant to complete the required government within the 12-month validity period of the certificate.

(2) When employed by a public school district, the applicant should provide two completed and notarized Statement of Commitment forms for the personnel files of the employing superintendent.

(3) The Texas and/or federal government requirement must be completed within 12 months of issuance of the certificate for the applicant to receive a provisional certificate.

(A) If the government requirement is not fulfilled within the 12-month validity period, the one-year certificate will be revoked.

(B) The individual's credentials will then be re-evaluated and the individual will be required to meet full Texas certification requirements before a provisional certificate can be issued. Full Texas requirements for the various certificate levels, including areas of specialization and teaching fields, are stated in Subchapters .08-12.

(b) The applicant who holds a valid, standard out-of-state special subject certificate, but who does not meet requirements for a classroom teaching certificate, may be issued a Texas certificate valid for 12 months. If the statutory government requirement is completed within the validity period of the certificate, it converts to a special assignment permit to allow for the completion of requirements for a classroom teaching certificate.

(1) The special assignment permit is valid for the 12 months immediately following the validity period of the one-year certificate.

(A) No Texas Education Agency action is required other than placing proof of completion of the statutory requirement in the individual's certification file.

(B) A cover letter and transcript(s) or test score(s) showing successful completion of the government requirement should be submitted to the Texas Education Agency by the employing superintendent or authorized representative.

(C) The special assignment permit remains the property of the individual to whom it was issued and may be transferred from one school district to another school district.

(2) The special assignment permit may be extended for 12 months immediately following the first permit year provided that:

(A) requirements for extension are completed before August 31 of the first permit year; and

(B) a cover letter, deficiency plan, and transcripts showing completion of six semester hours or one-third of the deficiencies are on file in the Division of Teacher Certification.

(3) The provisions for one-year certification and conversion to special assignment permit status are only valid for three consecutive years; therefore, all deficiencies for the classroom certificate must be completed by the end of the second permit year.

(4) If the government requirement is not completed within the validity period of the certificate, the certificate will be revoked. The individual's credentials will then be re-evaluated and the individual will be required to meet full Texas certification requirements before another credential can be authorized.

(c) Providing that all certificate requirements are met, the applicant may be issued a Texas provisional certificate, valid for life. The applicant should submit to the Division of Teacher Certification the following materials:

(1) another accurately completed application;

(2) fee (money order or cashier's check) **as recommended by the commissioner of education and approved by the State Board of Education;** and

(3) official transcript or examination score(s) showing successful completion of Texas and/or federal constitution; or the individual may submit official verification of successful completion of Texas and/or federal government to the school district. The superintendent or the authorized representative may then complete and submit an affidavit recommending to the Division of Teacher Certification that a provisional certificate be issued to replace the one-year certificate.

**.060. Graduates [Graduate] of [an] Institution in Other States [Another State] without Certificates [a Certificate]. Degreed but noncertified individuals from other states must have their credentials evaluated by an approved Texas teacher preparation institution and be recommended for a Texas teacher certificate.**

(a) The individual whose highest degree has been conferred by an institution in another state and who has not been certified may have his or her credentials evaluated by the Division of Teacher Certification.

(b) The evaluation may be completed when:

(1) the individual submits an accurately completed application and official transcripts to the Division of Teacher Certification; and

(2) the degree(s) and credits earned have been granted by institution(s) accredited by a recognized accrediting agency.

(c) The out-of-state graduate must complete the following:

(1) six semester hours and/or two examinations in American history;

(2) course credits in government or political science and/or examination(s) which give special emphasis to the Texas and federal constitutions; and

(3) full certificate requirements for the Texas teacher certificate for which application was made.

(d) A temporary certificate is available for the current school year if the applicant meets all Texas certification requirements except for the statutory government requirement. This certificate expires August 31 of the school year during which it is issued. No renewal is available.

Doc. No. 801500

## Evaluation of Out-of-State Applicants for Professional Certificates 226.62.13.070

(Editor's note: The text of the following rule proposed for repeal will not be published. The rule may be examined in the offices of the Texas Education Agency, 201 East 11th Street, Austin, or in the Texas Register Division offices, 503E Sam Houston Building, Austin.)

The Texas Education Agency proposes to repeal Rule 226.62.13.070, concerning evaluation of out-of-state applicants for professional certificates. Under the proposed amendment to Rule .060, individuals with an out-of-state degree but no certificate must have their credentials evaluated by a Texas institution of higher education approved for teacher education and must be recommended by the Texas institution for a teaching certificate. Provisions for evaluation of such credentials by the Texas Education Agency are being repealed.

The Texas Education Agency anticipates that the proposed repeal of Rule .070 will not result in increased costs for the state or for local units of government.

Public comment on the proposed repeal of Rule .070 is invited. Comments may be submitted by telephoning the office of Dr. J. B. Morgan, associate commissioner for policies and services, at (512) 475-7077, or by writing to him at 201 East 11th Street, Austin, Texas 78701. All requests for a public hearing on proposed rules submitted in accordance with the Administrative Procedure and Texas Register Act must be received by the commissioner of education not more than 15 calendar days after notice of a proposed change in rules has been published in the *Texas Register*.

This repeal is proposed under the authority of Sections 13.032 and 13.042, Texas Education Code.

**.070. Evaluation of Out-of-State Applicants for Professional Certificates.**

Issued in Austin, Texas, on February 26, 1980.

Doc. No. 801501      A. O. Bowen  
 Commissioner of Education

Proposed Date of Adoption: April 12, 1980  
 For further information, please call (512) 475-7077.



**Texas Department of Health  
 Maternal and Child Health Division  
 Screening of Children for Visual Handicaps  
 301.33.10**

The Texas Department of Health proposes to adopt new rules for the implementation of Article 4419f, Texas Revised Civil Statutes, the Texas Children's Vision Screening Act of 1979. The proposed rules will cover the designation of children who are required to be examined or screened for vision problems; form and content of the required certificate; authorized signatures; closing dates for submitting required certificates; transfer of individual certificates between schools; standards for vision screening tests and screener training courses; and reporting of results and referrals to the department.

The estimated cost or fiscal implications of these proposed new rules to the State of Texas and units of local government for the first five years will be: \$155,104 for fiscal year 1980; \$227,196 for fiscal year 1981; \$323,232 for fiscal year 1982; \$405,235 for fiscal year 1983; and \$402,760 for fiscal year 1984 (source: department's Fiscal Office and Vision, Hearing, and Speech Programs).

Public comment on the proposed rules is invited and should be submitted in writing no later than 20 days after publication of the rules in the *Texas Register* to C. R. Allen, Jr., M.D., chief, Bureau of Personal Health Services, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756. In addition, a public hearing on the proposed rules will be held on Thursday, March 20, 1980, at 9 a.m. in the first floor auditorium of the Texas Department of Health building, 1100 West 49th Street, Austin, Texas 78756.

These rules are proposed under authority of Article 4419f, Texas Revised Civil Statutes.

**.001. Purpose.** The purpose of these rules is to implement the requirements of Article 4419f, Texas Revised Civil Statutes, relating to the eye examination or vision screening test of preschool and school-age children.

**.002. Effective Dates.** Rules .004, .005, .007, .008, and .010 are effective as of September 1, 1980.

**.003. Definitions.**

- (a) "Board" means the Texas Board of Health.
- (b) "Department" means the Texas Department of Health.
- (c) "Vision screening" means a nondiagnostic test or battery of tests for rapid determination of the need for a more complete visual examination by an eye specialist.
- (d) "Vision screeners" means health personnel, volunteers, school nurses or aides, or other school personnel authorized to sign the vision screening certificate as a qualified vision tester.

**.004. Children Requiring Examination or Vision Screening.**

(a) All children enrolling in any public, private, parochial, or denominational school for the first time, shall have either been examined by a physician licensed to practice medicine in the United States or an optometrist licensed to practice in the United States, or undergone a board-approved vision screening test with the results of the examination or test disclosed.

(b) An affidavit, signed by the parent, managing conservator, or person having a legal responsibility for the child's support, stating that the child will undergo the required vision screening test or examination as rapidly as is feasible may be submitted to the admitting officer of the school to provisionally admit the child to a kindergarten, elementary, or secondary school.

(c) An affidavit, signed by the parent, managing conservator, or person having a legal responsibility for the child's support, stating that the visual screening test conflicts with the tenets or practices of a recognized church or religious denomination of which the affiant is an adherent or member may be submitted to the school authorities in lieu of the required certificate.

(d) The board may, by rule, require the additional periodic examination of screening of children it determines is necessary. Representative of board recommendations are two official statements voted by the Advisory Committee on Children's Vision.

(1) The committee intends to proceed with vision screening test recommendations and appropriate referral criteria beyond the level of minimum visual acuity testing and adopt more comprehensive vision screening procedures in the future.

(2) All vision screeners providing testing above the minimum visual acuity requirements are encouraged to continue doing such testing and, for other than visual acuity, to continue using current referral criteria.

**.005. Required Certificate of Examination or Screening.**

(a) The form of the required certificate of examination or screening shall be developed and revised as deemed necessary by the board; substantially as shown in the accompanying example, containing the signature(s) of the per-

son(s) authorized to sign the certificate, and showing the results of the eye examination and/or vision screening test.

(b) The requirement of Rule .004 may be met by an entry made in the official school record of the child which states that the child has undergone a vision screening test which meets the standards set by the board, that the test was administered by a person authorized to sign the required certificate, and which discloses the results of the test.

(c) The requirement of Rule .004(a) may be met by a certificate of examination or vision screening performed within the year immediately preceding the child's first entry into school.

*.006. Authorized Signatures.*

(a) The required certificate may be signed by a physician licensed to practice in the United States or an optometrist licensed to practice in the United States who performed the eye examination or personally supervised the vision screening test.

(b) The required certificate may be signed by designated personnel qualified as vision screeners under Rule .009(b).

*.007. Closing Dates for Submitting Certificates.* The closing date for submitting the certificate of examination or screening test to the admitting officer of the school shall be no later than 90 calendar days after first admission of the child to the school.

*.008. Transfer of Individual Certificates between Schools.*

(a) An original or true and correct copy of the certificate shall be honored by the governing body of a school upon the transfer of a student from another Texas school.

(b) When the official school record of the child contains entries of eye examination or vision screening test results, an original or true and correct copy of that record may be transferred between schools.

*.009. Standards for Vision Screening Tests and Screener Training Courses.*

(a) The basic visual acuity screening test and referral criteria approved by the department is illustrated in the attached sample.

(b) Health personnel, volunteers, school nurses or aides, or other school personnel who have completed a special vision screener training course approved by the department or conducted by representatives of the department shall be deemed qualified as vision screeners.

*.010. Reporting of Results and Referrals to the Department.*

(a) The results of eye examinations and vision screening tests shall be reported annually on a form approved by the department (sample attached) by the governing body of each school, over the signature of the superintendent, or other appropriate administrator of the school, not later than 30 days after the close of each school year.

(b) Referral results shall be reported on standard forms developed, and revised as deemed necessary, by the board.

(Editor's note: see forms, pages 789-791.)

Issued in Austin, Texas, on February 25, 1980.

Doc. No. 801496

A. M. Donnell, Jr., M.D.

Deputy Commissioner

Texas Department of Health

Proposed Date of Adoption: April 4, 1980

For further information, please call (512) 458-7534.

TEXAS DEPARTMENT OF HEALTH

VISION SCREENING and/or EYE EXAMINATION

ATTENTION PARENT: Please present this certificate when enrolling your child in school for the first time. Article 4419f, Texas Revised Civil Statutes, requires that every child have an eye examination or approved vision screening test prior to or within 90 days after entry into a Texas school.

SCHOOL CITY COUNTY
Child's Name Birth Date Age Sex
Parent's Name Telephone Number
Address Zip Code

VISION SCREENER REPORT

Visual acuity screening is only a check of the sharpness of a child's vision and should not be interpreted as a substitute for a complete vision examination. A child who fails this screening should be referred to an eye specialist for a complete visual examination.

TESTS METHOD RESULTS
Visual Acuity
First Test
Right Eye 20/
Left Eye 20/
Chart(s) Instrument
Retest
Right Eye 20/
Left Eye 20/
Chart(s) X X X X X X X X X X
Observable Signs
Other Test(s)
Reason for referral to Eye Specialist

DATE VISION SCREENER ORGANIZATION RESPONSIBLE FOR SCREENING

EYE SPECIALIST REPORT (Ophthalmologist or Optometrist)

Visual Acuity Without correction With correction
Right Eye 20/ Right Eye 20/
Left Eye 20/ Left Eye 20/

Diagnosis

PLEASE CHECK IF APPROPRIATE

- Treatment recommended
Medical
Glasses
Contact Lenses
Other
Re-examination advised
Six months
Twelve months
Other
Corrective Lens prescribed
Constant Wear
Near Vision only
Far Vision only
May be removed for physical education

Present Date
Date of last examination

Please print or stamp
Doctors Name
Address
City

DOCTOR'S SIGNATURE

Please retain this certificate with other health records of the child.

Bureau of Personal Health Services 1980

TEXAS DEPARTMENT OF HEALTH

BASIC VISUAL ACUITY TESTS AND REFERRAL CRITERIA

**IMPORTANT INFORMATION:** The preferred distance visual acuity test is given with a Snellen Chart at 20 feet, using the linear test method. Below are criteria for various age groups as approved by the Advisory Committee on Children's Vision. When a child cannot be tested by the preferred method, test according to the sequence shown below, for the appropriate age, before considering the child not testable. In limited space, a 10-foot chart may be used; however, care should be taken that screeners never use a 20-foot chart at a distance of 10 feet. When using HOTV matching symbols, only the 10-foot HOTV is approved. If stereoscopic instruments are used to test visual acuity, use the same referral standards as shown below; however, children failing such testing should be re-screened with an approved chart, at distance, before being referred. Regardless of the results of any screening test, observation of obvious signs of eye problems would be the basis for referral for a professional eye examination.

Tests for Ages 3 & 4

"Tumbling E"

H:O:T:V Test

Referral Standards

All children should be screened thru the 20/20 line. Must read a majority (one more than half) of the 20/40 line, or 4 out of 6 HOTV symbols. Children with a two-line difference between the two eyes should be referred.

Tests for Age 5

(SAME AS: Ages 3 & 4.)

Referral Standards

Must read majority of 20/30 line, or 4 out of 6 HOTV symbols.

Tests for Ages 6 & Up

Letter Chart

"Tumbling E"

H:O:T:V Test

Referral Standards

Must read majority of 20/30 line, or 4 out of 6 HOTV symbols.





## Milk and Dairy

### Labeling of Milk and Milk Products 301.72.02

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

In July 1977, the Texas Department of Health adopted by reference the department publication entitled "Texas Labeling Regulations for Milk and Milk Products, Third Edition, 1977." The department now proposes to repeal this publication because the information contained therein will be generally incorporated into proposed new Rules 301.72.16.001-.004, entitled "Grade A Milk Specifications," which are being published in this same issue of the *Register*. Further explanation of the proposed repeal is contained in the preamble to the proposed new rules.

There will be no fiscal implications of the proposed repeal to the State of Texas or units of local government (source: department's Budget Office and Milk and Dairy Division).

Written comments on the proposed repeal are invited and should be submitted no later than April 30, 1980, to Hugh Rundle, director, Division of Milk and Dairy Products, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756. In addition, a public hearing will be held on Wednesday, April 23, 1980, at 9 a.m. in the Texas Department of Health auditorium, 1100 West 49th Street, to give all interested persons or groups a reasonable opportunity to present views, data, or arguments. The department will consider fully all written and oral submissions concerning the proposed rules.

This proposed repeal is under authority of Articles 165-3 and 6252-13a, Texas Revised Civil Statutes.

- .001. *"Texas Labeling Regulations for Milk and Milk Products, Third Edition, 1977."*

Doc. No. 801457

### Grade A Bulk Milk Operations 301.72.15

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

The Texas Department of Health proposes to repeal the existing subject rules because they will be generally incorporated into the department's proposed new Rules 301.72.16.001-.004 entitled "Grade A Milk Specifications," which are being published in this same issue of the *Register*. Further explanation of the proposed repeal is contained in the preamble to the proposed new rules.

There will be no fiscal implications of the proposed repeal to the State of Texas or units of local government (source: department's Budget Office and Milk and Dairy Division).

Written comments on the proposed repeal are invited and should be submitted no later than April 30, 1980, to Hugh Rundle, director, Division of Milk and Dairy Products, Texas

Department of Health, 1100 West 49th Street, Austin, Texas 78756. In addition, a public hearing will be held on Wednesday, April 23, 1980, at 9 a.m. in the Texas Department of Health auditorium, 1100 West 49th Street, to give all interested persons or groups a reasonable opportunity to present views, data, or arguments. The department will consider fully all written and oral submissions concerning the proposed rules.

This proposed repeal is under authority of Articles 165-3a and 6252-13a, Texas Revised Civil Statutes.

- .001. *Bulk Milk Hauler Qualifications and Requirements.*
- .002. *Equipment and Facilities Required for Hauling, Storing, and Transporting Bulk Milk.*
- .003. *Training Outline and Bulk Milk Hauler Duties and Responsibilities.*
- .004. *Pumping Out the Transport Tanks.*
- .005. *Cleaning and Sanitizing Transport Tanks and Appurtenances.*

Doc. No. 801458

### Grade A Milk Specifications 301.72.16

The Texas Department of Health is the state agency designated by Texas statute to adopt specifications and rules covering the definition, production, and handling of Grade A raw milk, Grade A raw milk products, Grade A pasteurized milk, and Grade A pasteurized milk products. The statutory purpose of these rules is to promote safety, food value, and sanitary conditions of Grade A milk, and the statute further provides that such specifications and rules shall be based upon and in general harmony with but not identical to the most recent federal definitions, specifications, rules, or regulations on Grade A milk. Currently, the department, pursuant to this statutory mandate, has rules based on the 1965 recommendations of U.S. Department of Health, Education, and Welfare, Public Health Service/Food and Drug Administration, relating to Grade A milk.

The department now proposes to adopt new rules on Grade A milk specifications, based on the 1978 recommendations of the U.S. Department of Health, Education, and Welfare, Public Health Service/Food and Drug Administration, regarding Grade A milk. These recommendations represent the most recent developments in the areas of Grade A milk products, processes, chemicals, materials, and marketing patterns as a result of advanced knowledge and technology. A summary of the new proposed rules follows:

(1) Adoption by reference of Part II of the 1978 federal recommendations regarding a Grade A pasteurized milk ordinance. This is a comprehensive set of Grade A milk sanitation standards outlining the public health reasons for each requirement, the administrative procedures, and the methods of satisfactory compliance. Appendices and illustrations are included.

(2) Adoption by reference of Part II of the 1978 federal recommendations on Grade A condensed and dry milk products and condensed and dry whey. This is a supplement to the Grade A pasteurized milk ordinance mentioned above. The format and general requirements are basically the same and deviations generally relate to practices specific to the condensing and drying processes. Appendices and illustrations are included.

(3) Adoption by reference of the 1978 federal recommendations on fabrication of single-service containers and closures for milk and milk products. This is a set of standards designed to insure the production of sanitary containers and closures for Grade A milk and milk products.

(4) The department also proposes to adopt a department rule requiring Grade A raw milk for retail to conform to the applicable requirements in the above mentioned Grade A pasteurized milk ordinance and to meet certain bacteriological and animal health standards.

In the process of adopting the 1978 federal recommendations by reference, the department will replace and repeal two existing sets of rules on Grade A milk ("Texas Labelling Regulations for Milk and Milk Products, Third Edition," Rule 301.72.02.001, and "Grade A Bulk Milk Operations," Rule 301.72.15.001-.005) because the 1978 federal recommendations generally incorporate the requirements of these rules.

There will be no fiscal implications to the state or units of local government in administering the rules for the first five years (source: staff of the Budget Division and the Division of Milk and Dairy Products).

Written comments on the proposed adoption by reference are invited and should be submitted no later than April 30, 1980, to Hugh Rundle, director, Division of Milk and Dairy Products, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756. In addition, a public hearing will be held on Wednesday, April 23, 1980, at 9 a.m. in the Texas Department of Health auditorium, 1100 West 49th Street, to give all interested persons or groups a reasonable opportunity to present views, data, or arguments. The department will consider fully all written and oral submissions concerning the proposed rules.

These rules are being proposed under authority of Articles 6252-13a and 165-3, Texas Revised Civil Statutes.

*.001. Grade A Pasteurized Milk Ordinance—1978 Recommendations of the United States Department of Health, Education, and Welfare, Public Health Service/Food and Drug Administration, Part II.* The Texas Department of Health adopts by reference the document entitled "Grade A Pasteurized Milk Ordinance—1978 recommendations of the United States Department of Health, Education, and Welfare, Public Health Service/Food and Drug Administration, Part II." The document was published by the U.S. Department of Health, Education, and Welfare and copies are on file in the Division of Milk and Dairy Products, Texas Department of Health, 1100 West 49th Street, Austin, Texas.

*.002. Grade A Condensed and Dry Milk Products and Condensed and Dry Whey—1978 Recommendations of the U.S. Department of Health, Education, and Welfare, Public Health Service/Food and Drug Administration, Part II.* The Texas Department of Health adopts by reference the document entitled, "Grade A Condensed and Dry Milk Products and Condensed and Dry Whey—1978 Recommendations of the U.S. Department of Health, Education, and Welfare, Public Health Service/Food and Drug Administration, Part II." The document was published by the U.S. Department of Health, Education, and Welfare and copies are on file in the Division of Milk and Dairy Products, Texas Department of Health, 1100 West 49th Street, Austin, Texas.

*.003. Fabrication of Single-Service Containers and Closures for Milk and Milk Products—1978 Edition of the U.S. Department of Health, Education, and Welfare, Public Health Service/Food and Drug Administration.* The Texas Department of Health adopts by reference the document entitled "Fabrication of Single-Service Containers and Closures for Milk and Milk Products—1978 Edition of the U.S. Department of Health, Education, and Welfare, Public Health Service/Food and Drug Administration." The document was published by the U.S. Department of Health, Education, and Welfare and copies are on file in the Division of Milk and Dairy Products, Texas Department of Health, 1100 West 49th Street, Austin, Texas.

*.004. Grade A Raw Milk for Retail.* Grade A raw milk for retail shall conform to all of the applicable requirements in the 1978 recommended pasteurized milk ordinance mentioned in Rule .001 and the following additional standards:

- (1) Bacteriological standards.
  - (A) Bacteriological limits. . . . . 20,000 per ml.
  - (B) Coliform limit. . . . . 10 per ml.
  - (C) Somatic cell limit. . . . . 1,000,000 per ml.

(2) Animal health standards. All animals from Grade A retail raw dairy herds must be brucellosis and tuberculosis free and tested annually. Herd additions must be brucellosis and tuberculosis tested prior to adding to the dairy herd. Brucellosis and tuberculosis tests results must be on file with the Division of Milk and Dairy Products, Texas Department of Health.

Issued in Austin, Texas, on February 25, 1980.

Doc. No. 801459      A. M. Donnell, Jr., M.D.  
 Deputy Commissioner of Health  
 Texas Department of Health

Proposed Date of Adoption: July 1, 1980  
 For further information, please call (512) 458-7281.

## State Board of Insurance Rating and Policy Forms

### Fixing Rate of Automobile Insurance 059.05.01

The State Board of Insurance proposes to amend, effective June 1, 1980, Rule 059.05.01.005, which adopted by reference the Rules and Rates Governing the Insuring of Automobiles and Standard Endorsements II. The State Board of Insurance is proposing to add a new Endorsement Form 236—Family Automobile Policy—Group Marketing of Automobile Insurance—Termination Provisions to the endorsement supplement, page 40, of the Texas Automobile Manual and to amend Rule 2 on page 1; Rule 11, paragraph A, on page 2; Rule 38, paragraphs A, E, and F, on pages 22 and 23; and paragraph 3 of the SO-45 rating statement on page 26.

The proposed amendments are a result of House Bill 711, which was enacted by the 66th Texas Legislature. The amendments add provisions to permit the writing of automobile insurance on a group marketing basis for owners of motor vehicles age 55 or over who are members of a group organized for a purpose other than to become an insurance group for group automobile insurance purposes. The attached pages show the proposed rule amendments and the provisions of the proposed new endorsement.

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

Public comment on the proposed amendments to Rule .005 is invited and may be submitted in writing to D. E. O'Brien, State Board of Insurance, 1110 San Jacinto, Austin, Texas 78786.

These amendments are proposed under the authority of Articles 5.01, 5.06, and 21.77 of the Texas Insurance Code as amended.

*.005. Insuring of Automobiles and Standard Endorsements II.* The State Board of Insurance adopts by reference the rules contained in the Insuring of Automobiles and Standard Endorsements II *as amended*, effective June 1, 1980. This document is published by and available from the Texas Automobile Insurance Service Office, Suite 350, American Bank Tower, 221 West Sixth Street, Austin, Texas 78701, or the State Board of Insurance, 1110 San Jacinto, Austin, Texas 78786.

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

Doc. No. 801489      Pat Wagner  
                                  Chief Clerk  
                                  State Board of Insurance

Proposed Date of Adoption: April 4, 1980  
 For further information, please call (512) 475-3486.

## Trade Practices

### Insurance Advertising, Certain Trade Practices, and Solicitation 059.50.02

The State Board of Insurance proposes to adopt rules concerning advertising, certain trade practices, and solicitation as set out below. The rules are proposed to govern all forms of advertising in conjunction with other applicable statutes and rules. The rules also deal with certain trade practices and solicitation in general although they do not constitute complete treatment of those subjects. The proposed rules are more comprehensive than the rules currently in effect; the new features are designed to meet new products of insurance as well as new methods of marketing insurance. It is contemplated that these new rules will enable the State Board of Insurance to more effectively deal with unfair trade practices in general and particularly improper advertising of insurance.

The adoption of these rules could possibly result in an increased workload for certain divisions of the State Board of Insurance. However, their comprehensive nature will also likely facilitate the regulation of advertising, trade practices, and solicitation. It is believed that the foregoing factors will balance each other. It is not anticipated that any new employees will be required, and there will be no increase or decrease in expense to the state directly attributable to these proposed rules. The State Board of Insurance has relied on its Policy Approval Division in determining that there will be no fiscal implications.

Public comment on these proposed rules is invited. Persons should submit their comments in writing to Linda Borsheim, insurance technician, State Board of Insurance, 1110 San Jacinto, Austin, Texas 78786.

Rules 059.50.02.001-.021 are proposed under authority of Articles 21.07, §13; 21.07-1, §15; 21.07-2, 21.07-3, 21.14, 21.20, and 21.21, §13; and other applicable provisions of the Texas Insurance Code.

*.001. Purpose.* The purpose of these rules is to define and state standards necessary to assure truthful and adequate disclosure of all relevant information and to prohibit the omission of any material fact and prevent misrepresentation or any deceptive act or practice in the advertising and solicitation of insurance. These rules are supplementary to and cumulative of standards in other rules and statutes including those under authority of Chapter 21 of the Texas Insurance Code.

*.002. Scope.* For the purpose of these rules:

(a) "Advertisement" includes but is not limited to:

(1) Printed and published material, audio visual material, and descriptive literature of an insurer used in direct mail, newspapers, magazines, radio, telephone and television scripts, billboards, and similar displays; and

(2) Descriptive literature and sales aids of all kinds issued by an insurer, agent, or counselor for presentation to members of the public, including circulars, leaflets, booklets, depictions, illustrations, and form letters; and

(3) Prepared sales talks, presentations, and materials for use by agents and representations made by agents in writing or orally to members of the public; and

(4) Material used to solicit additional coverage or policies from existing insureds; and

(5) Material used for the recruitment, training, and education of an insurer's sales personnel, agents, and solicitors which is also used to induce the public to purchase, increase, modify, reinstate, or retain a policy of insurance.

(6) "Advertisement" does not include:

(A) communications or materials used within an insurer's own organization, not used as sales aids, and not used for dissemination to the public; and

(B) communications with policyholders other than material urging policyholders to purchase, increase, modify, reinstate, or retain a policy; and

(C) a general announcement by a group or blanket policyholder to eligible individuals on an employment or membership list that a policy or program has been written or arranged which contains no additional advertising; provided the announcement clearly indicates that it is preliminary to the issuance of a booklet explaining the proposed coverage.

(b) "Policy" includes any policy, plan, certificate, contract, evidence of coverage, agreement, statement of coverage, cover note, certificate of policy, rider, or endorsement which provides, limits, or controls insurance for any kind of loss or expense or because of the continuation, impairment, or discontinuance of human life or annuity benefits. Policy also includes evidence of coverage issued by health maintenance organizations and nonprofit legal services corporations.

(c) "Insurer" for the purpose of these rules includes any individual, partnership, corporation, organization issuing evidence of coverage or insurance, or other entity acting as an insurer, including health maintenance organizations and nonprofit prepaid legal corporations, as well as all insurance companies doing the business of insurance in the state including capital stock companies, mutual companies, title insurance companies, fraternal benefit societies, local mutual aid associations, statewide mutual assessment com-

panies, county mutual insurance companies, Lloyds' plan companies, reciprocal or inter-insurance exchanges, stipulated premium insurance companies, and group hospital service companies; and also includes agents, counselors, and representatives of insurers, and where appropriate, premium finance companies.

**.003. Form.**

(a) Advertisements are categorized as follows:

(1) Institutional advertisement. An advertisement having as its sole purpose the promotion of the reader's or viewer's interest in the concept of insurance, or the promotion of the insurer.

(2) Invitation to inquire. An advertisement having as its objective the creation of a desire to inquire further about the product and which is limited to a brief description of the loss for which the benefit is payable.

(3) Invitation to contract. An advertisement which allows a prospective policyholder to make application for an insurance contract.

(4) Rules .001-.021 are applicable to all institutional advertisements, invitations to inquire, and invitations to contract unless the rule or portion of the rule is specifically limited to one or more categories of advertising.

(b) Advertisements shall be truthful and not misleading in fact or in implication.

(c) No advertisement may be used which because of words, phrases, statements, or illustrations therein or information omitted therefrom has the capacity, or tendency, to mislead or deceive purchasers or prospective purchasers. Words or phrases may not be used which are misleading or deceptive because their meaning is not clear, or is clear only to persons familiar with insurance terminology. This rule does not inhibit the use of trade or technical terms in advertisements directed exclusively to commercial enterprises familiar with the particular term used.

(d) The format and content of an advertisement of an insurance policy, shall be sufficiently complete and clear to avoid deception or the capacity or tendency to mislead or deceive.

(e) All information required to be disclosed by these rules shall be set out conspicuously and in close conjunction with the statements to which the information relates or with appropriate captions of such prominence that required information is not minimized, rendered obscure, or presented in an ambiguous fashion or intermingled with the context of the advertisement so as to be confusing or misleading.

**.004. Requirement of Identification of Policy or Insurer.**

(a) The name of the insurer shall be stated in all of its advertisements. The form number or numbers of the policy advertised shall be clearly identified in an "invitation to contract." If an application is a part of the advertisement, the name of the insurer shall be shown on the application and prominently disclosed elsewhere in the advertisement.

(b) An advertisement may not use a trade name, any insurance group designation, name of the parent company of the insurer, name of a particular division of the insurer, service mark, slogan, symbol, or other device which without disclosing the name of the actual insurer would have the capacity and tendency to mislead or deceive prospective purchasers as to the true identity of the insurer, or its relation with public or private institutions.

(c) No advertisement may use a combination of words, symbols, or physical materials used by agencies of the federal

government or of this state, or otherwise appear to be of such a nature that has the capacity or tendency to confuse or mislead prospective insureds into believing that the solicitation is connected with an agency of the municipal, state, or federal government.

(d) All advertisements shall explicitly and prominently disclose throughout their content that the product concerned is either insurance, an annuity, health maintenance organization coverage, or prepaid legal coverage.

(e) An advertisement which is intended to be seen or heard beyond the limits of the jurisdiction in which the insurer is licensed may not imply licensing beyond those limits.

(f) An insurer may not make statements which are designed to avoid a clear and unequivocal statement that insurance or an annuity is the subject matter of the solicitation.

(g) An advertisement offering assistance or information concerning Medicare shall include a statement to the effect that no obligation is imposed by the receipt of such information.

(h) An "invitation to contract" advertisement, where an insurer is advertising more than one policy, shall be presented in such a manner so as to clearly reflect that the cost and benefits are applicable to separate policies of insurance.

(i) An advertisement of benefits payable in conjunction with Medicare shall disclose the Medicare benefits (Part A or B), they are designed to supplement.

(j) When a Medicare-related advertisement is used primarily as a source for leads in the solicitation of insurance, it shall prominently state this fact. The advertisement shall state in a prominent place the following or similar words: "Insurance company is not associated with social security, Medicare, or any other governmental agency. This advertisement is to be used as a source for inquiries in an insurance solicitation."

(k) References to Medicare shall be used only in an explanatory context in the body of an advertisement:

(1) If any information on Medicare or changes in Medicare coverages are presented in the course of the solicitation of accident and health insurance, the information must be presented in written form.

(2) Advertisements referenced as being "important notices" to Medicare recipients or senior citizens are considered prima facie violations of these rules and Article 21.21 of the Insurance Code as being misleading or having the capacity or tendency to mislead.

(l) An agent shall inform the prospective purchaser, prior to commencing an insurance sales presentation, that she or he is acting as an insurance agent and inform the prospective purchaser of the full name of the insurance company which she or he is representing to the buyer.

(m) No advertisement by an insurer shall be used which, directly or by implication, has the capacity and tendency to mislead or deceive prospective purchasers with respect to an insurer's assets, corporate structure, financial standing, age, or relative position in the insurance business, or in any other material respect.

**.005. Benefits and Losses Covered.**

(a) Description of benefits.

(1) An advertisement may not imply coverage beyond the terms of the policy advertised, either by use of synonymous words or otherwise so as to imply broader coverage than exists.

(2) No advertisement of a benefit for which payment is conditioned upon confinement in a hospital or similar extended care facility, or at home may use words or phrases such as "tax free," "extra cash," "extra income," "extra pay," or similar words or phrases, because such words and phrases have the capacity, tendency, or effect of misleading the public to believe that the policy advertised will enable them to make a profit from being hospitalized.

(3) No advertisement of a policy providing benefits for which payment is conditioned upon confinement in a hospital, extended care facility, or at home may advertise that the amount of the benefit is payable on a monthly or weekly basis when the amount of the benefit payable is based upon a daily pro rata basis relating to the number of days of confinement. When the policy contains a limit on the number of days of coverage provided, such limit shall appear in the advertisement.

(4) An advertisement for a limited benefit policy, a supplemental coverage policy, and a nonconventional coverage policy, regulated under the provisions of Article 3.70-1 of the Texas Insurance Code, shall clearly and conspicuously, in prominent type, state, in language indistinguishable to, or substantially similar to whichever of the following is applicable: "This is a limited benefit policy"; "This policy provides supplemental coverage to insurance already in force"; "This is a cancer only policy"; or "This is an automobile accident only policy." The insurer shall use the foregoing statement to clearly advise the public of the nature of the policy.

(5) An advertisement may not represent, directly or indirectly, that a policy provides for the payment of certain benefits in addition to other benefits when such is not the fact.

(6) No insurer may represent a pure endowment benefit as earnings on premiums invested or represent that a pure endowment benefit in a policy is other than a guaranteed benefit for which a specific part or all of the premium is being paid by the policyholder. For the purpose of this rule, coupons or other devices for periodic payment of endowment benefits are included with the phrase "a pure endowment benefit" without limitation on the meaning of such phrase.

(7) An advertisement of a policy or contract used as a retirement plan, including an individual retirement annuity, a Keogh plan, a deferred compensation plan, or other tax shelter type plans, shall disclose the premiums and surrender values, showing guaranteed and projected interest rates, for each of the first five years during which contributions are to be made, and at the end of the years in which the purchaser attains age 60, 65, and 70. The disclosures required by this rule shall be presented to the prospective purchaser prior to application.

(8) When a choice of the amount of benefits is referred to, an advertisement which is an "invitation to contract" shall disclose that the amount of benefits provided depends upon the plan selected and that the premium will vary with the amount of benefits.

(9) When an advertisement refers to various benefits which may be contained in two or more policies or riders, other than group master policies, the advertisement shall disclose that such benefits are provided only through a combination of such policies or riders.

(b) Benefits contingent upon conditions.

(1) When a policy pays varying amounts of benefits for the same loss occurring under different conditions or

which pays benefits only when a loss occurs under certain conditions, any reference to these benefits in an advertisement shall be accompanied by a clear and conspicuous disclosure of the different or limited conditions.

(2) No advertisement may refer to a benefit payable under a "family group" policy when the full amount of the benefit is not payable upon the occurrence of the contingency insured against to each member of the family unless clear and conspicuous disclosure of such fact is made in the advertisement.

(3) An advertisement which relates to a life insurance policy under which the death benefit varies with the length of time the policy has been in force shall clearly call attention to the amount of minimum death benefit under the policy. If the death benefit during a specified period following the policy date of issue is limited to a return of premiums paid on the policy (with or without interest at a stated rate, and regardless of whether the premiums are assumed to have always been paid annually), then any advertising of the policy by an insurer shall state that the policy provides deferred life insurance. The death benefit, as referred to in this subsection, is the amount payable if death does not result from accidental causes and if there are no exclusions applicable to the policy on account of suicide, hazardous occupation, or aviation hazard.

(c) Periodic and aggregate benefits.

(1) An advertisement may not contain representations of an aggregate amount payable without clear and conspicuous disclosure in close conjunction therewith of any maximum daily benefit and maximum time limit.

(2) An advertisement may not represent the weekly, monthly, or other periodic benefits payable under a policy without clearly and conspicuously disclosing in close conjunction the limitation of time over which such benefits will be paid or of the number of payments or total amount which will be paid if, by the terms of the policy, payment of benefits for any loss or aggregate of losses is limited to time, number, or total amount.

(d) Interest on policies and contracts.

(1) Only the actual interest earned on an endowment or coupon benefit in a life, annuity, accident, health, or disability policy shall be characterized as earnings or lumped with dividends or earnings in an advertisement.

(2) Current interest rates allowed by an insurer and guaranteed interest rates for specific periods of time, as provided in the policy or annuity advertised, shall be prominently disclosed and sufficiently complete and clear so as not to have the capacity or tendency to mislead or deceive the insured or prospective applicant.

(3) When the current or illustrated rate of interest is higher than the guaranteed interest rate, and advertisement may not display the greater rate of interest with such prominence as to render the guaranteed interest rate obscure.

(4) An advertisement in respect to a life policy, endowment, or an annuity may not include the term "savings," "investment," or other similar terms, which when referring to the current, projected, or guaranteed rate of interest paid or credited to such contracts, would imply that the product advertised is something other than insurance or an annuity.

(e) Use of statistics.

(1) An advertisement relating to the dollar amount of claims paid, the time within which claims are paid, the number of claims paid, the number of persons insured under a particular policy or policies, or similar statistical informa-

tion relating to an insurer or policy may not contain irrelevant facts, and shall accurately reflect all of the relevant facts. The advertisement may not imply that the statistics are derived from the policy advertised unless it is a fact, and when applicable to other policies or plans shall specifically so state.

(2) The source of statistics used in an advertisement shall be identified in the advertisement.

(f) Deceptive words, phrases, and descriptions.

(1) Words, phrases, or illustrations may not be used in a manner which misleads or has the capacity or tendency to deceive as to the extent of any policy benefit payable, loss covered, or premium payable. An advertisement relating to any policy benefit payable, loss covered, or premium payable shall be sufficiently complete and clear to avoid deception or the capacity or tendency to deceive. The following are standards for this rule but in no way limit its general meaning:

(A) The words, numerals, and phrases "all," "100%," "full," "complete," "comprehensive," "unlimited," "up to," "as high as," "this policy will pay your hospital and surgical bills," or "this policy will replace your income," or similar words, numerals, and phrases may not be used to exaggerate any benefit beyond the terms of the policy, but may be used only in such manner as fairly and accurately describes the benefit.

(B) An advertisement may not list goods and services other than those set out in the policy as possible benefits.

(C) A policy covering only one disease or a list of specific diseases or accidents may not be advertised so as to imply coverage beyond the terms of the policy. Synonymous terms may not be used to refer to any disease to imply broader coverage than is the fact.

(D) An advertisement of an insurance product may not imply that it is "a low cost plan" or use other similar words or phrases without a substantial past cost record demonstrating a lower production, administrative, and claim cost resulting in a lower premium rate to the public.

(2) An advertisement of a particular policy may not state or imply that prospective policyholders become group or quasi-group members and as such enjoy special rates or underwriting privileges ordinarily associated with group insurance as recognized in the industry unless the policy is a group policy or a franchise plan. No policy having a group connection due only to a rating adjustment clause or a cancellation clause may be advertised as a group policy.

(3) An advertisement may not represent directly or indirectly, that a policy may be sold only to certain persons because of their occupation, association, age, sex, or other condition unless it can be shown that the policy advertised so provides.

(4) An advertisement by an insurer may not contain untrue statements with respect to the time within which claims will be paid or represent or imply that claim settlements will be liberal or generous beyond the terms of a policy or that special treatment not provided for in the policy will be extended. An unusual amount paid for a unique claim for the policy advertised is misleading and may not be used, unless it be disclosed that such payment is unusual or unique.

*.006. Disclosure of Policy Provisions Limiting Coverage.*

(a) Disclosure as to exclusions, reductions, and limitations.

(1) When an advertisement, which is an "invitation to contract," refers to a dollar amount, period of time for

which a benefit is payable, cost of policy, or specific policy benefit or the loss for which such benefit is payable, it shall also disclose those exclusions, reductions, and limitations effecting the basic provisions of the policy without which the advertisement would have the capacity and tendency to mislead or deceive.

(2) An "invitation to inquire" which specifies either the dollar amount of benefit payable or the period of time during which the benefit is payable shall contain a provision as follows:

(A) All printed advertisements shall state: "The following material is an announcement and not a complete solicitation for a policy of insurance. It does not state all of the terms under which the policy may be maintained in force, or all of the provisions that are required by law. You should contact the agent or company for complete details of the policy."

(B) Radio, television, and other verbal advertisements shall state: "For complete policy provisions, including exclusions, and limitations, (give reference; for example, please contact the agent, look for our brochure, or other applicable language)."

(3) An advertisement may not use the words "only," "just," "merely," "minimum," or similar words or phrases to unfairly describe the applicability of any exclusions, limitations, or reductions, such as "This policy is subject to the following minimum exclusions and reductions."

(4) An advertisement may not contain descriptions of a policy limitation, exclusion, or reduction, worded in a positive manner to imply that it is a benefit, such as, describing a waiting period as a "benefit builder," or stating "even pre-existing conditions are covered after two years." Words and phrases used in an advertisement to describe policy limitations, exclusions, and reductions shall accurately describe the negative features of such limitations, exclusions, and reductions of the policy offered.

(b) Limitations regarding age and health of the insured.

(1) A reference to any insurance coverage or benefits which by the terms of the policy are limited to a certain age group or which are reduced at a certain age shall be closely accompanied by a clear and conspicuous disclosure of such fact.

(2) No advertisement of accident, health, hospital, disability, or life insurance by an insurer may be used which represents or implies:

(A) that the condition of the applicant's or insured's health prior to, or at the time of issuance of a policy, or thereafter, will not be considered by the insurer in determining its liability or benefits to be furnished for or in the settlement of a claim when such is not a fact;

(B) that no medical examination is required if the furnishing of benefits by an insurer under a policy is or may be contingent or a medical examination under any condition.

(3) An advertisement which is subject to the requirements of Rule .006(a)(1), shall, in negative terms, and separately from any other statement in the advertisement disclose the extent to which a loss is not covered if the cause of the loss is traceable to a condition existing prior to the effective date of the policy. The term "pre-existing condition" shall be defined when used in an advertisement.

(4) When a life, health, or accident policy does not cover losses traceable to pre-existing conditions, or does not cover losses resulting from pre-existing conditions for a cer-

tain period of time, no advertisement of the policy may state or imply that the applicant's physical condition or medical history will not affect the issuance of the policy or payment of a claim thereunder. If an insurer requires a medical examination for a specified policy, an advertisement, which is an "invitation to contract," shall disclose that a medical examination is required.

(5) When an advertisement of accident, health, or life insurance contains an application or enrollment form to be completed by the applicant and returned by mail for a direct response insurance product, the advertisement shall include in close proximity to the application or enrollment form the following statement: "The policy applied for will not pay benefits for any loss incurred during the first months/year(s) after the issue date on account of disease or physical condition which you now have or have had in the past."

(c) Waiting, elimination, probationary, or similar periods.

(1) When a policy contains a time period between the effective date of the policy and the effective date of coverage under the policy or a time period between the date a loss occurs and the date benefits begin to accrue for such loss, an advertisement covered by Rule .006(a)(1) shall disclose the existence of such periods.

(2) An advertisement for an accident and health policy which provides coverage for loss due to accident only for a specified period of time from its effective date shall state this fact clearly and conspicuously.

(3) An advertisement of individual accident and health coverage shall contain a notice stating that the person to whom the policy is issued shall be permitted to return the policy within 10 days (or more as stated in the policy) of its delivery to that person and to have the premium paid refunded, if after examination of the policy, the person is not satisfied with it for any reason.

#### *.007. Disclosure of Policy Provisions Relating to Eligibility, Cancellation, Termination of Benefits*

(a) An advertisement which is an "invitation to contract" and which refers to renewability, cancellability, or termination of a policy, or which refers to a policy benefit, or which states or illustrates time or age in connection with eligibility of applicants or continuation of the policy, shall disclose the provisions relating to renewability, cancellability, and termination and any modification of benefits, losses covered, or premiums because of age or for other reasons, in a manner which may not minimize or render obscure the qualifying conditions.

(b) No advertisement may represent or imply that an insurance policy may be continued in effect indefinitely or for any period of time, if the policy provides that it may not be renewed or may be cancelled by the insurer, or terminated under any circumstances over which the insured has no control, during the period of time represented.

(c) The term "noncancellable" or derivation thereof may not be used in any advertisement by an insurer to describe a policy where the insurer has a right to periodically by individual or class revise rates or premiums.

(d) An advertisement for a policy stating or implying that the policy is "guaranteed renewable" shall have a statement, in the same size and style of type and in close conjunction that the insurer may change premium rates or benefits at a certain age, by class or that coverage may terminate at

certain ages, unless such policy prohibits any change in premium rates or benefits.

#### *.008. Description of Premiums.*

(a) Consideration paid or to be paid for individual insurance and annuity benefits including policy fees shall be in all instances described as premium, consideration, cost, payments, annuity consideration purchase payment, or policy fees.

(b) Consideration paid or to be paid for group insurance, including enrollment fees, dues, administrative fees, membership fees, service fees, and other similar charges paid periodically by the employer/employees, shall be disclosed in an advertisement as a part of the total cost and consideration.

(c) The words "deposits," "savings," "investment," and other phrases used to describe premiums may not be so used by an insurer as to hide or unfairly minimize the cost of the hazards insured against.

(d) An advertisement may not offer a policy which utilizes a reduced initial premium rate in a manner which over-emphasizes the availability and the amount of the initial reduced premium. When an insurer charges an initial premium that differs in amount from the amount of the renewal premium payable on the same mode, the advertisement may not display the amount of the reduced initial premium more prominently than the renewal premium.

(e) A reduced initial or first year premium shall not be described by an insurer as constituting free insurance for a period of time.

(f) No part of a premium may be described as a deposit that is not guaranteed to be returned in full on demand of the insured except in advertising a retrospective plan forming part of a worker's compensation or liability insurance policy.

(g) No advertisement may state a premium for a policy that does not apply to the exact coverage advertised.

(h) If a premium is quoted that does not apply to all classes of risk solicited, the class or classes to which it applies must be identified.

(i) Advertisements of endorsement or riders which are available at the request of the insured but at additional cost shall disclose the additional cost.

(j) An insurer may not make a billing of a premium for increased coverage or include the cost of increased coverage in the premium for which a billing is made without first obtaining the consent of the insured to such increase in coverage and providing the insured a written explanation of the increase in coverage or the endorsement or rider providing the same together with a statement of premium due for the policy without the increase in coverage.

(k) Where an insured or prospective insured has been provided a policy or coverage of insurance without first having paid a premium or returned an application to the insurer or its agents or representatives, the insurer, its agents, or representatives may not make any billing or attempt to collect a premium on such policy until such time as an application or acknowledgement of acceptance by the insured is received. When coverage is issued prior to such acceptance, it shall be accompanied by a written statement describing it as follows:

(1) giving the facts concerning the delivery of the policy and whether or not the policy was requested by the insured; and



(2) stating that the insured is under no obligation to pay the insurer if he does not want to continue or initiate the coverage; and

(3) clearly stating when coverage will be effective

(l) All statements dealing with the availability of credit card financing of premiums must be stated in terms whereby such method of financing is clearly optional to the purchaser.

(m) The material contained in a solicitation or advertising package which deals with the availability of credit card financing must indicate that such may be accomplished only through a premium loan made by the credit card company to the purchaser.

#### .009. Testimonials, Appraisals, or Analyses.

(a) Testimonials, appraisals, and analyses used by an insurer in advertisements must be genuine, represent the current opinion of the author, be applicable to the policy advertised, and be accurately reproduced. The insurer, in using a testimonial, makes as its own all of the statements contained therein, and such statements are subject to all of the provisions of these rules.

(b) An advertisement may not create the impression directly or indirectly that the insurer, its financial condition or status, or the payment of its claims are recommended or endorsed by any division or agency of this state or the United States government. No advertisement may state that a policy form or kinds or plans of insurance are approved by the State Board of Insurance without disclosing that such approval is extended to all policies, kinds, or forms of insurance legitimately sold in this state; nor may such statement imply recommendation by any agency of this state.

(c) Licensing by a public body shall not be presented by an insurer in any advertisement as an endorsement of an insurer as distinguished from other insurers similarly acted upon.

(d) An advertisement may not state or imply that an insurer or policy has been approved or endorsed by an individual, group of individuals, society, association, or other organization, unless such is the fact and unless any proprietary relationship between the entity and the insurer is disclosed. If the entity making the endorsement or testimonial has been formed by the insurer or is owned or controlled by the insurer or the person or persons who own or control the insurer, this fact shall be disclosed in the advertisement.

(e) No endorsement or recommendation of an insurer (except by its own licensed agent) or announcement of the availability of coverage by a person other than an insurer or its own licensed agent may be presented by the insurer in such a way as to imply or state that the endorser or announcer when not an insurer or licensed agent is the insurer, an agent of the insurer, or the entity making the offer to insure.

(1) Endorsements and recommendations of an insurer shall be limited to statements regarding the insurer and the availability of coverage.

(2) An endorsement or recommendation may not contain descriptions of benefits, premiums, or other policy provisions.

(f) If the person making a testimonial, an endorsement, or an appraisal has a financial interest in the insurer or a related entity as a stockholder, director, officer, employee, or otherwise, this fact shall be disclosed in the advertisement. If a person is compensated, directly or indirectly, for making a testimonial, endorsement, or appraisal, this shall be disclosed

in the advertisement by language substantially as follows: "paid endorsement."

(1) This rule does not require disclosure of union "scale" wages required by union rules if the payment is actually for this "scale" for TV or radio performances. The payment of substantial amounts, directly or indirectly, for "travel and entertainment" for filming or recording of TV or radio advertisements removes the filming or recording from the category of an unsolicited testimonial and requires disclosure of such compensation.

(2) Information required to be disclosed by this rule shall be disclosed in a conspicuous and clear manner in close connection to the endorsement and in a type and face size not smaller than that used in the testimonial, endorsement, or appraisal.

(g) An advertisement may not contain a rating or appraisal by any commercial rating system unless it clearly indicates the purpose of the appraisal and limitation of the scope and extent of the appraisal.

#### .010. Dividends.

(a) The word "dividends" shall include every return of premium and payment to policyholders because of a particular policy predicated on financial performance or earnings of the insurance company except:

(1) return of premium under a nondiscretionary provision or endorsement in a policy clearly providing for and only for payment on a retroactive rating plan and not advertised in any other manner; and

(2) returns and benefits paid or accruing to policy and certificate holders under variable life and variable annuity contracts lawfully provided for and regulated under the provisions of Part III of Article 3.39, Articles 3.72 and 3.73 of the Insurance Code; or

(3) returns or payments that are specifically guaranteed as to time of payment and amount by the insurance contracts and are not termed or advertised as dividends or a synonym of dividend.

(b) The following acts by an insurer do not constitute an unfair trade practice nor are they deceptive, misleading, or constitute incomplete disclosure:

(1) exhibiting, delivering, or using the actual immediate past dividend record of the insurer on a particular policy form, including reasonable and accurate projections of such actual record when such is clearly disclosed to be only a form of retroactive rate adjustment and no other references to dividends are made except as provided in this rule and no material concerning dividends is used save for references to immediate past records of dividends actually paid by competing companies to policyholders of insurance contracts on similar risks; and

(2) exhibiting, delivering, or using the actual immediate past record of dividends paid to the policyholders of a mutual company including reasonable and accurate projections of such actual record wherein the election of directors, trustees, or other overall policy making board of the insurer is controlled exclusively by the insurer's policyholders or jointly by such policyholders and public officials acting pursuant to statutory authority.

(c) Except to the extent provided in subsection (b) of this rule, all references to dividends, however made, in connection with the advertisement or solicitation of insurance by an insurer, shall conform with the following directives:

(1) Wherever reference to dividend provision in a policy is made, a summary or copy of such provision shall be delivered to the prospective insured or purchaser of the policy at or prior to the payment of initial premium, taking of application, or delivery of a policy, whichever act occurs first. If a summary is used, all contingencies to payment of the dividend must be disclosed. Such written material shall also include a specific statement in writing that the insured will not become a stockholder or be entitled to any rights of a stockholder by virtue of the purchase of a participating policy of insurance except for the right to vote as the policyholder of a mutual company. If the insurer is subject to the limitations of Article 3.11 of the Texas Insurance Code, it shall also contain specific information advising that the insurer is subject to the limitations of Article 3.11 in the payment of dividends and provide a copy of the first sentence of that article.

(2) If the rate charged for a policy incorporates or includes an increment solely designed for or added to provide dividend payments, the amount of such increment shall be disclosed in writing along with any predesigned formula for dividend payments to prospective insured or purchaser of policy at or prior to payment of initial premium, taking of application, or delivery of policy, whichever event occurs first.

(3) No mention or allusion may be made in the advertisement or solicitation of policies of dividend payments actually made from sources other than those provided for in the policy.

(4) There shall be delivered to the prospective insured or purchaser of policy by the insurer, in writing prior to the payment of initial premium, taking of application, or delivery of policy, whichever occurs first, a statement of the actual earning of the insurer from the source available for payment of the dividend and a compilation of the amount of such earnings or reasonable approximation thereof that would have been paid to prospective insured on the policy being solicited if they had been policyholders for each of the preceding three years. (The term "sources available" shall be construed in accordance with the requirements of subsection (c)(3) above.)

(5) An insurer who uses material relating to payment of dividends to stockholders, or dividends paid to policyholders of another insurer must include with such material the financial statements, earnings records, premium charge schedules, and other items necessary to make the references to these other corporations not misleading. An insurer using such material may not enhance the characteristics of its policies being advertised by confining the material to that most favorable without a fair disclosure of the existence of unfavorable experience. Nothing contained herein shall be construed as authorizing an insurer to make allusion to or to exhibit earnings or dividend records of another corporation in soliciting the sale of a participating policy.

(6) No insurer may use the words "dividends," "cash debentures," or "surplus" or use illustrations in such a manner as to expressly state or imply that dividends are guaranteed or certain to occur nor may any insurer state the same.

(7) No insurer may make any statement or imply that projected dividends under a participating policy or pure endowment are sufficient at any time to assure, without the further payment of premiums, the receipt of benefits, such as paid-up policy or contract, unless the statement is accompanied by an adequate explanation as to:

(A) what benefits or coverage would be provided or discontinued at such time; and

(B) the conditions under which this would occur.

(d) No insurer may include in any material a projection of dividends left to accumulate at interest unless such projection is based on the actual dividend record of the company, is an accurate projection, and uses the rate of interest guaranteed in the policy.

(e) No insurer may illustrate the use of any dividend options other than the automatic option of the policy unless it clearly and conspicuously discloses the fact that the applicant or proposed applicant must elect such dividend option.

*.011. General Prohibition.* Any failure to abide by these rules is prohibited. Any omission of information, false implication, or impression which is misleading or deceptive or has the tendency or capacity to be misleading or deceptive is prohibited. The requirements of the rules apply to insurers irrespective of whether acts or practices are done directly or indirectly by the insurers or in conjunction with or through noninsurers.

*.012. Unlawful Inducement.*

(a) An insurer may not state or imply in an advertisement anything offering or tending to offer a guarantee or contractual right of pecuniary value outside of the express terms of the contract of insurance offered by the advertiser.

(b) An insurer may not make or include in any advertisement a statement or reference which would imply that by purchasing a policy of insurance, the purchaser or prospective purchaser will become a member of a limited group of persons who may receive special advantages from the company not provided for in the policy or receive favored treatment in the payment of dividends if the policy advertised is a participating policy, not available to persons holding other types of participating policies issued by the insurer to individuals of the same class and equal expectation of life or of essentially the same hazard. This does not prohibit payment of differing amounts of dividends on different classes of policies. The term "class" relates to those recognized underwriting classifications including age, health, occupation, sex, hazardous potential, or similar classifications which determine the nature of the risk assumed, and it may not be limited to a particular plan or policy form or date of issue of a policy.

(c) No advertisement shall use the terms "investment," "investment plan," "founder's plan," "charter plan," "expansion plan," "profit," "profits," "profit sharing," "interest plan," "savings," "savings plan," or other similar terms in connection with a policy in a context or under such circumstances or conditions as to have the capacity or tendency to mislead purchases of such policy to believe that they will receive, or that it is possible that they will receive something other than a policy or some benefit not available to other persons of the same class and equal expectation of life or of essentially the same hazard.

(d) An offer in an advertisement of free inspection of a policy or offer of a premium refund is not a cure for misleading or deceptive statements contained in such advertisement.

(e) An insurer may not as an inducement to insurance, circulate, publish, or otherwise exhibit to any person who is an insured, or prospective insured, any form of director's resolution, stockholders resolution, or form of company action stating or implying the action an insurer will take on any

declaration of dividend or other matter in the future when the insurer, its directors, or its stockholders are not bound to take the action stated or implied or when the insurer does not presently have the earnings or other funds or assets to make payments or to consummate the transaction, in accordance with the appropriate statutes.

(f) No insurer may state or imply in an advertisement that the insured or proposed insured will receive a gift of value if the application, inquiry card, or reinstatement application is returned within a specified period of time.

(g) No insurer may state or imply as an inducement to the purchase of insurance a guarantee of return of premium based upon the quality of its policy other than where such guarantee is required by law or stated within the policy of insurance offered.

(h) No insurer may in any advertisement state or imply any advantage, right, or preference which if granted or performed would be a violation of the public policy or any law of this state or of the United States of America.

#### .013. *Rebates.*

(a) An insurer may not state or imply any deviation in normal or usual cost that is not in fact legally allowable.

(b) An insurer may not state or imply an advantage by purchase of insurance to be gained by an organization because of past or prospective donation to be made by an insurer, agent, or representative out of proceeds of purchase.

#### .014. *Disparagements.*

(a) An insurer may not directly or indirectly unfairly disparage competitors, their policies, services, financial conditions, or business methods, and may not unfairly disparage or minimize competing methods of marketing insurance.

(b) An advertisement may not contain statements which are untrue in fact, or by implication misleading, with respect to the insurer's assets, corporate structure, financial standing, age, or relative position of the insurer in the insurance business.

#### .015. *Comparisons.*

(a) An advertisement may not directly or indirectly make an unfair or incomplete comparison of policies, benefits, dividends, or rates of other insurers or comparisons of noncomparable policies.

(b) Failure of an insurer to disclose in comparing life insurance policies the nonforfeiture rights and policy loan rights shall be an omission of a material fact and an incomplete comparison.

(c) An advertisement containing a comparison of two policies of different insurers shall prominently state the following: "The description of the other insurance company's policy (fill in appropriate name) was not furnished by the insurance company (fill in appropriate name). If there are questions regarding this illustration, please contact a representative of the other insurance company (fill in the appropriate name)."

(d) An insurer may not as a "twisting" device inform any policyholder or prospective policyholder that any insurer was required to change a policy or contract form or related material to comply with the provision of these regulations or other rules or statutes.

#### .016. *Deception as to Introductory, Initial, or Special Offers.*

(a) An advertisement by an insurer may not state or imply that a policy or combination of policies is an introduc-

tory, initial, special, or limited offer and that applicants will receive advantages by accepting the offer or that such advantages will not be available at a later date unless such is the fact. An advertisement may not contain phrases describing an enrollment period as "special," "limited," or similar words or phrases when the insurer uses such enrollment periods as the usual method of advertising insurance.

(1) An enrollment period during which a particular insurance product may be purchased on an individual basis may not be offered within this state unless there has been a lapse of not less than three months between the close of the immediately preceding enrollment period for the same product and the opening of the new enrollment period. The advertisement shall indicate the date by which the applicant must mail the application which may be not less than 10 days and not more than 40 days from the date that such enrollment period is advertised for the first time. This rule applies to all advertising media: i.e., mail, newspaper, radio, television, magazines, and periodicals. It is inapplicable to solicitations of employees or members of a particular group or association which otherwise would be eligible under specific provision of the Texas Insurance Code for group, blanket, or franchise insurance. This rule applies to all affiliated companies under common management or control.

(2) There may be no statement or implication to the effect that only a specific number of policies will be sold, or that a time is fixed for the discontinuance of the sales of the particular policy advertised because of special advantages available in the policy.

(3) The phrase "a particular insurance product" in paragraph (1) of this subsection means an insurance policy which provides substantially different benefits than those contained in any other policy. Different terms of renewability, an increase or decrease in the dollar amount of benefits, an increase or decrease in any elimination period or waiting period from those available during an enrollment period for another policy are not sufficient to constitute the product being offered as a different product eligible for concurrent or overlapping enrollment periods.

(b) Special awards, such as a "safe drivers" award, may not be used in connection with advertisements as an inducement to the purchase of insurance.

#### .017. *Combinations Tending to Restrict Trade.*

(a) No insurer may state or imply the availability of services from other parties on a basis that would, if true, constitute an unlawful restrictive trade practice on the part of the insurer or other parties.

(b) No insurer may state or imply the availability of any right or preference which, if exercised or granted, would violate the public policy or any law of this state or of the United States of America relating to restraint of trade or the creation of a monopoly.

#### .018. *Filing for Prior Review.*

(a) The commissioner may require an insurer to file with the State Board of Insurance, for review prior to use, all or any part of its advertising material. If required or directed by the commissioner, such advertising material shall be filed by the insurer with the State Board of Insurance no less than 60 days prior to the date the insurer desires to use the advertisement.

(b) Any submission required by the commissioner under this rule or submitted voluntarily by an insurer shall be accompanied by a transmittal letter addressed to the Ad-

vertising Section, Policy Approval Division, State Board of Insurance, 1110 San Jacinto, Austin, Texas 78786. The transmittal letter shall contain the following information:

- (1) the identifying form number of each form submitted;
  - (2) the type of advertisement submitted, i.e., institutional advertisement, invitation to inquire, or invitation to contract;
  - (3) the form number of the policy form or forms advertised;
  - (4) the approximate number of the advertisement to be distributed;
  - (5) the method or media used for dissemination of the advertisement;
  - (6) the area in which the advertisement will be distributed.
- (c) All advertisements submitted under this rule shall be submitted in duplicate.
- (d) Advertisements submitted under this rule may be submitted in printers proof or as "pasteups."
- (e) Advertisements submitted under this rule shall be filed in final printed form subsequent to acceptance.

**.019. Special Enforcement Procedures for Rules Governing Advertising and Solicitations of Insurance.**

(a) Advertising file. Each insurer shall maintain at its home or principal office a complete file containing every advertisement disseminated in this or any other state whether or not licensed in such other state, with a notation attached to each such advertisement which indicates the manner and extent of distribution and the form number of any policy advertised. This file is subject to regular and periodic inspection by the State Board of Insurance. All advertisement shall be maintained for a period of not less than three years. The foregoing includes institutional advertisements, invitations to inquire, and invitations to contract.

(b) Certificate of compliance. Each insurer required to file an annual statement which is subject to the provisions of these rules shall file with the State Board of Insurance, together with its annual statement, a certificate executed by an authorized officer of the insurer, whose duty it is to deal with the insurers' advertising, stating that to the best of the officer's knowledge, information, and belief the advertisements which were disseminated by the insurer during the preceding statement year complied or were made to comply in all respects with the provisions of these rules and the insurance laws of this state.

**.020. Conflict with Other Regulations.** These rules are not intended to conflict with or supersede any rules currently in force or subsequently adopted in this state including rules governing specific aspects of the sale of annuities, of the sale or replacement of insurance including but not limited to rules applicable to maximum guaranteed interest rates, or rules dealing with the life insurance cost comparison indices, deceptive practices in the sale of insurance, and replacement of life insurance policies.

**.021. Severability.** If any provision of these rules or the application thereof to any person or circumstance is held invalid for any reason, the invalidity shall not affect the other provisions or any other application of these rules which can be given effect without the invalid provisions or application.

To this end, all provisions of these rules are declared to be severable.

Issued in Austin, Texas, on February 27, 1980.

Doc. No. 801520      Pat Wagner  
                                  Chief Clerk  
                                  State Board of Insurance

Proposed Date of Adoption: April 4, 1980

For further information, please call (512) 475-2551.

## State Board of Nurse Examiners

### Licensure and Practice 388.04.00

The Board of Nurse Examiners is proposing to amend Rule 388.04.00.006 regarding temporary permits by the addition of a paragraph for the issuance of permits to certain Canadian nurses. The Canadian Nurses' Association Testing Service (CNATS) will be changing to a new examination that has not been evaluated by the Texas Board of Nurse Examiners; therefore, the board will no longer issue a license by endorsement to Canadian nurses. The permit will allow the Canadian candidate to work until the results of the State Board Test Pool examination are received. The board will study the results to evaluate whether there is a correlation between the results of the Canadian test and the State Board Test Pool examination. If there is a strong correlation between the two examinations based on an adequate sample, then the board will consider a rule change to allow issuance of a license by endorsement.

This amendment will have no fiscal implications to the state or local government.

Public comment on the proposed amendment to Rule .006 is invited. Comments may be submitted by telephoning Margaret Rowland, R.N., executive secretary of the Board of Nurse Examiners, at (512) 478-9602, or by writing to the office of the board at 510 South Congress, Suite 216, Austin, Texas 78704.

This rule amendment is proposed under Article 4514 and Article 4523, Vernon's Texas Civil Statutes.

**.006. Temporary Permits.**

(a) Candidates for registration by examination in Texas.

(1) A nurse graduating from an accredited school in the United States *or Canada*, who has never taken the examination, will be issued a permit to practice professional nursing after the application for the examination has been approved and the fee paid.

(2) **A nurse graduating from an accredited school in Canada, who took the Canadian Nurses' Association Testing Service examination after July 1980, will be issued a permit to practice professional nursing after the application for the examination has been approved and the fee paid.**

(3)(2) A nurse graduating from an accredited school of nursing outside of the United States, who has never taken the State Board Test Pool examination, and who has passed the Commission on Graduates of Foreign Nursing

Schools examination, will be issued a permit to practice professional nursing after the application for the examination has been approved and the fee paid.

(4)(3) This permit expires when the results of the examination are released.

(5)(4) The permit of an unsuccessful candidate must be returned to the board and is not renewable.

(b)-(d) (No change.)

Issued in Austin, Texas, on February 25, 1980.

Doc. No. 801516      Margaret L. Rowland, R.N.  
Executive Secretary  
State Board of Nurse Examiners

Proposed Date of Adoption: April 4, 1980

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



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

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."

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## CODIFIED

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### TITLE 1. ADMINISTRATION

#### Part I. Office of the Governor

##### Chapter 3. Criminal Justice Division

###### State-Federal Relations

The Criminal Justice Division adopts by reference the following Law Enforcement Assistance Administration external directive: G4010.2; and the following Office of Justice Assistance, Research, and Statistics external directive: G1332.6. These directives were received by the Criminal Justice Division subsequent to the federally mandated effective dates, hence the abbreviated notice period.

Under the authority of Public Law 90-351, Title 1, Omnibus Crime Control and Safe Streets Act of 1968 as amended by Public Law 91-644, Omnibus Crime Control Act of 1970, Public Law 93-83, Omnibus Crime Control Act of 1973, and Public Law 94-503, Crime Control Act of 1976; Public Law 93-415, Juvenile Justice and Delinquency Prevention Act of 1974; Public Law 95-115, Juvenile Justice Amendments of 1977; and rules and guidelines promulgated by the Law Enforcement Assistance Administration, the Criminal Justice Division amends §3.16 (001.55.02.006) to read as follows:

§3.16 (001.55.02.006). *LEAA External Directives Adopted by Reference.* The Criminal Justice Division adopts by reference the following LEAA External Directives:

(1) Guidelines.

(A)-(W) (No change.)

(X) G4010.2, dated January 3, 1980, Policy of the Law Enforcement Assistance Administration on Orderly Transition to the Justice System Improvement Act of 1979.

(Y) G1332.6 (OJARS), dated January 4, 1980, Continuation of Law Enforcement Assistance Administration Regulations.

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

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

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

Doc. No. 801453      David A. Dean  
Executive Director  
Criminal Justice Division

Effective Date: March 4, 1980

Proposal Publication Date: N/A

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

## Part IV. Office of the Secretary of State

### Chapter 81. Elections

#### Suffrage

The secretary of state adopts amended §§81.54-81.58 and 81.60-81.62 (004.30.05.326-.330 and .332-.334), concerning the list of returned voter registration certificates. Section 81.57 (.329), subsection (d), has been changed to require that the voter registrar submit to the secretary of state as an "add" transaction the names of reinstated voters who appeared on the list of returned certificates.

These amendments are adopted pursuant to the authority of Articles 1.03 and 5.13a, Vernon's Texas Election Code.

§81.54 (004.30.05.326). *Notification Procedures.* If a registration is cancelled for any reason other than the return of a new certificate as nondeliverable after the November mailing in odd-numbered years, the cancellation notices required under Articles 5.18a and 5.18c, Vernon's Texas Election Code, are necessary.

§81.55 (004.30.05.327). *Cancellation Date.*

(a) All voter registration certificates returned as non-deliverable to the registrar's office shall be cancelled on March 1 of even-numbered years, unless the particular voter shows prior to March 1 valid reasons why his registration should not be cancelled.

(b) Any person whose registration is cancelled on March 1 due to the return of the new certificate as non-deliverable shall be required to reregister in the same manner as an initial registrant or contest the cancellation as provided in Article 5.14a, Vernon's Texas Election Code. If the voter reregisters, a new voter registration certificate number should be issued.

§81.56 (004.30.05.328). *Filing Procedures in Registrar's Office.*

(a) On March 1 in even-numbered years, the original registration application of each person whose registration is cancelled due to the return of the new certificate as non-deliverable should be transferred to the separate inactive application file for cancelled registrations. The registrar should enter upon the application form the date on which the registration was cancelled (March 1, 19\_\_\_\_) before filing the application in the separate inactive file.

(b) (No change.)

(c) An adequate notation of the reason for cancellation is "Cert. Ret'd." The new voter registration certificates which are returned to the registrar as nondeliverable should be attached to the person's original registration application in the separate inactive application file. The retention of the new certificate in the inactive file will serve as further record of the fact that the certificate was returned to the registrar as nondeliverable, and that the cancellation of the voter's registration was executed according to law.

**§81.57 (004.30.05.329). Lists of Returned Registration Certificates.**

(a) The registrar shall maintain an alphabetical list of voter registration certificates returned as nondeliverable after the November mailing showing the name, address, birthdate, and registration certificate number of the person to whom the certificate was issued. This list shall be open to public inspection in the registrar's office at all times during regular office hours of the registrar, subject to reasonable regulations and to proper safeguards against mutilation or removal. The registrar shall furnish a copy of such list to any person requesting it and shall be permitted to charge \$1.00 for each 10,000 names contained on such list, to be paid by the person so ordering the list. Any funds collected in this manner shall be accounted for as official fees of office.

(b) Prior to January 15 of each even-numbered year, the registrar must send a copy of the list of returned voter registration certificates to the secretary of state in computer readable form.

(c) The computer readable list of returned registration certificates should be communicated to each county's data processing unit or company in the format of a purge transaction. These transactions should be on a separate tape or a separate set of punch cards in order to isolate Senate Bill 850 purges from other transactions. A batch control form for these transactions should be prepared indicating "S.B. 850 Purges" at the top of the form with the total number of Senate Bill 850 cancellations being submitted. No other transactions should be included with the batch. Care must be exercised to insure that no name "purged" under a "S.B. 850 Purge" is actually removed from the list of registered voters prior to March 1.

(d) After each registrar has submitted the list of returned certificates to the secretary of state, but prior to March 1, the reinstatement of any voters whose names appeared on the list of returned certificates should be submitted to the secretary of state as an "add" transaction. After March 1, any voter who registers under the provisions of Article 5.16a, Subdivision 3a, and Article 8.08, Subdivision 1, Vernon's Texas Election Code, should be treated as a "new" registrant and should be given a new certificate number.

(e) If Texas Department of Corrections is used for the data entry, the Senate Bill 850 cancellations should be listed on the Purge/Delete forms separately from other types of purges or deletes and should be sent to TDC with a transmittal form marked "S.B. 850 Purges."

(f) Article 5.19b, Subdivision 3, Vernon's Texas Election Code, now requires the secretary of state to determine whether the registrar has complied with the provisions of Article 5.14a of the Election Code and to notify the comptroller.

The comptroller shall not issue the warrant until notified by the secretary of state that the registrar is in compliance.

(g) Any questions regarding the computer readable format for the list of returned voter registration certificates

should be communicated to the Computer Services Division of the Office of the Secretary of State (telephone (512) 475-7881).

**§81.58 (004.30.05.330). Furnishing and Updating of Lists of Registered Voters for Use on Election Day.**

(a) The registrar may prepare a list of registered voters, with supplements for each election, or he may prepare revised original lists, consolidating into them the names of the voters who would have been included on the supplemental lists. The registrar must maintain one set of original lists and one set of the supplemental lists (or the revised original lists) prepared for each county-wide election for a period of three years. These lists shall be public records available for public inspection.

(b) On the first day of March in even-numbered years, the registrar must attach to each county election precinct list of registered voters a corresponding alphabetical list of cancelled voter registration certificates. This list must be updated and attached to the appropriate county election precinct list for use at any election held from March 1 through June 30, inclusive, in even-numbered years only.

(c) Two sets of the precinct lists of registered voters, with supplements, together with two sets of the precinct lists of cancelled voter registration certificates (when necessary) shall be supplied, free of charge, to each political subdivision or political party conducting an election. One set of such lists shall be used for absentee voting, and one set shall be distributed to the election judges for use at the polling places.

(d) For all elections occurring during March, April, May, or June in an even-numbered year, each precinct list of cancelled voter registration certificates should be updated by deletion of the names of those voters who have registered over 29 days before the particular election date. The registrar shall furnish to each election precinct either a list of deletions from the precinct list of cancelled registration certificates or, as an alternative, the registrar may furnish an updated consolidated list of cancelled registration certificates. Neither list will ever contain names of voters not listed on the original list of cancelled registration certificates. The list of deletions will contain only the names of those voters who have reregistered prior to the 29th day before the particular election and are, therefore, to be removed from the list of cancelled voter registration certificates. The updated list will contain the names of all voters on the original list of cancelled voter registration certificates who have not reregistered prior to the 29th day before the election.

**§81.60 (004.30.05.332). Voting by Persons on the List of Cancelled Registration Certificates.**

(a) A person whose name does not appear on the precinct list of registered voters, but whose name does appear on the precinct list of cancelled registration certificates, is authorized to vote at the precinct of former residence only in any election held on or after March 1 through June 30, in even-numbered years, if the person: (1) executes an affidavit stating that he still resides within the county for county-administered and primary elections or within the appropriate political subdivision for other elections; and (2) submits a completed voter registration application at the polling place. The ballot of a person who wilfully refuses to complete either the application or the affidavit shall be void.

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

(d) The presiding judge at a primary election should deliver a certificate of having voted in a primary to any voter

who is permitted to vote by reason of appearing on the list of cancelled voter registration certificates.

(e) (No change.)

**§81.61 (004.30.05.333). Absentee Voting for Elections Held on or after March 1 through June 30 by Voters Whose Names Are on List of Cancelled Registration Certificates.**

(a) The registrar of voters will provide free of charge to the clerk conducting absentee voting for an election held on or after March 1 and no later than June 30 of even-numbered years a copy of the list of cancelled voter registration certificates for use during absentee voting.

(b) The absentee voting procedures in Article 5.05, Subdivision 4 and Subdivision 6, Vernon's Texas Election Code, regarding absentee voting apply generally, but because of the provisions of 5.16a, Vernon's Texas Election Code, if a voter whose name appears on the list of cancelled registration certificates applies for an absentee ballot by mail, the clerk must include with the ballot an Application for Voter Registration form as well as the Affidavit of Residency and special instructions to an applicant whose name appears on the list of cancelled registration certificates. The special instructions shall be in substantially the following form:

The 19\_\_\_\_ 19\_\_\_\_ voter registration certificate mailed to you at your address of record in voter registration files was returned to the registrar of voters by postal authorities. As a result, your voter registration was cancelled on March 1 of this year. You may still vote in this election, but your ballot may be counted only if you complete the enclosed Voter Registration Application form and the enclosed Affidavit of Residency. The Affidavit of Residency must be sworn to before a notary public or other officer authorized to administer oaths. You must enclose the executed Voter Registration Application and Affidavit of Residency in the carrier envelope, along with the sealed ballot envelope. Do not place the application and affidavit in the ballot envelope, as this may result in your ballot not being counted.

(c) The voter should be given the ballot for the precinct in which the voter's name appears on the list of cancelled voter registration certificates.

(d) The clerk should add the voter's name to the list of voters voting absentee by mail or by personal appearance and, when appropriate, the notation "struck list" should be made on the carrier envelope. The application and the unopened carrier envelope should be placed in the jacket envelope and stored in a safe place.

(e) When the notation "struck list" and the date of the election are noted on the carrier envelope, the election officials should, in addition to the usual procedures, confirm that a completed Voter Registration Application form and an executed Affidavit of Residency are contained in the carrier envelope with the ballot envelope. In the event either is not enclosed, the ballot envelope should not be opened and the accompanying papers should be treated as appropriate for any other ballot which will not be counted.

**§81.62 (004.30.05.334). New Registration Procedures.**

(a) For all registration applications received for the 29th day prior to March 1 through the 29th day prior to June 30, it will be necessary for the registrar to determine if the registrant is on a precinct list of cancelled voter registration certificates in either that county or in another Texas county.

(b) If a new registrant's name appears on the list of cancelled voter registration certificates, the registrar should remove the name of the new registrant from the appropriate precinct list of cancelled registration certificates on the 30th day after the application was filed.

(c) The registrar should also notify the registrar of the county of former residence that the person has registered in a new county, informing that registrar of (1) the voter's name, (2) the former residence address, (3) birthdate, (4) social security number, if available, (5) the date on which the voter's new certificate becomes effective, and (6) a copy of the voter's signature (optional).

(d) The registrar must not remove a voter's name from the appropriate precinct list of cancelled registration certificates until the 30th day after the date on which the application was filed.

(e) The law requires the voter whose name appears on the list of cancelled voter registration certificates to submit a registration application each time he votes. In the event that another election occurs within 29 days of the date of an election in which a person has voted under the provisions of Article 5.16a, Subdivision 3a, Vernon's Texas Election Code, the voter shall be allowed to vote in such election by complying once again with this provision. If a voter has completed a Voter Registration Application prior to voting on the list of cancelled voter registration certificates, he shall inform the presiding judge, and the presiding judge shall note that fact on the voter registration application submitted. The registrar shall attach such an application to the application previously received from that particular voter.

Doc. No. 801454

The secretary of state adopts the repeal of §81.59 (004.30.05.331), which concerns the use of the combination forms authorized by Article 3.02, Texas Elections Code. The repeal of §81.59 (.331) was proposed because it merely reiterates existing law.

Pursuant to the authority of Article 1.03, Vernon's Texas Election Code, the secretary of state has repealed §81.59 (.331), Use of Combined Forms.

Doc. No. 801455

(Editor's note: This rule was proposed in the January 1, 1980, issue (5 TexReg 11) as §81.81 (004.30.05.335). It is being correctly adopted in this issue as §81.59 (004.30.05.339).)

The secretary of state adopts §81.59 (004.30.05.335), which prescribes the actions to be taken by registrars of voters when a person whose voter registration certificate was returned as undeliverable files a change of address fewer than 30 days prior to March 1.

This rule is promulgated under the authority of Article 1.03, Vernon's Texas Election Code.

**§81.59 (004.30.05.339). Voters on List of Returned Voter Registration Certificates Who Take Certain Actions Fewer Than 30 Days Prior to March 1.**

(a) If fewer than 30 days prior to March 1 of an even-numbered year a voter whose name is on the list of returned voter registration certificates files a valid change of address, his registration shall not be cancelled. However, the voter's name shall be placed on the list of cancelled voter registration certificates until such time as the change of registration becomes effective.



(b) After March 1, the voter shall be permitted to vote in his old precinct in the same manner as any other voter whose name is on the list of cancelled voter registration certificates. When the change of address becomes effective, the voter's name shall be removed from the list of cancelled voter registration certificates or placed on the list of deletions, and the voter may then vote only in the new precinct.

Issued in Austin, Texas, on February 21, 1980.

Doc. No. 801456      George W. Strake, Jr.  
Secretary of State

Effective Date: March 17, 1980  
Proposal Publication Date: January 1, 1980  
For further information, please call (512) 475-3091.



## NONCODIFIED

### Comptroller of Public Accounts

#### Tax Administration

#### Sales Tax Division 026.02.24

Under the authority of Texas Taxation—General Annotated, Article 20.11(A), the comptroller of public accounts is adopting Rule 026.02.24.001.

.001. *Effect of Rules and Regulations; Permits and Certificates; Exclusion of Certain Sales of Qualified Retailers (Texas Revised Civil Statutes Annotated, Article 1118x, Section 11B(B)(e), and Article 1066c, Sections 2(B), 4(C), 6(C), and 2(K)(2)).*

(a)-(d) (No change.)

(e) Exclusion of sales of \$ .09 or less.

(1) Any retailer who is responsible for collecting the San Antonio MTA tax and who can establish to the satisfaction of the comptroller that 50% or more of his total receipts from sales of taxable items arise from individual transactions where the total sales price is \$ .09 or less may exclude the receipts from such individual sales when reporting and paying the tax. No such reporting method shall be used unless

the comptroller has given prior written approval to the retailer. Prior written approval may be obtained only by providing the comptroller with records which conclusively establish that 50% or more of the retailer's receipts are from sales \$ .09 or less. If two or more items, each of which sells for \$ .09 or less, are sold together for a total sales price of more than \$ .09, the receipts from such sale may not be treated as two separate sales of \$ .09 or less.

(2) Every retailer desiring to use the method mentioned above must maintain adequate records, satisfactory to the comptroller, to support his eligibility. After the written approval of the comptroller is granted to any retailer to use the method, the retailer must maintain adequate records to support every report. If, during any reporting period, the retailer's records fail to establish the facts necessary to exclude sales of \$ .09 or less, the tax for such periods must be reported and paid at the rate of 1/2 of 1.0% (0.5%) on all receipts from sales of taxable items, including sales of \$ .09 or less.

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

(f) (No change.)

Issued in Austin, Texas, on February 27, 1980.

Doc. No. 801527      Bob Bullock  
Comptroller of Public Accounts

Effective Date: March 19, 1980  
Proposal Publication Date: January 22, 1980  
For further information, please call (512) 475-6872.

### Coordinating Board, Texas College and University System

#### Administrative Council

#### Administration of the Texas State College and University Employees Uniform Insurance Benefits Program 251.20.02

Under the authority of Senate Bill 95, Acts of the 65th Legislature, Regular Session, 1977, the Administrative Council of the Coordinating Board, Texas College and University System, has adopted Rule 251.20.02.004.

.004. *Basic Procedural and Administrative Practices.*

(a)-(j) (No change.)

(k) The institutions shall apply the following practices and procedures with respect to the notification and enrollment of retirees and dependents of retirees in the uniform group insurance plan established for retired employees:

(1) The institution shall make a good faith effort to publicize the insurance program, informing retirees of their right and the right of their dependent(s) to participate in the uniform group insurance plan, and specifying the steps a retiree and his or her dependent(s) must take in order to enroll in an institution's retiree plan.

(2) Institutions shall offer open enrollment (enrollment without evidence of insurability) to retirees and their dependents for a period of not less than six months following the effective date of the Act, September 1, 1979, after which

time any retiree or dependent wishing to participate in the plan may be required by the institution to provide evidence of insurability.

(3) Individuals retiring after September 1, 1979, and their dependent(s) will not be required to provide evidence of insurability; provided, however, there is not an intervening time period between the date of termination from the active employee plan and enrollment in the retiree plan (e.g., the individual enrolls in the retiree plan during the first premium due date following the date of retirement).

(4) Individuals retiring after September 1, 1979, and their dependent(s) who do not enroll in the retiree plan during the first premium due date following the date of retirement may be required by the institution to provide evidence of insurability prior to enrollment in the retiree plan.

(5) Retirees shall be allowed to enroll new dependents in the uniform group health insurance plan upon the acquisition of the new dependents (e.g., marriage, adoption, birth of child(ren), etc.) provided the retiree enrolls the new dependents in the insurance plan within 31 days of the acquisition date or during the first premium due date following the date of acquisition.

Issued in Austin, Texas, on February 25, 1980.

Doc. No. 801519 James McWhorter, Executive Secretary  
Administrative Council  
Coordinating Board, Texas College and  
University System

Effective Date: March 19, 1980

Proposal Publication Date: January 1, 1980

For further information, please call (512) 475-2033.

## Texas Department of Health

### Health Maintenance

#### Special Supplemental Food Program for Women, Infants, and Children 301.30.01

The Texas Department of Health adopts by reference department publication entitled, "WIC State Plan of Operations." Since no public comments were received as a result of the plan being published in the *Register* (5 TexReg 126) for a 30-day comment period, the state plan remains unchanged.

This adoption by reference is under authority of Articles 4418a and 6252-13a, Texas Revised Civil Statutes.

.002. *WIC State Plan of Operations.* The Texas Department of Health adopts by reference the publication entitled "WIC State Plan of Operations." This plan has been developed by the WIC Program, Texas Department of Health, and copies are on file in the department's Special Supplemental Food Program for Women, Infants, and Children, 1100 West 49th Street, Austin, Texas.

Issued in Austin, Texas, on February 25, 1980.

Doc. No. 801460 A. M. Donnell, Jr., M.D.  
Deputy Commissioner  
Texas Department of Health

Effective Date: March 17, 1980

Proposal Publication Date: January 15, 1980

For further information, please call (512) 458-7427.

## Maternal and Child Health Division

### Testing Newborn Children for Phenylketonuria, Other Heritable Diseases, and Hypothyroidism 301.33.07

(Editor's note: Subchapter .07 of the following rules was incorrectly published as Subchapter .06 in the Proposed Rules section of the December 11, 1979, issue.)

The Texas Department of Health has adopted the subject rules which were published in the December 11, 1979, issue of the *Texas Register* (4 TexReg 4460) for public comments. The following comments on the proposed rules were received by the department either directly or during the public hearing on January 3, 1980:

(1) Relating to Rule .015(b), local and regional health departments do not necessarily have the ability to care for affected infants; rather they should provide follow-up and assistance as indicated. This suggestion is appropriate and is incorporated into the rules.

(2) In Rules .015(a) and (b), the word "newborn" should be used consistently in order to make clear who the responsible person is. This suggestion is also incorporated into the above sections and in other sections as needed for consistency.

(3) In Rule .011(a), clarification is needed about whether a second specimen at age two to four weeks is mandatory. The department has clarified this rule accordingly.

(4) Pertinent to Rule .010(a), a question was raised about how persons attending a newborn "outside of an institution involved in the care of newborns" will be made aware of their responsibilities. This information will be disseminated via written and verbal communications through public health personnel, the private medical community, and other existing channels of communication.

(5) A question was raised about whether these rules would need revision if additional tests are added to the Newborn Screening Program. The nature of the program would make such revisions appropriate.

(6) Another question was raised about whether the department will provide guidelines on testing methodology and reagents. The only specific guideline is that neither thyroxine (T<sub>4</sub>) determination nor thyroid-stimulating hormone (TSH) determination alone is sufficient for hypothyroidism screening.

(7) It was asked whether testing must be done using filter paper. Use of filter paper is not mandatory.

(8) In addition to the above, wording changes and other editorial revisions have been made where necessary.

These rules are adopted under the authority of Articles 4447e and 4447e-1, Texas Revised Civil Statutes.

.007. *Purpose.* The purpose of these rules is to implement the requirements of Articles 4447e and 4447e-1, Texas Revised Civil Statutes, relating to the testing of newborn children for phenylketonuria, other heritable diseases, and hypothyroidism.

#### .008. *Definitions.*

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

(b) "Phenylketonuria" or "PKU" means an inherited condition which, if not treated, leads to mental retardation.

(c) "Galactosemia" means an inherited condition which, if not treated, may cause fatal infection or mental retardation.

(d) "Homocystinuria" means an inherited condition which, if not treated, may cause mental retardation, blood clots, vision problems, skeletal abnormalities, and possibly death.

(e) "Hypothyroidism" means a condition which, if not treated, causes mental and physical retardation.

(f) "Testing" means the screening of a large number of people, and the associated laboratory procedures.

*.009. Persons Who Should Be Tested for PKU, Other Heritable Diseases, and Hypothyroidism.*

(a) All newborns shall be tested, with two exceptions. If the parent or guardian objects on the basis of religious conflict, or if certain medical considerations indicate the need to delay testing.

(b) No physician, technician, or person who provides testing can be liable or responsible because of the failure or refusal of the parent or guardian to give permission or consent for the test.

*.010. Responsibilities of Physician or Other Persons Attending a Newborn Child.*

(a) The physician or nonphysician attending the newborn has primary responsibility for seeing that testing is performed according to these rules, and that a satisfactory specimen is submitted to the department on a properly completed form. When a birth occurs outside of an institution involved in the care of newborns, the physician, midwife, or other person in attendance at the birth is responsible for seeing that testing is done.

(b) Collection of blood should be done using a sterile lancet, causing blood from the heel to be absorbed directly onto the filter-paper form.

(c) Specimens should air-dry on a flat surface for at least two hours, and then mailed within 24 hours to the department. If multiple specimens are mailed in one envelope, care should be taken to avoid cross-contamination.

*.011. Testing for PKU, Galactosemia, Homocystinuria, and Hypothyroidism.*

(a) PKU, galactosemia, and homocystinuria. Blood should be obtained 24 or more hours after protein feeding was started. If a child is discharged from a hospital prior to that time, the specimen should be obtained immediately before discharge, and a follow-up specimen obtained at age two to four weeks. This second specimen is not mandatory; however, it is strongly urged that it be obtained if the above-mentioned time criterion is not met.

(b) Hypothyroidism. Blood should be obtained when the child is at least 36 hours old, or according to the instructions in subsection (a). Neither thyroxine ( $T_4$ ) determination nor thyroid-stimulating hormone (TSH) determination alone is sufficient for hypothyroidism screening.

(c) Testing for all four conditions will be performed from a single filter-paper specimen.

*.012. Testing Procedures To Be Used.* The tests covered by these rules must be performed by either a diagnostic laboratory within the department or a department-approved laboratory. The department will be responsible for determining and implementing proper laboratory testing procedures for all of the conditions referred to in these rules.

(1) All determinations relative to initial screening procedures and follow-up testing procedures are included in these responsibilities.

(2) The establishment of current criteria for referral is dependent upon the laboratory procedure employed and will be the responsibility of the department.

(3) Laboratory results will be mailed to the person specified on the screening form upon completion of testing by the department.

*.013. Department-Approved Laboratories.* Approved laboratories must meet the criteria as outlined below:

(1) Phase I, beginning January 1, 1980, will involve a survey of all laboratories that plan to conduct screening on infants for any or all of the four conditions, followed by administrative approval if the technique and quality control described by each laboratory fall into good laboratory practice.

(2) Phase II will begin January 1, 1981, and will consist of the distribution by the department of specimens for testing by each approved laboratory. Continued approval will be dependent upon successful performance with the proficiency testing specimens.

(3) Phase III will include proficiency testing and an on-site inspection.

*.014. Department Approval of Laboratories to Participate in the Testing Program.*

(a) Application. To gain approval in this program, a laboratory must file an application form obtainable from the department. Completion of an application form is necessary only once, when entering the approval program, provided the laboratory remains approved.

(b) Testing.

(1) Beginning in January 1981, new applicant laboratories must successfully test an initial set of four specimens sent to them using the procedures for which they desire approval. Approval will be given for screening for one or more of the four diseases covered by these rules. If a laboratory does not screen for all parameters, then provision to have the remaining tests run on actual specimens must be made. After initial testing, laboratories must successfully test four specimens quarterly.

(2) All analysts in a laboratory may test themselves on the sets of unknown specimens, but only one report marked in the appropriate columns as the testing laboratory's final decision on the specimens should be returned.

(3) Included in the approval notification will be the testing laboratory identification number and group number. These numbers must be shown on all proficiency test reports and correspondence with this department.

(c) Reporting. Reports on proficiency test specimens will be made on department-prepared forms. A due date will be placed on each form that is mailed, and the results must be received by us on or before that date for the laboratory to avoid being placed on probationary status. Delinquency notices will be sent to those laboratories that fail to respond on time, and laboratories that fail to respond to delinquency notices may have their approval status restricted, suspended, or revoked by the department after an opportunity for a hearing in accordance with the formal hearing procedures of the department.

(d) Grading. Regardless of the total number of evaluation specimens sent to a laboratory, specimens will always be in sets of four. Each type of result on each specimen will receive a grade based on a possible 100. Each incorrect result

will result in a loss of points rounded off to six. Transcription errors are counted off as are technical errors. A minimum grade of 82 on each set of four specimens is acceptable. A copy of each report form showing a grade for that set is returned to the laboratory.

(e) Approval.

(1) When a laboratory enters the program by successfully testing and reporting on the initial set of four specimens using the report form provided, then that laboratory is placed on the list of those approved for the specified conditions for which the laboratory screens. Thereafter, screening specimens may be accepted by that laboratory.

(2) Military installations participating in a government-conducted proficiency testing program, and independent or hospital laboratories participating in a public health service program, the program of another state health department, or in an established professional society proficiency testing program, do not have to examine specimens in this department's approval program. Such laboratories may instead send to this department copies of their graded reports from those other offices.

(f) Disapproval. If a laboratory fails to pass on its initial attempt to gain approval, it must wait 30 days before reapplying. Failure on second application or subsequent applications will preclude approval each time until an additional 30 days have elapsed, but, in addition, certification must accompany the application that specific action to correct any problems has been taken.

(g) Changes.

(1) It is required that any change in address, location, and tests be made known to the department. Changes in personnel need not be reported.

(2) If any test procedure is to be dropped or the methodology altered significantly, the department must be notified. If a procedure is to be dropped, no further action is necessary after notification. If a new parameter or a new procedure is to be added or if the laboratory changed location, then an evaluation set of specimens must be tested. Successful completion of this study will permit continued approval or the adding of the new procedure or parameter, as appropriate. Failure with a new procedure or parameter will preclude reapplication for 30 days.

*.015. Follow-Up and Record Keeping on Positive Tests.*

(a) The department will maintain an active system of follow-up for all suspected cases of PKU, galactosemia, homocystinuria, and congenital hypothyroidism. It is the responsibility of the person attending the newborn to make sure that the newborn is screened, to obtain repeat specimens when indicated, and to assist in the provision of follow-up services to confirmed cases, when appropriate.

(b) The newborn's health-care provider is responsible for the child's case management. However, the department will provide assistance, where possible, to assure that care is provided. Local or regional health departments will provide follow-up and other needed assistance for those infants whose health care is obtained through the public health system.

(c) Individuals are requested to report all confirmed cases of the above that have been detected by other mechanisms to the department.

(d) Data will be collected in order to derive incidence/prevalence rates for the various conditions. Such epidemiologic data will be obtained largely from information

on the filter-paper form; thus, completeness of the form is crucial. Data collection of this nature may, in the future, identify high-risk population groups, with the ultimate goal of preventing the severe sequelae of the conditions.

*.016. Interpretive Memorandum.* For further information and guidance regarding these rules, an interpretive memorandum is available from the department.

Issued in Austin, Texas, on February 25, 1980.

Doc. No. 801461

A. M. Donnell, Jr., M.D.

Deputy Commissioner of Health  
Texas Department of Health

Effective Date: March 17, 1980

Proposal Publication Date: December 11, 1979

For further information, please call (512) 458-7668.

## Communicable Diseases

### Immunization Requirements in Texas Elementary and Secondary Schools and Institutions of Higher Education 301.41.04

The Texas Department of Health has adopted the subject proposed rule amendments. No public comments were received and no changes were made to the proposed amendments.

These rules are being adopted by the authority of Article 2.09, Texas Education Code, Articles 4418a and 6252-13a, Texas Revised Civil Statutes.

*.002. Exclusions from Compliance.* Exclusions from compliance are allowable on an individual basis for medical contraindications and religious conflicts. Students in these categories must submit evidence as specified in the law.

(1) Medical contraindications. The student must present an affidavit or a certificate signed by a physician who is duly registered and licensed to practice medicine within the United States in which it is stated that, in the physician's opinion, the immunization required would be injurious to the health and well-being of the applicant or any member of his or her family or household.

(2) Religious conflicts. The student must present an affidavit signed by the applicant, or if a minor, by his or her parent or guardian stating that the immunization conflicts with the tenets and practice of a recognized church or religious denomination of which the applicant is an adherent or member; provided, however, that this exemption does not apply in times of emergency or epidemic declared by the commissioner of health.

*.003. Required Immunizations.* (See Rule .011 for the policies on provisional enrollment, and Rule .017 for remarks and special considerations. Oral polio vaccine is the usual vaccine of choice for preventing polio; however, inactivated polio vaccine may be medically indicated for some students. The required number of doses and booster requirements for inactivated polio vaccine (IPV) differ from the requirements for oral polio vaccine. See Rule .006. If a student fails to complete the oral polio vaccine series, and, upon medical advice, starts receiving IPV, then the IPV requirements specified in Rule .006 will apply. The following immunizations are required in the respective age groupings.

(1) Children less than five years of age enrolled in preschool (prekindergarten) programs.

(A) Children less than two months old—no immunizations required.

(B) Children two months of age, but not yet four months of age—one dose each of oral polio and diphtheria-tetanus-pertussis (DTP) vaccines.

(C) Children four months of age, but not yet six months of age—two doses each of oral polio and DTP vaccines.

(D) Children six months of age, but not yet 18 months of age—two doses of oral polio and three doses of DTP vaccines.

(E) Children 18 months of age, but not yet five years of age—three doses each of oral polio and DTP vaccines, and one dose each of measles and rubella vaccines. The dose of measles vaccine must have been received on or after the first birthday. Effective September 1, 1979, all children in this group must have also received mumps vaccine. See Rules .007-.010 for policies on the acceptance of histories of measles and/or mumps illnesses in lieu of the vaccines.

(2) Children in kindergarten and grades one through five, or children ages five through 11 in ungraded schools.

(A) Polio. At least three doses of oral polio vaccine are required, provided at least one dose has been received on or after the fourth birthday. See Rule .017(c)-(d).

(B) Tetanus/diphtheria. At least three doses of DTP and/or Td vaccines are required, provided at least one dose has been received on or after the fourth birthday. See Rule .017(c)-(d).

(C) Measles. All students in this group must have received measles vaccine on or after the first birthday, or provide a history of measles illness. On or after September 1, 1979, all new histories of measles illness presented by students, parents, or guardians must be verified by a physician's statement. See Rules .007-.009 and .017.

(D) Rubella. One dose of rubella vaccine is required. Rubella vaccine is not required past the 12th birthday. See Rule .017(g).

(E) Mumps. Beginning September 1, 1979, mumps vaccine will be required for all students through seven years of age, or enrolled in preschool, kindergarten, or the first grade. On the first of September each year thereafter, children one year older, or in the next higher grade, will also be required to have received mumps vaccine. Children through 11 years of age or the fifth grade, will be required to have received mumps vaccine effective September 1, 1983. See the table below:

Mumps Vaccine Requirements by Effective Dates for Children in Preschool, Kindergarten, and Grades One through Five, or Children 18 Months through 11 Years of Age in Ungraded Schools

Effective Dates	Grades	Ages in Ungraded Schools*
September 1, 1979	preschool, kindergarten, and 1st grade	through 7
September 1, 1980	through 2nd	through 8
September 1, 1981	through 3rd	through 9
September 1, 1982	through 4th	through 10
September 1, 1983	through 5th	through 11

\*Ages in ungraded schools on the effective date.

Note: Mumps vaccine is not required for children less than 18 months old. A history of mumps illness may be accepted

in lieu of mumps vaccine if it has been validated in writing by a licensed physician. See Rules .010 and .017(f).

(3) Children and others in grades 6 through 12, or children and others ages 12 and older in ungraded schools other than institutions of higher education. See Rule .005.

(A) Polio. At least three doses of oral polio vaccine are required, provided one or more doses have been received on or after the fourth birthday. See Rule .017(c)-(d). Polio vaccine is not required for students 18 years of age or older.

(B) Tetanus/diphtheria. A minimum of three doses of DTP and/or Td is required, with at least one dose having been received on or after the fourth birthday and with the last dose within the past ten years. See Rule .017(c)-(d).

(C) Measles. Effective September 1, 1979, students 12 years of age, or those enrolled in the sixth grade, will be required to have received measles vaccine on or after the first birthday, or provide a history of measles illness. On the first of September each year thereafter, students one year older, or in one higher grade, must also meet these requirements. Effective September 1, 1985, students through 18 years of age, or in the 12th grade, will be required to have received measles vaccine on or after the first birthday, or provide a history of measles illness. See the table below:

Measles Vaccine Requirements by Effective Dates for Students in Schools

Effective Dates	Grades	Ages* in Ungraded Schools
September 1, 1978	preschool, kindergarten, grades 1-5	through 11
September 1, 1979	through 6th	through 12
September 1, 1980	through 7th	through 13
September 1, 1981	through 8th	through 14
September 1, 1982	through 9th	through 15
September 1, 1983	through 10th	through 16
September 1, 1984	through 11th	through 17
September 1, 1985	through 12th	through 18

\*Ages of students on the effective date.

Note: Measles vaccine is not required for children less than 18 months old. On or after September 1, 1979, all new histories of measles illness presented by students, parents, or guardians must be verified by a physician's statement. See Rules .007-.009 and .017(c). Eventually, all students will be included in the measles requirements. In the meantime, measles vaccine is recommended for all students for whom measles vaccine is not yet required, especially if:

- (i) history of vaccine or illness is uncertain, or
- (ii) measles vaccine was received prior to the first birthday, or
- (iii) the "inactivated" (killed) type of measles vaccine was received.

(D) Rubella. Rubella vaccine is not required past the 12th birthday. See Rule .017(g).

(E) Mumps. Beginning September 1, 1984, mumps vaccine will be required for students through 12 years of age, or in the sixth grade. On the first of September each year thereafter, students one year older, or in one higher grade, will also be required to have received mumps vaccine. Effective September 1, 1990, students through 18 years of age or in the 12th grade, will be required to have received mumps vaccine. See the following table:

Mumps Vaccine Requirements by  
Effective Dates for Students  
in Grades 6-12, or Students 12-18 Years  
in Ungraded Schools

Effective Dates	Grades	Ages* in Ungraded Schools
September 1, 1984	through 6th	through 12
September 1, 1985	through 7th	through 13
September 1, 1986	through 8th	through 14
September 1, 1987	through 9th	through 15
September 1, 1988	through 10th	through 16
September 1, 1989	through 11th	through 17
September 1, 1990	through 12th	through 18

Ages in ungraded schools on the effective date.

Note: Mumps vaccine is not required for children less than 18 months old. A history of mumps illness may be accepted in lieu of mumps vaccine if it has been validated by a physician. See Rules .010, and .017(f).

(4) Students in institutions of higher education. See Rules .005, and .017(g).

(A) Polio. Polio vaccine is not required for persons 18 years of age and older. For persons less than 18 years of age, at least three doses of oral polio vaccine are required, of which at least one dose must have been received on or after the fourth birthday. See Rule .017(c)-(d).

(B) Tetanus/diphtheria. A minimum of three doses of Td is required, of which the last dose was administered within 10 years. DTP doses may be credited to the three required doses. See Rule .017(c)-(d).

.006. *Inactivated Polio Vaccine.* This vaccine is the injectable type which is usually recorded as "IPV" or "Salk" on immunization records. A few students may need this type of polio vaccine instead of oral polio vaccine because of medical considerations. A student may be provisionally enrolled with a history of one dose of IPV, provided two more doses are taken at one to two month intervals, and a fourth dose is received 6 to 12 months later. A student will be in full compliance with the IPV requirements whenever he or she has received the four initial IPV doses and has received a dose within five years. Booster IPV's are required every five years after the fourth dose until the 18th birthday. If a student fails to receive the five year IPV booster, but upon medical advice starts receiving oral polio vaccine, then the oral polio vaccine requirements specified in Rule .003 will apply to the student.

.012. *School Records.* All schools are required to maintain records of the immunization status of individual students during the period of attendance for each student admitted. The records must be made available for inspection by representatives of the Texas Education Agency, the Texas Department of Health, or local health departments at all reasonable times.

.014. *Transfer of Records.* When a student transfers from one school or district to another, a copy of the immunization record and any measles or mumps illness statements from physicians should be sent within 30 days to the receiving school. A record received by mail from school officials of another district or state may be considered a validated record. Each school or institution of higher education shall cooperate in transferring students' immunization records between other schools and institutions of higher education.

Specific approval from students, parents, or guardians is not required prior to making such record transfers.

Issued in Austin, Texas, on February 25, 1980.

Doc. No. 801462

A. M. Donnell, Jr., M.D.  
Deputy Commissioner of Health  
Texas Department of Health

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Proposal Publication Date: January 15, 1980

For further information, please call (512) 458-7284.

## Veterinary Public Health

### Rabies Control and Eradication 301.58.03

The Texas Department of Health has made final adoption of the subject rules which were published in the December 11, 1979, issue of the *Texas Register* (4 TexReg 4469) for public comment. Two public hearings were held, and a number of comments were received. Ten veterinarians representing municipal health departments and municipal administrative personnel were the prime sources of the comments. Generally, the comments were supportive, and a summary of the comments and the department's response is as follows:

**Definitions.** Two respondents suggested that the definition of "humanely destroy" was too restrictive and would preclude the use of certain acceptable methods. This suggestion was found to be valid and was accepted. The appropriate modifications have been made accordingly. Two respondents suggested that a definition of "quarantined area" be included in the rules. This was rejected because it would be useless to do so because the concept is not included within the text of the rules.

**Protection of animal control personnel.** Four respondents suggested strengthening the recommendation that animal control personnel engaged in removing animal heads for laboratory diagnosis be immunized against rabies. This was accepted and the appropriate change in wording was made.

**Facilities for the quarantining of animals.** Two respondents suggested that the wording of the section dealing with the requirements for water and electric power be reworded, but this suggestion was rejected because it would have changed the intent of the provision and would have been unnecessarily restrictive. One respondent offered specifications for drainage; it was rejected because it was unnecessarily restrictive. Two respondents suggested the deletion of specific temperature requirements because they are redundant and very difficult to monitor. This suggestion was accepted because specific temperature requirements actually are unnecessary. Three respondents objected to the use of the mathematical formula proposed for calculating space requirements for dogs as being confusing, unnecessary, and redundant. This objection was considered valid and was accepted. The formula was omitted, resulting in the requirements that "primary enclosures shall . . . provide sufficient space to allow each animal to turn around fully, stand, sit and lie in a comfortable normal position." Two respondents suggested consolidating and condensing the requirements for outdoor facilities. This was accepted because it made the rule more readable without changing its intent.

**Public and private entities that operate a quarantine facility.** Three respondents suggested that the submission of facility plans for departmental approval be mandatory, while

one wanted to make it optional. The "should" was changed to "shall" because more respondents wanted to strengthen the requirement than to weaken it. Three respondents objected to the exemption of certain facilities from inspection. After consultation with the ad hoc committee which drafted the rules, the exemption was removed from the rules.

**Vaccination requirements.** One respondent suggested that the section pertaining to the licensing authority be deleted because the licensing authority and the vaccinator are two different individuals or agencies. This suggestion was accepted and incorporated into the rules.

**Interstate movement of dogs and cats.** Three respondents suggested that two years is too long to maintain records of health certificates on departing pets. This suggestion was accepted, and the time was changed to 90 days.

Numerous other minor changes were made for purposes of clarification and to have the text of the rules conform with proper grammar, usage, and punctuation.

These rules are adopted under authority of Articles 6252-13a, 4477-6a, and 4418a, Texas Revised Civil Statutes.

**.001. Purpose.** The purpose of these rules is to protect the public health by establishing uniform rules for the control and eradication of rabies in the State of Texas.

**.002. Definitions.** Definitions of terms for these rules are as follows:

(1) "Zoonosis Control Division" (ZCD) means the Division of the Bureau of Veterinary Public Health of the Texas Department of Health to which the responsibility for implementing these rules is assigned.

(2) "Primary enclosure" means any structure used to immediately restrict an animal or animals to a limited amount of space, such as a room, pen, run, cage, compartment, or hutch.

(3) "Housing facility" means any room, building, or area used to contain a primary enclosure or enclosures.

(4) "Sanitize" means to make physically clean and to destroy disease-producing agents.

(5) "Humanely destroy" means to cause the death of an animal by a method which:

(A) rapidly produces unconsciousness and death without visible evidence of pain or distress; or

(B) utilizes anesthesia produced by an agent which causes painless loss of consciousness, and death following such loss of consciousness.

(6) "Zoonosis control representative" means any person employed by the ZCD.

(7) "Dog" means any live or dead dog (*Canis familiaris*).

(8) "Cat" means any live or dead cat (*Felis catus*).

(9) "Animal" means any live or dead mammal, domesticated or wild.

(10) "Wild state" means living in its original, natural condition; not domesticated. "Wildlife" refers to animals living in such conditions. "Wild animal" refers to any mammal except the common domestic species (dogs, cats, horses, cattle, swine, sheep, and goats) regardless of state or duration of captivity.

(11) "Public health region" means a contiguous group of Texas counties, so designated by the board.

(12) "Vaccinated" means properly injected with a rabies vaccine licensed for use in that species by the United States Department of Agriculture.

(13) "Currently vaccinated" means vaccinated and satisfying the following criteria:

(A) the animal must have been at least three months of age at the time of vaccination;

(B) at least 30 days have elapsed since the initial vaccination;

(C) not more than 12 months have elapsed since the most recent vaccination.

(14) "Observation period" means the 10 days following a bite incident during which the biting animal's health status must be monitored.

(15) "Quarantine period" means that portion of the observation period during which a biting animal is physically confined for observation as provided for in Rule .007.

(16) "Department" means the Texas Department of Health (TDH).

(17) "Unowned animal" means any animal for which an owner has not been identified.

**.003. Information Relating to the Control of Rabies.** The ZCD will assume the responsibility of collecting, analyzing, and preparing monthly, quarterly, and annual summations of zoonotic disease activity in the state. These reports will be forwarded to national, state, and municipal agencies as required and selected statistics will be sent to the practitioners of veterinary medicine throughout the state.

**.004. Local Health Authorities.** Pre-exposure rabies immunization should be given to the local health authority engaged in removing heads and/or brains and these persons should possess neutralizing antibody levels equal to or greater than the level considered protective by the U.S. Public Health Service.

**.005. Reports of Human Exposure to Rabies.**

(a) Any person having knowledge of an animal bite to a human will report the incident to local health authorities as soon as possible, but not later than 24 hours from the time of the incident.

(b) The owner of the biting animal will place that animal in quarantine as prescribed in Rule .006 under the supervision of the local health authority.

(c) The local health authority will investigate each bite incident, utilizing standardized reporting forms provided by TDH.

**.006. Facilities for the Quarantining of Animals.**

(a) Generally.

(1) Structural strength. Housing facilities shall be structurally sound and shall be maintained in good repair in order to protect the animals from injury, to contain them, and to prevent exposure to other animals.

(2) Water and electric power. Reliable and adequate electric power, if required to comply with other provisions of this subpart, and adequate potable water shall be available.

(3) Storage. Supplies of food and bedding shall be stored in facilities which adequately protect such supplies against infestation or contamination by vermin. Refrigeration shall be provided for supplies of perishable food.

(4) Waste disposal. Provision shall be made for the removal and disposal of animal and food wastes, bedding, dead animals, and debris. Disposal facilities shall be so provided and operated as to minimize vermin infestations, odors, and disease hazards.

(5) Washrooms and sinks. Facilities for personal hygiene, such as washrooms, basins, or sinks, shall be provided for employees.

(b) Facilities—indoor.

(1) Heating. Indoor housing facilities shall be sufficiently heated when necessary to protect the animals.

(2) Ventilation. Indoor housing facilities shall be adequately ventilated to provide for the health and comfort of the animals at all times. Such facilities shall be provided with fresh air either by means of windows, doors, vents, or air conditioning and shall be ventilated so as to minimize drafts, odors, and moisture condensation.

(3) Lighting. Indoor housing facilities shall have ample light of sufficient intensity to permit routine inspection and cleaning during the entire work period. Primary enclosures shall be situated to protect the animals from excess illumination.

(4) Interior surfaces. The interior building surfaces shall be constructed and maintained so that they are impervious to moisture and may be readily sanitized.

(5) Drainage. A suitable method shall be provided to rapidly eliminate excess water from indoor housing facilities. If drains are used, they shall be properly constructed and kept in good repair to avoid foul odors therefrom. If closed drainage systems are used, they shall be equipped with traps and so installed as to prevent any backup of sewage onto the floor of the room.

(c) Facilities—outdoor. Outdoor holding facilities shall be of adequate size and construction to handle any animal housed therein. Adequate shelter shall be provided to protect animals from any form of overheating or cold or inclement weather. Outdoor holding facilities must be constructed in such manner that they will protect the animal, be readily sanitized, and will not create a nuisance. A suitable method shall be provided to rapidly eliminate excess water.

(d) Primary enclosures shall:

(1) be structurally sound and maintained in good repair;

(2) provide convenient access to clean food and water;

(3) enable the animal to remain dry and clean;

(4) be constructed so as to protect the animal's feet and legs from injury;

(5) provide sufficient space to allow each animal to turn around fully, stand, sit, and lie in a comfortable normal position.

(e) Feeding.

(1) Dogs and cats shall be fed at least once a day except as otherwise might be directed by a licensed veterinarian. The food shall be free from contamination, wholesome, palatable, and of sufficient quality and nutritive value to meet the normal daily requirements for the condition and size of the dog or cat.

(2) Food receptacles shall be accessible to all dogs and cats and shall be located so as to minimize contamination by excreta. Feeding pans shall be durable and kept clean and sanitary. Disposable food receptacles may be used but must be discarded after each feeding. Self feeders may be used for the feeding of dog food, and shall be kept clean and sanitary to prevent molding, deterioration, or caking of feed.

(f) Watering. If potable water is not accessible to the dogs and cats at all times, it shall be offered to them at least twice daily for periods of not less than one hour, except as

directed by a licensed veterinarian. Watering receptacles shall be kept clean and sanitary.

(g) Sanitation.

(1) Cleaning of primary enclosures. Excreta shall be removed from primary enclosures as often as necessary to prevent contamination of the inhabitants and to reduce disease hazards and odors.

(2) Sanitation of primary enclosures. Cages, rooms, and pens shall be maintained in a sanitary condition.

(3) Building and premises shall be kept clean.

(h) Pest control. A regular program for the control of insects, ectoparasites, and other pests shall be established and maintained.

*.007. Quarantine Method and Testing.*

(a) When a dog or cat which has bitten a human has been identified, the owner will be required to place the animal in quarantine. The 10-day observation period will begin on the day of the bite incident. The animal must be placed in the animal control facilities specified for this purpose, if available. However, the owner of the animal may request permission from the local health authority for home quarantine if the following criteria can be met:

(1) Secure facilities must be available at the home of the animal's owner, and must be approved by the local health authority.

(2) The animal is currently vaccinated against rabies.

(3) The local health authority or a licensed veterinarian must observe the animal at least on the first and last days of the quarantine period. If the animal becomes ill during the observation period, the local health authority must be notified by the person having possession of the animal. At the end of the observation period, the release from quarantine must be accomplished in writing.

(4) The animal was not in violation of any laws at the time of the bite.

(5) If the biting animal cannot be maintained in secure quarantine, it shall be humanely destroyed and the brain submitted to a TDH-certified laboratory for rabies diagnosis.

(b) No wild animal will be placed in quarantine. All wild animals involved in biting incidents will be humanely killed in such a manner that the brain is not mutilated. The brain shall be submitted to a TDH-certified laboratory for rabies diagnosis.

*.008. Public and Private Entities that Operate a Quarantine Facility.*

(a) Quarantining procedures.

(1) Biting animals and animals suspected of rabies that are placed in confinement for observation must be separated from all other animals in such a manner that there is no possibility of physical contact between animals.

(2) The unowned animal can be destroyed for rabies diagnosis prior to the end of the quarantine period.

(3) The local health authority may require a written agreement by the owner or the custodian at the time of quarantine and the animal may be disposed of according to terms of this agreement.

(b) Facilities planning. Any county, city, town, or incorporated community desiring to construct animal control facilities shall submit plans to the department for approval.



## (c) Inspection requirements of quarantine facilities.

(1) It will be the responsibility of the department to inspect all existing animal quarantine facilities. The inspection of the premises will be accomplished during ordinary business hours and the inspector must be accompanied by the person responsible for the management of the facility. All deficiencies will be documented in writing. Those that are of sufficient significance to affect the humane care of any animal confined to the facility must be corrected within a reasonable period of time.

(2) The inspections will be accomplished annually or more frequently when significant discrepancies have been identified. Any facility that cannot achieve acceptable standards within one year will be required to cease operation until acceptable standards have been achieved.

(3) The right of appeal. If the opinion of management of the quarantine facility is in conflict with the inspection evaluation, he or she may request a review of the inspection by the director, Zoonosis Control Division. In the event points of difference still remain, the supervisor may request a review of the inspection by the chief, Bureau of Veterinary Public Health. Each of the above appeals, when required, will be made in writing through the public health region director's office in whose area the animal facility is located.

*.009. Vaccination Required.*

(a) Vaccination. The owner of each dog or cat shall have the dog or cat vaccinated against rabies by the time it is four months of age and within each subsequent 12-month interval thereafter.

(b) Official rabies vaccination certificates issued by the vaccinating veterinarian shall contain certain standard information as designated by TDH. Information required is as follows:

- (1) owner's name, address, and telephone number;
- (2) animal identification—species, sex, age, (three months to 12 months, 12 months or older), size (pounds), predominant breed, and colors;
- (3) vaccine used—producer, expiration date, and serial number;
- (4) date vaccinated;
- (5) rabies tag number;
- (6) veterinarian's signature and license number.

*.010. Importation of Certain Animals.*

(a) The following animals, because they have a high probability of carrying rabies and constitute a danger to public health if brought into Texas, will be excluded from importation as domestic pets:

- (1) skunk (*Mephitis mephitis*, *Spilogale putorius*, *Spilogale gracilis*, *Mephitis macroura*, *Conepatus mesoleucus*, *Conepatus leuconotus*);
- (2) fox (*Vulpes fulva*);
- (3) raccoon (*Procyon lotor*);
- (4) ringtail (*Bassariscus astutus*);
- (5) bobcat (*Lynx rufus*);
- (6) coyote (*Canis latrans*);
- (7) marten (*Martes martes*).

These animals may be imported if they are destined for a research institute or public display, as in zoos or organized entertainment units (circus).

*.011. Interstate Movement of Dogs and Cats into Texas.*

(a) All dogs and cats to be transported into Texas for any purpose shall be admitted only when accompanied by an

official health certificate completed by a licensed graduate veterinarian of the state of origin, who shall certify that the animals are free from all infectious and contagious diseases or known exposure thereto, have not been exposed to rabies, nor originated in a rabies-quarantined area, and are currently vaccinated against rabies and identified by vaccination certificates showing date of vaccination.

(b) Certificates of health for dogs and cats departing the state shall be prepared by a licensed veterinarian on forms provided by the Texas Department of Health. A copy of the completed certificate for each dog or cat departing the state will be forwarded to the Bureau of Veterinary Public Health, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756. These certificates will be held for 90 days.

*.012. International Movement of Dogs and Cats into Texas.* International movement of dogs and cats into Texas will proceed in accordance with the rules and regulations prescribed by the United States Public Health Service.

Issued in Austin, Texas, on February 25, 1980.

Doc. No. 801463      A. M. Donnell, Jr., M.D.  
Deputy Commissioner  
Texas Department of Health

Effective Date: April 1, 1980

Proposal Publication Date: December 11, 1979

For further information, please call (512) 458-7221.

## Water Hygiene

The Texas Department of Health has adopted the amendments to the subject rules which were approved by the board during its November 30, 1979, meeting for publication in the *Texas Register* for public comment.

A public hearing was held on January 24, 1980, and a number of comments were received. These comments and the department's response to them is as follows:

(1) The definitions for "public water supply" and "community water system" were not the same in the proposed amendments to the Rules and Regulations for Public Water Systems, and the Drinking Water Standards Governing Drinking Water Quality and Reporting Requirements for Public Water Supply Systems. The proposed rules submitted today have been changed to read identically in both the Rules and Regulations for Public Water Systems and the Drinking Water Standards Governing Drinking Water Quality and Reporting Requirements for Public Water Supply Systems.

(2) Several comments stated that the department should avoid defining terms not defined in the federal statute. The department is proposing to adopt the subject rules under state statute. The federal statute is useful as a guide; however, three terms are not defined in the federal statutes which we believe should be included in this department's subject rules. The terms "individual" and "served" are placed in the "public water system" definition, and "service connection" is defined for "community water systems."

(3) The definitions for "public water system" and "community water system" were not identical to the federal definition contained in the National Interim Primary Drinking Water Regulations. The proposed rules did bring this department's existing rules into compliance with the numbers in the federal definition by increasing the number of ser-

vice connections required from four to 15 before a water system was considered a "public water system." The department is proposing to change the existing definition of a "public water system" in the Drinking Water Standards Governing Drinking Water Quality and Reporting Requirements for Public Water Supply Systems since only minor changes are needed. The proposed changes will make the basic definition the same as the federal definition; however, as stated above, additional clarification has been added.

(4) Other minor changes were made for purposes of clarification and understanding.

## Drinking Water Standards Governing Drinking Water Quality and Reporting Requirements for Public Water Supply Systems 301.83.01

The rule as adopted under Article 4477-1, Vernon's Texas Civil Statutes is:

**002. Definitions.** The following definitions shall apply in the interpretations and enforcement of these standards, and reference shall be made to the department's Rules and Regulations for Public Water Systems for aid in determining the meaning of the terms herein defined.

(1) "Public water system" means a system for the provision to the public of piped water for human consumption, if such system has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year. Such term includes (1) any collection, treatment, storage, and distribution facilities under control of the operator of such system and used primarily in connection with such system, and (2) any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system. A public water system is either a "community water system" or a "noncommunity water system." Without excluding other meanings of "individual" or "served," an individual shall be deemed to be served by a water system if he resides in, uses as his place of employment, or works in, a place to which drinking water is supplied from the system.

(2) "Community water system" means a public water system which serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents. Service connections shall be counted as one for each one-family residential unit to which drinking water is supplied from the system.

(3)-(10) (No change.)

Issued in Austin, Texas, on February 25, 1980.

Doc. No. 801464      A. M. Donnell, Jr., M.D.  
Deputy Commissioner  
Texas Department of Health

Effective Date: March 17, 1980  
Proposal Publication Date: December 11, 1979 & January 1, 1980

For further information, please call (512) 458-7533.

## Public Water Systems 301.83.12

This rule is adopted under Article 4477-1, Vernon's Texas Civil Statutes.

**001. Glossary of Terms.**

(a)-(i) (No change.)

(j) "Public water system" means a system for the provision to the public of piped water for human consumption, if such system has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year. Such term includes (1) any collection, treatment, storage, and distribution facilities under control of the operator of such system and used primarily in connection with such system, and (2) any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system. A public water system is either a "community water system" or a "noncommunity water system." Without excluding other meanings of "individual" or "served," an individual shall be deemed to be served by a water system if he resides in or uses as his place of employment, or works in a place, to which drinking water is supplied from the system.

(k) "Community water system" means a public water system which serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents. Service connections shall be counted as one for each one-family residential unit to which drinking water is supplied from the system.

(l)-(n) (No change.)

Issued in Austin, Texas, on February 25, 1980.

Doc. No. 801465      A. M. Donnell, Jr., M.D.  
Deputy Commissioner  
Texas Department of Health

Effective Date: March 17, 1980  
Proposal Publication Date: January 1, 1980  
For further information, please call (512) 458-7533.

## State Board of Insurance

### Rating and Policy Forms

#### Fixing Rate of Automobile Insurance 059.05.01

The State Board of Insurance has amended, effective June 1, 1980, Rule 059.05.01.002, which adopted by reference the Automobile Physical Damage Fleet Rating Supplement. The supplement as amended is attached and incorporated herein by reference.

The amendments to the Automobile Physical Damage Fleet Rating plans are to eliminate reference to scooters, safticycles, motor glides, and auto glides due to the fact that these terms are obsolete. In addition, reference to "driverless-for-rent" has been deleted and the term "automobiles leased or rented without drivers" has been substituted for editorial clarification. The table of base rates for fire, theft, and comprehensive has been amended and updated to reflect the new rating formulas and manual classifications that have been adopted under the new commercial class plan. The rules and rates applicable to legal liability for physical damage to trailers under a trailer interchange contract have been eliminated from the fleet rating plan due to the fact that a revised trailer interchange contract rule has been incorporated into the proposed Texas automobile manual that has been filed separately.

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

*.002. Automobile Physical Damage Fleet Rating Supplement.* The State Board of Insurance adopts by reference the attached Automobile Physical Damage Fleet Rating Supplement, as amended in June 1980. This document is published by and available from the Texas Automobile Insurance Service Office, Suite 350, American Bank Tower, 221 West Sixth Street, Austin, Texas 78701, or the State Board of Insurance, 1110 San Jacinto, Austin, Texas 78786.

Doc. No. 801475

### Reports on Experience 059.05.05

The State Board of Insurance has amended, effective June 1, 1980, Rule 059.05.05.004, which adopted by reference the Automobile Liability Experience Rating Plan. Copies of the amended pages are attached and incorporated herein by reference.

The amendment is to update Paragraph B., Deductible Basis—Bodily Injury and Property Damage, on page 5 of the Automobile Liability Experience Rating Plan to adjust the rating example to track the deductible factors that have been adopted separately in the new automobile manual effective June 1, 1980. In addition, the Credibility Table titles have been editorially amended.

This amendment is adopted under the authority of Articles 5.01 and 5.05 of the Texas Insurance Code.

*.004. Automobile Liability Experience Rating Plan.* The State Board of Insurance adopts by reference the attached Automobile Liability Experience Rating Plan as amended in June 1980. This document is published by and available from the Texas Automobile Insurance Service Office, Suite 350, American Bank Tower, 221 West Sixth Street, Austin, Texas 78701, or the State Board of Insurance, 1110 San Jacinto, Austin, Texas 78786.

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

Doc. No. 801476      Pat Wagner  
                                 Chief Clerk  
                                 State Board of Insurance

Effective Date: June 1, 1980

Proposal Publication Date: January 15, 1980 & November 6,  
1979

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

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 Conservation Foundation

**Tuesday, February 26, 1980, 10:30 a.m.** The Texas Conservation Foundation made an emergency addition to a meeting held in Room 119, Stephen F. Austin Building, Austin. The addition concerns discussion of the Aldrich House.

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

Filed: February 25, 1980, 1:50 p.m.  
Doc No 801450

## Texas Board of Corrections

**Monday, March 10, 1980, 8 a.m.** The Texas Board of Corrections will meet in Room 103 of the Administration Building, 815 Eleventh Street, Huntsville. According to the agenda summary, the board will consider the following: matters relating to inmate affairs; personnel; business; agriculture; construction; industries; legal, research, planning, and development; and the Windham School District.

Additional information may be obtained from W. J. Estelle, Jr., P.O. Box 99, Huntsville, Texas 77340, telephone (713) 295-6371, ext. 160.

Filed: February 27, 1980, 2:05 p.m.  
Doc. No. 801534

## Texas State Board of Dental Examiners

**Saturday, March 1, 1980, 8:30 a.m.** The Texas State Board of Dental Examiners makes emergency additions to the agenda of a meeting held in the Castilian ABC Rooms at the Shamrock Hilton Hotel in Houston. According to the agenda summary, the additions concern the following: discussion of AADE meeting; motion for rehearing; request for dental hygienist at nursing center; letter complaint from a dentist; presentation of plaques of appreciation; report on x-ray film; discussion of May and June exams; appearance by Dental

Laboratory Advisory Board; decision on patient deaths of two dentists; reports on investigation cases; appearance by Dr. Schow; appearance by Cheryl Mounts regarding United States Air Force dental hygiene graduates; reports by Dr. Wilbanks; recommendation for filling vacancy on EEO Advisory Committee; discussion of expenses during meetings; discussion of two rules as emergency adoption—382.01.06.002 and 382.19.20.003; and requests from licensees that their probation be lifted.

Additional information may be obtained from Carl C. Hardin, Jr., 718 Southwest Tower, 7th and Brazos, Austin, Texas 78701, telephone (512) 475-2443.

Filed: February 26, 1980, 4:20 p.m.  
Doc. No. 801517

**Friday, March 14, 1980, 12 noon-1 p.m.** The Texas State Board of Dental Examiners will meet in the board meeting room at the University of Texas Dental School in Houston. According to the agenda, the board will consider the permanent adoption of Rules 382.01.02.005, 382.01.06.002, 382.19.02.003, 382.19.11.006 and also will consider other board business.

Additional information may be obtained from Carl C. Hardin, Jr., 718 Southwest Tower, 7th and Brazos, Austin, Texas 78701, telephone (512) 475-2443

Filed: February 28, 1980, 10:48 a.m.  
Doc. No. 801581

## State Board of Education

**Friday, March 7, 1980, 8:30 a.m.** The Committee for Policy, Budget, and Finance of the State Board of Education will meet in the second floor conference room, 158 East Riverside Drive, Austin. According to the agenda, the committee will consider the following: requirements for issuance of Texas certificate based on certificates and college credentials from other states; general powers and duties; committees of the board; designation of the board of the Texas School for the Blind and the Texas School for the Deaf; amendment to the Texas State Plan for Vocational Education, 1979-80; recommendation for post-secondary technical vocational education financing; request for authorization to submit annual budget request for Education of the Handicapped Act, Title VI-C funds for deaf blind education, 1980-81 school year; application for federal funds under Title IV of Public Law 95-561; and revision of agency operating plan/budget, 1979-80.

Additional information may be obtained from Alton O. Bowen, 201 East 11th Street, Austin, Texas 78701, telephone (512) 475-3271.

Filed: February 27, 1980, 3:06 p.m.  
Doc. No. 801542

**Friday, March 7, 1980, 8:30 a.m.** The Committee for Programs and Personnel Development of the State Board of Education will meet in the Board Room at 150 East Riverside Drive, Austin. According to the agenda, the committee will consider the following: student assessment of basic skills;

proclamation of the State Board of Education advertising for bids on textbooks; recommendations on re adoption of textbooks; appointments to the Apprenticeship and Training Advisory Committee; nominations to the State Parent Advisory Council for Migrant Education; recommendation for appointment of members to the Continuing Advisory Committee for Special Education; methods of administration for Civil Rights Compliance Program in Vocational Education; authorization and reimbursement for HCR 90 Panel, Advisory Committee, and State Board of Education members.

Additional information may be obtained from Alton O. Bowen, 201 East 11th Street, Austin, Texas 78701, telephone (512) 475-3271.

Filed: February 27, 1980, 3:06 p.m.  
Doc. No. 801543

**Friday, March 7, 1980, 1 p.m.** The Committee for Investment of the Permanent School Fund of the State Board of Education will meet in the second floor conference room, 158 East Riverside Drive, Austin. According to the agenda, the committee will consider the following: the investment program of the permanent school fund; recommended additions to the "Approved List of Corporations for Security Purchases" for the state Permanent School Fund; and investment of available funds.

Additional information may be obtained from Alton O. Bowen, 201 East 11th Street, Austin, Texas 78701, telephone (512) 475-3271.

Filed: February 27, 1980, 3:06 p.m.  
Doc. No. 801544

**Friday, March 7, 1980, 1 p.m.** The Committee for Special Schools and Athletics of the State Board of Education will meet in Room 1.912 of the Special Events Center, 1701 Red River, Austin. According to the agenda, the committee will consider the following: organizational structure that controls programs involving extracurricular activities of the public schools; determine athletic necessities and activities; financial structure; and due process procedures for appeals available to school districts.

Additional information may be obtained from Alton O. Bowen, 201 East 11th Street, Austin, Texas 78701, telephone (512) 475-3271.

Filed: February 27, 1980, 3:06 p.m.  
Doc. No. 801545

**Friday, March 7, 1980, 2 p.m.** The Committee for Priorities, Accountability, and Accreditation of the State Board of Education will meet in the Board Room at 150 East Riverside Drive, Austin. According to the agenda, the committee will consider the following: standards for library and learning resources services; mineral leases by school districts; and funding for compensatory education programs.

Additional information may be obtained from Alton O. Bowen, 201 East 11th Street, Austin, Texas 78701, telephone (512) 475-3271.

Filed: February 27, 1980, 3:07 p.m.  
Doc. No. 801546

**Saturday, March 8, 1980, 8:30 a.m.** The State Board of Education will meet in the Board Room at 150 East Riverside Drive, Austin. According to the agenda, the board will consider the following: appeals on decisions of the commissioner of education; agency administration; Good Neighbor scholarships; student assessment of basic skills; proclamation of the State Board of Education advertising for bids on textbooks; recommendations on re adoption of textbooks, appointments to the Apprenticeship and Training Advisory Committee; nominations to the State Parent Advisory Council for Migrant Education; recommendations for appointment of members to the Continuing Advisory Committee for Special Education; methods of administration for Civil Rights Compliance Program in Vocational Education; authorizing and reimbursement for HCR 90 Panel, Advisory Committee, and State Board of Education members; requirements for issuance of Texas certificate based on certificates and college credentials from other states; general powers and duties; committees of the board; designation of the board of the Texas School for the Blind and the Texas School for the Deaf; amendment to the Texas State Plan for Vocational Education, 1979-80; recommendation for post secondary technical-vocational education financing; request for authorization to submit annual budget request for Education of the Handicapped Act, Title VI C Funds for Deaf-Blind Education, 1980-81 school year; application for federal funds under Title IV of Public Law 95-561; revision of agency operating plan/budget, 1979-80; standards for library and learning resources services; mineral leases by school districts; funding for compensatory education programs; the investment program of the Permanent School Fund; recommended additions to the "Approved List of Corporations for Security Purchases" for the state Permanent School Fund, and investment of available funds.

Additional information may be obtained from Alton O. Bowen, 201 East 11th Street, Austin, Texas 78701, telephone (512) 475-3271.

Filed: February 27, 1980, 3:06 p.m.  
Doc No 801566

## Texas Education Agency

**Wednesday, March 5, 1980, 10 a.m.** The Curriculum Study Panel Division of the Texas Education Agency will meet in the board room, 150 East Riverside Drive, Austin. According to the agenda, the curriculum study panel was established in response to House Concurrent Resolution 90, passed by the 66th Legislature. The panel includes members of the State Board of Education, the House Committee on Public Education, the Senate Education Committee, and the Governor's Advisory Committee on Education. The agenda includes: presentation by representative Wilhelmina Deleo; review of recommendations of the Curriculum Advisory Committee; oral report on the status of the curriculum in other states; final plans for distribution of the documents, Please Advise and A Study of the Texas Curriculum, 1979-80; consideration of final plans for the public hearings; plans for a meeting of the Curriculum Advisory Committee upon conclusion of the public hearings.

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

Filed: February 26, 1980, 2:01 p.m.  
Doc. No. 801497

**Wednesday, March 12, 1980, 9:30 a.m.** The Educational Improvement Advisory Council of the Texas Education Agency will meet at 150 East Riverside Drive, state board meeting room, Austin. According to the agenda summary, the council will consider status report on Title II; report on revised state plan for Title IV; status report on Title IV-B; review and recommendations of Title IV-C; review of program guidelines and form for application for federal assistance under Title IV-D, Public Law 95-561.

Additional information may be obtained from Ira Nell Turman, 201 East 11th Street, Austin, Texas 78701, telephone (512) 475-2581.

Filed: February 26, 1980, 2:01  
Doc. No. 801498

## Texas Department of Health

**Thursday, March 20, 1980, 9 a.m.** The Maternal and Child Health Division of the Texas Department of Health will meet in the first floor auditorium at 1100 West 49th Street, Austin. According to the agenda, the division will conduct a public hearing on proposed department rules regarding screening of children for visual handicaps. Rules are authorized under Article 4419f, "The Texas Children's Vision Screening Article of 1979," Texas Revised Civil Statutes.

Additional information may be obtained from C. R. Allen, Jr., M.D., 1100 West 49th Street, Austin, Texas 78756, telephone (512) 458-7534.

Filed: February 26, 1980, 9:24 a.m.  
Doc. No. 801494

**Wednesday, April 23, 1980, 9 a.m.** The Milk and Dairy Division of the Texas Department of Health will meet in the first floor auditorium at 1100 West 49th Street, Austin. According to the agenda, the division will conduct a public hearing on proposed new rules covering definition, production, and handling of Grade A raw milk and Grade A pasteurized milk, including milk products. The hearing will also cover proposed repeal of existing rules on Grade A bulk milk and labeling of milk products and incorporation of these rules into proposed new rules.

Additional information may be obtained from Hugh Rundle, 1100 West 49th Street, Austin, Texas 78756, telephone (512) 458-7281.

Filed: February 26, 1980, 9:23 a.m.  
Doc. No. 801495

## Texas Health Facilities Commission

**Thursday, March 6, 1980, 10 a.m.** The Texas Health Facilities Commission will meet in Suite 305 of the Jefferson Building, 1600 West 38th Street, Austin. According to the agenda summary, the commission will consider an application for declaratory ruling by Nacogdoches County Hospital District, Nacogdoches, AH79-1214-027.

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

Filed: February 27, 1980, 11:52 a.m.  
Doc. No. 801532

## Texas Department of Human Resources

**Friday, March 7, 1980, 9:30 a.m.-3 p.m.** The Texas Council on Child Welfare of the Texas Department of Human Resources will meet on the second floor of the Banister Building in Room 2L1, 706 Banister Lane, Austin. According to the agenda summary, the council will consider the following committee reports: subcommittee issues; committee meetings; evaluation of State Paid Foster Care; update on permanency planning efforts by Department of Human Resources; Sexual Abuse Task Force; Waco State Home; and regional reports.

Additional information may be obtained from James C. Marquart, Department of Human Resources, Anderson Lane Building, Austin, Texas, telephone (512) 835-0440, ext. 2431.

Filed: February 26, 1980, 9:23 a.m.  
Doc No 801493

## State Board of Insurance

The State Board of Insurance will meet in Room 408, 1110 San Jacinto, Austin, on the following dates to discuss the commissioner's report and to conduct an executive session on personnel matters.

**Tuesday, March 4, 1980, 2 p.m.**  
**Tuesday, March 11, 1980, 2 p.m.**  
**Tuesday, March 18, 1980, 2 p.m.**  
**Tuesday, March 25, 1980, 2 p.m.**

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

Filed: February 26, 1980, 9:28 a.m.  
Doc Nos 801451, 801482, 801484, & 801486

**Tuesday, March 4, 1980, 10 a.m.** The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 342, 1110 San Jacinto Street, Austin. According to the agenda, the hearing section will consider application for original incorporation—Docket 5940, Crossroads Insurance Company, Dallas.

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

Filed: February 25, 1980, 3:46 p.m.  
Doc No 801469

The State Board of Insurance will meet in Room 408, 1110 San Jacinto, Austin, on the following dates to discuss the fire marshal's report.

**Wednesday, March 5, 1980, 2 p.m.**  
**Wednesday, March 12, 1980, 2 p.m.**  
**Wednesday, March 19, 1980, 2 p.m.**  
**Wednesday, March 26, 1980, 2 p.m.**

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

Filed: February 26, 1980, 9:27 a.m.  
Doc. Nos. 801452, 801483, 801485, & 801487

**Wednesday, March 5, 1980, 9:30 a.m.** The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 342, 1110 San Jacinto Street, Austin. According to the agenda, the hearing section will consider application for original charter—Docket 5947, Texas Imperial Life Insurance Company, Beaumont.

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

Filed: February 25, 1980, 3:46 p.m.  
Doc. No. 801470

**Thursday, March 6, 1980, 10 a.m.** The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 342, 1110 San Jacinto Street, Austin. According to the agenda, the hearing section will consider application for original incorporation—Docket 5942, Bell Indemnity Company, Dallas.

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

Filed: February 25, 1980, 3:47 p.m.  
Doc. No. 801471

**Tuesday, April 1, 1980, 9 a.m.** The State Board of Insurance will meet in Room 142, 1110 San Jacinto, Austin, to consider Docket 1145—proposed indeterminate premium reduction policy rules.

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

Filed: February 26, 1980, 9:26 a.m.  
Doc. No. 801488

## Lamar University

**Monday, March 3, 1980, 9 a.m.** The Academic Affairs Committee of the Board of Regents of Lamar University met in the Board Room of the Plummer Administration Building on campus in Beaumont to review program proposals.

Additional information may be obtained from Andrew J. Johnson, P.O. Box 10014, Lamar University Station, Beaumont, Texas 77710.

Filed: February 26, 1980, 3:38 p.m.  
Doc. No. 801510

**Wednesday, March 5, 1980, 9 a.m.** The Personnel Committee of the Board of Regents of Lamar University will meet in the Board Room of the Plummer Administration Building on campus in Beaumont in executive session to consider the following: review recommendations for promotions, tenure, and the early retirement policy.

Additional information may be obtained from Andrew J. Johnson, P.O. Box 10014, Lamar University Station, Beaumont, Texas 77710.

Filed: February 26, 1980, 3:38 p.m.  
Doc. No. 801513

**Wednesday, March 5, 1980, 10 a.m.** The Building and Grounds Committee of the Board of Regents of Lamar University will meet in the Board Room of the Plummer Administration Building on campus in Beaumont in executive session to review bids received for building projects and acquisition of property.

Additional information may be obtained from Andrew J. Johnson, P.O. Box 10014, Lamar University Station, Beaumont, Texas 77710.

Filed: February 26, 1980, 3:38 p.m.  
Doc. No. 801511

**Wednesday, March 5, 1980, 11 a.m.** The Finance Committee of the Board of Regents of Lamar University will meet in the Board Room of the Plummer Administration Building on campus in Beaumont to review routine monthly reports and salary administration for 1980-81.

Additional information may be obtained from Andrew J. Johnson, P.O. Box 10014, Lamar University Station, Beaumont, Texas 77710.

Filed: February 26, 1980, 3:38 p.m.  
Doc. No. 801512

## Texas Legislative Council

**Tuesday, March 4, 1980, 9 a.m.** The Texas Legislative Council will meet in the Lieutenant Governor's committee room, Capitol Building, Austin, for a quarterly meeting.

Additional information may be obtained from Robert E. Johnson, P.O. Box 12128, Austin, Texas, telephone (512) 475-2736.

Filed: February 25, 1980, 4:30 p.m.  
Doc. No. 801477

## Texas State Board of Medical Examiners

**Saturday, March 1, 1980, 3:45 p.m.** The Physician's Assistant Rules Committee of the Texas State Board of Medical Examiners made an emergency addition to the agenda of a meeting held in Suite 900, 211 East 7th Street, Austin. According to the agenda, the addition concerned consideration of possible minor revision of the Physician's Assistant rules to coordinate those board rules with the rules on standing orders. The committee meeting was held during the board's meeting of February 29-March 2, 1980.

Additional information may be obtained from Jean Davis, 211 East 7th Street, Suite 900, Austin, Texas 78701, telephone (512) 475-0741.

Filed: February 26, 1980, 9:26 a.m.  
Doc. No. 801492

## Texas Department of Mental Health and Mental Retardation

**Thursday, March 13, 1980, 1 p.m., and Friday, March 14, 1980, 8:30 a.m.** The Planning Council for Developmental Disabilities of the Texas Department of Mental Health and

Mental Retardation will meet at 2721 South 10th Street, Hilton Inn, McAllen. According to the agenda summary, the council will consider Planning, Advocacy, Monitoring and Evaluation Committee reports; report from administering agency; consumer input; report on NCDD meeting; report on Texas Rehabilitation Commission Advisory Board meeting; report on dental program for developmentally disabled; report from Advocacy, Inc.; review of Texas Tech Technical Assistance project; report on Governor's Task Force for handicapped citizens; council members input and general discussion; election of officers.

Additional information may be obtained from Clarence Jackson, Box 12668, Austin, Texas 78711, telephone (512) 454-3761 ext. 317.

Filed: February 25, 1980, 3:08 p.m.  
Doc. No. 801466

## Texas Municipal Retirement System

**Saturday, March 15, 1980, 9 a.m.** The Board of Trustees of the Texas Municipal Retirement System will meet in the main auditorium at the system offices, 1200 North Interstate 35, Austin. According to the agenda summary, the board will hear and approve minutes of December meeting; review the report of the 1973-1977 actuarial investigation and recommendation of rates and tables and consider adoption of rates and tables recommended by the actuary; consider and approve applications for service retirements, disability retirements, and supplemental death benefits payments; review and act on financial statements, investment reports, and other reports of the director, actuary, and legal counsel; present memorial resolution in memory of Sterling K. Miller, past member of the Board of Trustees, Texas Municipal Retirement System, and consider any other business to come before the board.

Additional information may be obtained from Jimmie L. Mormon, 1200 North Interstate 35, Austin, Texas 78701, telephone (512) 476-7577.

Filed: February 29, 1980, 12:20 p.m.  
Doc No 801587

## Board of Pardons and Paroles

**Monday-Friday, March 10-14, 1980, 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.

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

Filed: February 26, 1980, 9:30 a.m.  
Doc No. 801491

## Texas Parks and Wildlife Department

**Thursday, February 28, 1980, 9 a.m.** The Texas Parks and Wildlife Commission makes an emergency addition to the agenda of a meeting held in Building "B" at the Texas Parks and Wildlife Department Headquarters Complex, 4200 Smith School Road, Austin. According to the agenda, the addition concerns a Texas Conservation Foundation line item appropriation.

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

Filed: February 27, 1980, 1:58 p.m.  
Doc. No. 801535

## Texas State Board of Examiners of Psychologists

**Thursday-Sunday, March 6-9, 1980, 9 a.m.-5 p.m. daily.** The Texas State Board of Examiners of Psychologists will meet in Suite 126 of Building I, 5555 North Lamar, Austin. According to the agenda, the board will consider the following items: sunset review process, rules and regulations; board opinion letters, consideration and reconsideration of applications; interviews, meetings, and hearings, administrative matters; procedures and policies; and other legislative matters.

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

Filed: February 27, 1980, 3:59 p.m.  
Doc. No. 801563

## Texas Department of Public Safety

**Friday, March 14, 1980, 8:30 a.m.** The Public Safety Commission of the Texas Department of Public Safety will meet at 5805 North Lamar, Austin, to consider approval of minutes and continue a hearing on appeal of discharged employee.

Additional information may be obtained from James B. Adams, 5805 North Lamar, Austin, Texas, telephone (512) 452-0331, station 3700.

Filed: February 26, 1980, 3:07 p.m.  
Doc No 801504

## Public Utility Commission of Texas

**Friday, February 29, 1980, 9 a.m.** The Hearings Division of the Public Utility Commission of Texas met in emergency session in Suite 450N, 7800 Shoal Creek Boulevard, Austin, to consider Docket 2875—application of Gulf Coast Electronics, Inc., for a CCN within Jefferson, Orange, Liberty, and Chambers Counties. The emergency meeting was necessitated to expedite the hearing on the merits.

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

Filed: February 27, 1980, 9:31 a.m.  
Doc No 801523



**Wednesday, March 5, 1980, 10 a.m.** The Hearings Division of the Public Utility Commission of Texas will meet in rescheduled emergency session in Suite 450N, 7800 Shoal Creek Boulevard, Austin. According to the agenda, the commission will hear Docket 2916, application of Domestic Water Company for a rate increase within Montgomery County. The hearing warrants emergency status because a commission final order hearing was rescheduled to March 4, 1980, the original hearing date for Docket 2916.

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

Filed: February 28, 1980, 10:47 a.m.  
Doc. No. 801582

**Tuesday, March 11, 1980, 9 a.m.** The Hearings Division of the Public Utility Commission of Texas will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin, to conduct a prehearing conference in Docket 3093—application of Community Public Service Company for a rate increase.

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

Filed: February 27, 1980, 9:30 a.m.  
Doc. No. 801524

**Tuesday, March 11, 1980, 10 a.m.** The Hearings Division of the Public Utility Commission of Texas will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin. According to the agenda, the hearings division will hear complaint of Luella Water Supply Corporation against the city of Sherman—Docket 2964.

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

Filed: February 25, 1980, 4:01 p.m.  
Doc. No. 801473

**Thursday, March 13, 1980, 9 a.m.** The Hearings Division of the Public Utility Commission of Texas will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin. According to the agenda, the division will conduct a prehearing conference concerning Docket 3094—application of General Telephone Company of the Southwest for authority to change rates.

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

Filed: February 27, 1980, 1:53 p.m.  
Doc. No. 801536

**Tuesday, March 25, 1980, 10 a.m.** The State Board of Insurance will meet in the hearing room, Department of Highways and Public Transportation Building, Austin. According to the agenda, the board will consider readable automobile policy.

Additional information may be obtained from Pat Wagner, 110 San Jacinto, Austin, Texas 78786, telephone (512) 475-2950.

Filed: February 28, 1980, 10:48 a.m.  
Doc. No. 801483

## State Securities Board

**Friday, March 7, 1980, 9 a.m.** The State Securities Board will meet in Room 704 of the LBJ Building, 111 East 17th Street, Austin. According to the agenda summary, the board will consider previously published rules concerning mortgage notes; building and loan associations; exemptions under Section 5.T and 5.R; and registration of securities. New proposals for rules will be reviewed concerning tender offers; chartered financial analysts; record keeping of restricted securities dealers; exchange of mutual funds shares; advertising guidelines; and an exemption for sale of certain "blue chip" securities traded on NASDAQ. Merit regulation of securities will also be discussed and a general update on agency operations will be given.

Additional information may be obtained from Richard D. Latham, 709 LBJ Building, Austin, Texas 78701, telephone (512) 475-4561.

Filed: February 27, 1980, 3:17 p.m.  
Doc. No. 801565

## Texas Southern University

**Wednesday, March 5, 1980, 9 a.m.** The Finance Committee of the Board of Regents of Texas Southern University will meet in Room 117 of Hannah Hall, 3201 Wheeler Avenue, Houston. According to the agenda, the committee will consider monthly financial reports from the administration.

Additional information may be obtained from Everett O. Bell, Texas Southern University, 3201 Wheeler Avenue, Houston, Texas 77004, telephone (713) 529-8911.

Filed: February 26, 1980, 3:15 p.m.  
Doc. No. 801507

**Wednesday, March 5, 1980, 1:30 p.m.** The Building and Grounds Committee of the Board of Regents of Texas Southern University will meet in Room 117 of Hannah Hall, 3201 Wheeler Avenue, Houston. According to the agenda, the committee will consider approval of contracts for payment, acquisition of real estate, and the awarding of contracts.

Additional information may be obtained from Everett O. Bell, 3201 Wheeler Avenue, Houston, Texas 77004, telephone (713) 529-8911.

Filed: February 26, 1980, 3:15 p.m.  
Doc. No. 801505

**Wednesday, March 5, 1980, 3 p.m.** The Faculty and Curriculum Committee of the Board of Regents of Texas Southern University will meet in Room 117 of Hannah Hall, 3201 Wheeler Avenue, Houston, to receive enrollment and curriculum data from the administration.

Additional information may be obtained from Everett O. Bell, 3201 Wheeler Avenue, Houston, Texas 77004, telephone (713) 529-8911.

Filed: February 26, 1980, 3:16 p.m.  
Doc. No. 801506

**Thursday, March 6, 1980, 10 a.m.** The Board of Regents of Texas Southern University will meet in Room 203 of the Student Life Center, 3201 Wheeler Avenue, Houston. According to the agenda, the board will consider fiscal and curriculum reports from the administration and approval of short-term investments as recommended by the Finance Committee.

Additional information may be obtained from Everett O. Bell, 3201 Wheeler Avenue, Houston, Texas 77004, telephone (713) 529-8911.

Filed: February 26, 1980, 3:15 p.m.  
Doc. No. 801508

## Teacher Retirement System of Texas

**Friday, March 14, 1980, 10 a.m.** The Board of Trustees of the Teacher Retirement System of Texas will meet at 1001 Trinity, Austin. According to the agenda summary, the meeting includes the following: approval of minutes; review of investments for quarter ending February 28, 1980; review of discussions and recommendations at IAC meeting; comments and responses to questions; action on IAC recommendations; proposed amendment to signature authorization on transfer of securities; review of actuarial valuation for year ending August 31, 1979; consideration of special called meeting to begin formulating legislative recommendations for future benefit improvements; consideration of governor's request to reduce personnel; consideration of budget amendments; discussion of terms expiring for members of Investment Advisory Committee and medical board; review of pending litigation; report of member benefits division. The board will also meet in executive session to discuss personnel.

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

Filed: February 28, 1980, 11:16 a.m.  
Doc. No. 801585

## Texas Water Commission

**Tuesday, February 26, 1980, 4 p.m.** The Texas Water Commission met in emergency session in Room 124A, 1700 North Congress Avenue, Stephen F. Austin Building, Austin. According to the agenda summary, the commission considered application of Lone Star Industries, Inc.—Docket RE-0106, consideration of motion for review of examiner's order granting continuance of the hearing originally set for hearing on February 28, 1980.

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

Filed: February 26, 1980, 1:51 p.m.  
Doc. No. 801481

**Monday, March 3, 1980, 10 a.m.** The Texas Water Commission makes an emergency addition to the agenda of a meeting held in Room 118 of the Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the addition concerns the application by Harris County Municipal Utility District 50 for approval of Change Order 2.

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

Filed: February 27, 1980, 3:59 p.m.  
Doc. No. 801564

**Monday, March 10, 1980, 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 applications for bond issues; water quality permit; amendments; renewals; voluntary cancellation of water quality permit; production area authorization; water rights proposal for final decision; adjudication matter; temporary permit docket setting hearings; and filing and setting hearing date for an application.

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

Filed: February 27, 1980, 2:45 p.m.  
Doc. No. 801538

**Tuesday, March 11, 1980, 10 a.m.** The Texas Water Commission will meet in Room 118 of the Stephen F. Austin Building, Austin. According to the agenda summary, the commission will consider the following:

petition for organization of North Green Municipal Utility District located wholly within Harris County containing 253.149 acres of land

petition for organization of Northwest Travis County Municipal Utility District No. 2 located wholly within Travis County and containing 251.57 acres of land.

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

Filed: February 27, 1980, 2:47 p.m.  
Doc. Nos. 801539-801540

**Wednesday, March 19, 1980, 10 a.m.** The Texas Water Commission will meet in Room 118, 1700 North Congress Avenue, Stephen F. Austin Building, Austin. According to the agenda summary, the commission will consider examiner's proposal for decision on application by Lackland City Water Company for Permit No. 12094.01 and application by Tom J. Curtis, Jr. for Permit No. 12185.01.

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

Filed: February 25, 1980, 3:17 p.m.  
Doc. No. 801467

**Thursday, April 3, 1980, 10 a.m.** The Texas Water Commission will meet in Room 618 of the Stephen F. Austin Building, 1700 North Congress, Austin. According to the agenda summary, the commission will consider a notice of hearing on Application 4024 of Larry D. Renick for a permit to directly divert and use 16 acre-feet of water from the Lampasas River, tributary Little River, tributary Brazos River, Brazos River Basin for irrigation purposes in Bell County.

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

Filed: February 26, 1980, 3:44 p.m.  
Doc. No. 801514

**Monday-Friday, April 21-25, 1980, Monday—10 a.m. and 2 p.m., Tuesday-Friday—9 a.m. daily.** The Texas Water Commission will meet in the county courtroom at the Young County Courthouse, Graham. According to the agenda summary, the commission will conduct adjudication hearings of the Brazos I Segment (excluding Salt and Double Mountain Fork Watersheds) Brazos River Basin. All claimants should attend the hearing to establish jurisdiction of the commission at the 10 a.m. session on Monday, then return at the times listed for each claimant on the following days.

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

Filed: February 27, 1980, 2:46 p.m.  
Doc. No. 801541

## Texas Water Well Drillers Board

**Tuesday, March 4, 1980, 9:30 a.m.** The Texas Water Well Drillers Board will meet in executive conference room, fifth floor, 1700 North Congress Avenue, Austin. According to the agenda summary, the board will consider approval of minutes of previous meetings; complaints filed against Ben Goodman and Vernon Gray and resolutions for referral to the attorney general on complaints on Gordon Bruce, L. C. Carman, Clay Cross and Eddie Merchant; certification of new applicants for registration; report on water well drillers examinations held since January 8, 1980 meeting; progress report on registration of new drillers since January 8, 1980; report on investigator's activities and Texas Department of Water Resources staff report to board.

Additional information may be obtained from Fred Osborne, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-6176.

Filed: February 25, 1980, 3:37 p.m.  
Doc. No. 801468

## Regional Agencies

### Meetings Filed February 25, 1980

**The Austin-Travis County MHMR Center,** Board of Trustees, met in the board room at 1430 Collier Street in

Austin on February 28, 1980, at 7 p.m. Further information may be obtained from Becky Howard, 1430 Collier Street, Austin, Texas 78704, telephone (512) 447-4141.

**The Education Service Center, Region VII,** Board of Directors, will meet in the McNee Room at the Holiday Inn in Henderson on March 4, 1980, at 7 p.m. Further information may be obtained from Don J. Peters, P.O. Box 1622, Kilgore, Texas 75662, telephone (214) 984-3071.

**Tri-Region Health Systems Agency,** Nominating Committee, will meet in the small conference room at the First National Bank, 401 Cypress, Abilene, on March 7, 1980, at 10 a.m. Further information may be obtained from Dianna Spraberry, 2642 Post Oak Road, Abilene, Texas 79605, telephone (915) 698-9481.

Doc. No. 801472

### Meetings Filed February 26, 1980

**The Bexar-Medina-Atascosa Counties Water Control and Improvement District, No. 1,** Board of Directors, met at the district office, Natalia, on March 3, 1980, at 8 a.m. Further information may be obtained from Clifford Mueller, P.O. Box 180, Natalia, Texas 78059, telephone (512) 663-2132

**The Edwards Underground Water District,** Board of Directors, will meet at the Tower Life Building, St. Mary's and Villita Streets, San Antonio, on March 11, 1980, at 10 a.m. Further information may be obtained from Thomas P. Fox, 1200 Tower Life Building, San Antonio, Texas 78205, telephone (512) 222-2204.

**The MHMR Regional Center of East Texas,** Board of Trustees, met in emergency session in the board room, 2323 West Front, Tyler, on February 28, 1980, at 4 p.m. Further information may be obtained from Richard J. DeSanto, 2323 West Front, Tyler, Texas 75712, telephone (214) 597-1351

**The Texas Municipal Power Agency,** Board of Directors, will meet at the agency offices, 2225 E. Randol Mill Road, Arlington, on March 4, 1980, at 9:30 a.m. Further information may be obtained from Joel T. Rogers, 2225 E. Randol Mill Road, Arlington, Texas 76011, telephone (817) 461-4400.

**The Panhandle Regional Planning Commission,** Board of Directors, met in emergency session in the Chamber of Commerce Conference Room, Amarillo Building, Third and Polk, Amarillo, on February 28, 1980, at 1:30 p.m. Further information may be obtained from Linda Youssi, P.O. Box 9257, Amarillo, Texas 79105, telephone (512) 372-3381.

**The South Plains Health Systems, Inc.,** Board of Directors, met in emergency session in the community room, George and Helen Mahon Library, 1306 9th, Lubbock, on February 28, 1980, at 7 p.m. Further information may be obtained from Ronald D. Warner, 1217 Avenue K, Lubbock, Texas 79401, telephone (806) 747-0181.

**The South Texas Development Council,** Area Agency on Aging Advisory Committee, will meet in the conference room, Building S-1, 600 South Sandman, Laredo, on March 19, 1980, at 2 p.m. Further information may be obtained from Adriana Rodriguez, P.O. Box 2187, Laredo, Texas 78041, telephone (512) 722-3995

Doc No. 801490

**Meetings Filed February 27, 1980**

*The Panhandle Regional Planning Commission*, Review Committee of the Panhandle Health Systems Agency, will meet at the Texas Tech University Regional Academic Health Center, 1400 Wallace Boulevard, Amarillo, on March 6, 1980, at 5 p.m. The Resource Development Committee of the Panhandle Health Systems Agency will meet at the same location on March 13, 1980, at 6:45 p.m. Further information on the two meetings may be obtained from E. L. Melin, P.O. Box 9257, Amarillo, Texas 79105, telephone (806) 372-3381.

*The Tri-Region Health Systems Agency*, Concho Valley SAC, will meet at the San Angelo National Bank, 301 West Beauregard, San Angelo, on March 11, 1980, at 7 p.m. Further information may be obtained from Linda Moody, 2642 Post Oak Road, Abilene, Texas 79605, telephone (915) 698-9481.

Doc. No. 801567

**Meetings Filed February 28, 1980**

*The Education Service Center, Region II*, Board of Directors, will meet in the administrative conference room at the center, 209 North Water, Corpus Christi, on March 13, 1980, at 6:30 p.m. Further information may be obtained from Dr. Thomas Tope, Jr., 209 North Water, Corpus Christi, Texas 78401, telephone (512) 883-9288.

*The Tri-Region Health Systems Agency*, Plan Development Committee, will meet at the Starlite Inn, 3425 South First, Abilene, on March 11, 1980, at 9 a.m. Further information may be obtained from David Brown, 2642 Post Oak Road, Abilene, Texas 79605, telephone (915) 698-9481.

Doc. No. 801584

## Texas Air Control Board

### Applications for Construction Permits

Notice is given by the Texas Air Control Board of applications for construction permits received during the period of February 18-22, 1980.

Information relative to these applications, including projected emissions and the opportunity to comment or to request a hearing, may be obtained by contacting the office of the executive director at the Central Office of the Texas Air Control Board, 6630 Highway 290 East, Austin, Texas 78723.

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

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

### Week Ending February 22, 1980

Standard Industries, San Antonio; utility oven; Nelson Road at Reliable Drive; 8197; new source

Rocland Industries, Inc., Castroville; limestone crushing; FM 1283; 538D; modification

Austin Bridge Company, Houston; wet batch concrete plant, Wheeler Street at Calhoun Road; 8198; new source

Tenneco Chemicals, Inc., Pasadena; 2-ethyl hexanol manufacturing plant; 4403 La Porte Road; 8199; new source

Cameron Iron Works, Inc., Houston; DeVilbiss paint arrestor spray booth; IH 10 at Silber Road—Katy Plant; 8202; new source

Erath Fertilizer Company, Inc., Stephenville; dry bulk fertilizer storage plant; 8201; new source

Gala Glass Corporation, Burleson; glass manufacturing plant; 133 Loy Street; 8200; new source

Drillchem, Inc., Liberty; shop build dust collector; 319 Independence; 8204; modification

Saber Refining Company, Corpus Christi; steam boiler; 5900 Up River Road, 1597A, new source

Union Carbide Corporation, Chemicals and Plastics, Texas City; low pressure oxo (LPO) No. 11; 3301 Fifth Avenue South; 8203; new source

Witco Chemical Corporation, Houston; calcium sulfonate unit; 15200 Alameda Road; 8207; new source

Oil Base, Inc., Sheldon; barite processing; 9902 Sheldon Road; 8205; new source

Petro United, Inc., Seabrook; storage tanks; 11666 Port Road; 8206; new source

Kirby Forest Industries, Inc., Bon Wier; coal handling facilities; 6000B; new source

Oxirane Chemical Company, La Porte; propylene glycol unit; 10801 Choate Road; 8208; modification

Texaco Industries Corporation, Fort Worth; pioneer hot mix asphalt plant; on County Road; 7220A

Amoco Production Company, Gail; three 500 barrel oil tanks and one 500 barrel water tanks; C. C. Nunnally Storage System; 8209; modification

Issued in Austin, Texas, on February 25, 1980.

Doc. No. 801480 Ramon Dasch  
Hearing Examiner  
Texas Air Control Board

Filed: February 26, 1980, 9:30 a.m.

For further information, please call (512) 451-5711, ext. 401.

## Submission of Test Data on Methylene Chloride and Methyl Chloroform

The Texas Air Control Board (TACB) expects to hold public hearings in mid-April 1980 to consider changes to Regulation V. These hearings may include consideration of exemption of methylene chloride and methyl chloroform from control under this regulation. The TACB's Medical Resources Advisory Panel (MRAP) has recommended that methylene chloride and methyl chloroform be exempted from regulation only if the results of a battery of short-term bioassays support a substantive conclusion that exposure to these two compounds, methylene chloride and methyl chloroform, may not be expected to result in a mutagenic or carcinogenic hazard to the public. Accordingly, the MRAP has a recommended list of short-term bioassays that they believe to be adequate for this purpose. A copy of the August 15, 1979, MRAP subcommittee report, which includes these recommendations, may be obtained at the address listed below. In deciding on future regulatory action for these two compounds, the TACB will consider any recommendation that the MRAP may make. Anyone who wishes to have short-term bioassay data evaluated by the MRAP should submit such data to the TACB by March 31, 1980, so as to allow sufficient time for the MRAP members to evaluate the information prior to the April hearings.

For additional information or to obtain copies of the August 15, 1979, subcommittee report, please contact Jim Price, Texas Air Control Board, 6330 Highway 290 East, Austin, Texas 78723, telephone (512) 451-5711, extension 432.

Issued in Austin, Texas, on February 25, 1980.

Doc. No. 801503 Bill Stewart, P.E.  
Executive Director  
Texas Air Control Board

Filed: February 26, 1980, 9:30 a.m.

For further information, please call (512) 451-5711, ext. 432

## Texas Education Agency

### Request for Proposals

The Division of Adult and Community Education Programs, Texas Education Agency, is now accepting proposals for special experimental demonstration projects and teacher training projects in the State of Texas under the Adult Education Act, Public Law 91-230, and the Texas Education Code, Section 11.18, Adult Education. Copies of the notice

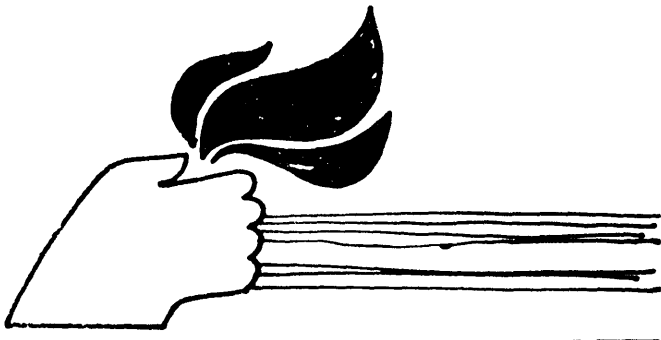
tions for submitting proposals and a list of fiscal year 1981 (July 1, 1980, through June 30, 1981) state priorities may be obtained from Special Projects, Division of Adult and Community Education Programs, Texas Education Agency, 201 East 11th Street, Austin, Texas 78701.

The deadline for submitting proposals is April 30, 1980. Proposals should be submitted to Document Control Center, Texas Education Agency, 201 East 11th Street, Austin, Texas 78701. It is anticipated that applicants will be given notification of approval or nonapproval of applications by June 14, 1980. For additional information, contact Dr. Ralph Mock or Dr. Pavlos Roussos at (512) 475-3891.

Issued in Austin, Texas, on February 26, 1980.

Doc No 801502      A O Bowen  
Commissioner of Education

Filed: February 26, 1980, 2:01 p.m.  
For further information, please call (512) 475-3891.



## Texas Energy and Natural Resources Advisory Council

### Consultant Contract Award

**Description of the Project.** Technical review and coordination of geologic, geochemical, and geothermal energy resources in Trans Pecos, Texas/New Mexico, being conducted by the University of Texas at Austin, the University of Texas at El Paso, and the Texas Energy and Natural Resources Advisory Council.

**Name and Address of Private Consultant.** Southwest Research Institute (SwRI), 6220 Culebra Road, San Antonio, Texas 78284

**Total Value and Beginning and Ending Dates of Contract.**

Total value	\$30,103
Beginning date	January 18, 1980
Ending date	August 31, 1981

**Due Dates of Documents and Reports.** Quarterly progress reports will be due beginning in April 1980, first year report is due October 1980, and a final technical report due August 1981.

**Former Employees of a State Agency.** None.

Doc No 801521

## Request for Proposals and Statement of Program Intent

**Description of Project Objectives.** In accordance with the Texas Energy Development Act of 1977, Article 4413(47b), Vernon's Annotated Civil Statutes, as amended by Senate Bill 921, 66th Legislature, Regular Session, and pursuant to rules adopted for administration of the Energy Development Act, 4 TexReg 4604, TENRAC is soliciting proposals from Texas organizations planning to respond to Massachusetts Institute of Technology Lincoln Laboratory's request for proposals for the "establishment and operation of the Southwest Residential (Photovoltaic) Experiment Station." To a Texas site winner of the contract, TENRAC will make available the lesser amount of \$100,000 or 25% of the total bid installation cost. TENRAC will direct this commitment in writing to approved and endorsed organizations for inclusion in their proposals to present more attractive packages. This is SPI No. 80-S-6.

**Funding.** TENRAC expects to fund only one project since there can be only one winner of the MITLL contract.

**Eligibility.** The following criteria are established for acceptability of proposers:

- (1) TENRAC will support only Texas-based organizations proposing Texas sites.
- (2) Individual members of the council, TENRAC staff, or their immediate families are not eligible.
- (3) Individuals who are part of the TENRAC review team are eligible and their review function will be appropriately limited.

**Proposal Content.** Voluminous proposals to TENRAC are not desired. It is suggested that the body of the proposal be limited to six pages, plus appendices as appropriate.

The following points shall be briefly addressed:

- (1) short summary of expected proposal to MITLL;
- (2) project schedule;
- (3) key personnel and their responsibilities in the project (append resumes);
- (4) preliminary magnitude of total costs expected to be proposed;
- (5) budget of funds requested from TENRAC; it is suggested that TENRAC funds be budgeted for salaries, indirect charges, travel, reproduction, etc.;
- (6) if matching funds from sources other than MITLL and TENRAC are available, include amounts and sources, and cash value of noncash matching;
- (7) appendices-resumes and other appropriate information.

**Review Criteria and Procedures.** Evaluation of submitted proposals will be in accordance with rules adopted for administration of the Energy Development Act cited above.

**Deadline and Address for Proposal Submission.** Ten copies of a proposal should be received in Room 900, 411 West 13th Street, Austin, Texas 78701, no later than 5 p.m. March 10, 1980.

**Target Date for Contract Award.** It is anticipated that the contract award will be made simultaneously with the award of the MITLL contract.

**Schedule for Completion.** Work to be compensated by state funds (including development of the final report) must be

completed by August 31, 1981, or earlier as an individual contract may provide. A draft final or comprehensive progress report will be required no later than May 1, 1981.

**Designation of Contact Person for Additional Information.** Address questions and requests for additional information to Charles Mauk, Texas Energy and Natural Resources Advisory Council, 411 West 13th Street, Austin, Texas 78701, telephone (512) 475-5588 or STS 822-5588.

Issued in Austin, Texas, on February 27, 1980.

Doc. No. 801522 Roy R. Ray, Jr.  
Manager, Technology Development  
Section  
Texas Energy and Natural Resources  
Advisory Council

Filed: February 27, 1980, 10:28 a.m.  
For further information, please call (512) 475-5588.

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## Office of the Governor Consultant Proposal Request

The Governor's Budget and Planning Office invites offers for consulting services as described below. The consultant chosen will be expected to initiate and complete tasks within the scope as project director for the Texas 2000 long-range planning project. The consulting services desired are a continuation of services previously performed by a private consultant.

**Amount of Contract.** The amount of salary to be paid this consultant shall be a maximum of \$22,000.

**Term of Contract.** The term of this contract shall be through August 31, 1980.

**Person to Contact.** Persons wishing to respond to this offer should do so in writing addressed to Ed Chew, Governor's Budget and Planning Office, 411 West 13th Street, Austin, Texas 78701.

**Deadline for Offers.** Offers must be received by 5 p.m. March 10, 1980.

**Description.** The project director of the Texas 2000 long-range planning project shall direct the research and development of issues such as population, shifts in demographics, industrial development, energy production, and a wide variety of other subjects bearing on Texas' future in the next two decades.

**Procedure of Selection.** The consultant having, in the opinion of the governor's office, the broadest knowledge and experience in this area will be chosen.

Issued in Austin, Texas, on February 27, 1980.

Doc. No. 801533 Paul T. Wrotenbery  
Director  
Governor's Budget and Planning Office

Filed: February 27, 1980, 11:41 a.m.  
For further information, please call (512) 475-8283.

## Texas Health Facilities Commission Applications for Declaratory Ruling, Exemption Certificate, and Transfer and Amendment of Certificate

Notice is hereby given by the Texas Health Facilities Commission of application (including a general project description) for declaratory ruling, exemption certificate, transfer of certificate, and amendment of certificate accepted during the period of February 22-26, 1980.

Should any person wish to become a formal party to any of the above-stated applications, that person must file a request to become a party to the application with the chairman of the commission within 25 days after the application is accepted. The first day for calculating this 25-day period is the first calendar day following the date of acceptance of the application. The 25th day will expire at 5 p.m. on the 25th consecutive day after the date said application is accepted. If the 25th day is a Saturday, Sunday, or state holiday, the last day shall be extended to 5 p.m. of the next day that is not a Saturday, Sunday, or state holiday. A request to become a party should be mailed to the chairman of the commission, P.O. Box 15023, Austin, Texas 78761, and must be received at the commission no later than 5 p.m. of the last day allowed for filing of a request to become a party.

The contents and form of a request to become a party to an application for a declaratory ruling, exemption certificate, transfer of certificate, or amendment of certificate must meet the minimum criteria set out in Rule 315.20.01.050. Failure of a party to supply the minimum necessary information in the correct form will result in a defective request to become a party and such application will be considered uncontested.

The fact that an application is uncontested will not mean that it will be approved. The application will be approved only if the commission determines that it qualifies under the criteria of Sections 3.02 or 3.03 of Article 4418(h), Texas Revised Civil Statutes, and Rules 315.17.04.010-.030, 315.17.05.010-.030, 315.18.04.010-.030, and 315.18.05.010-.030

In the following list, the applicant and date of acceptance are listed first, the file number second, the relief sought third, and description of the project fourth. EC indicates exemption certificate, DR indicates declaratory ruling, TR indicates transfer of ownership of certificate, AMD indicates amendment of certificate, and CN indicates certificate of need.

Anderson County Memorial Hospital, Palestine  
(2/26/80)

AH80-0207-048

EC—Acquire Gray Scale ultrasonography equipment for use in existing radiology department

Mineola General Hospital, Inc., Mineola (2/26/80)

AH80-0222-016

EC—Establish diagnostic ultrasound services on a contract basis

Gulf Coast Medical Center, Wharton (2/26/80)

AH80-0225-069

DR—Request declaratory ruling that neither an exemption certificate nor a certificate of need is re-

quired for Gulf Coast Medical Center to acquire through a purchase of assets Caney Valley Memorial Hospital in Wharton

St. David's Hospital, Austin (2/26/80)

AH79-0521-003A (02-20-80)

AMD/CN—Request a 12 month extension of the completion deadline to April 8, 1981, in certificate of need AH79-0521-003, which authorized the acquisition of 10 parcels of land for parking improvements.

Hotel Dieu Hospital and Medical Center, El Paso (2/26/80)

AH79-0813-011A (02-11-80)

AMD/EC—Request to amend exemption certificate AH79-0813-011 which authorized the replacement of out-dated radiology equipment in order to extend the completion deadline by two months to September 30, 1980, and to increase the estimated project cost from \$119,500 to \$129,505

DCHD for Parkland Memorial Hospital, Dallas (2/26/80)

AH78-1103-020A (02-21-80)

AMD/CN—Request a three month extension of the completion deadline to May 9, 1980, in certificate of need AH78-1103-020, which authorized the acquisition of 8.882 acres of land for a maximum addition of 1,315 parking spaces

Mercy Hospital of Laredo, Laredo (2/26/80)

AH78-1109-001A (02-14-80)

AMD/CN—Request extension of the completion deadline to December 31, 1980, and a cost increase of \$92,700 in certificate of need AH78-1109-001 which authorized updating air conditioning system in east wing, replace air conditioning system on fifth floor of east wing, replace plumbing, wiring, and renovate the east wing, and replace fire alarm systems and various windows in the facility

Doc. No. 801530

## Notice of Petition for Certificate of Need Reissuance

Notice is hereby given by the Texas Health Facilities Commission of application (including a general project description) for petitions of reissuance of certificate of need which have been filed with the commission.

The commission may require a hearing on a petition for reissuance of certificate of need when it is determined that good cause exists for such a hearing. A request for a hearing on a petition for reissuance of certificate of need must be submitted to the commission within 15 days after publication of notice and show reason why a hearing should be held. Requests for a hearing are to be mailed to the chairman of the commission, P.O. Box 15023, Austin, Texas 78761, and must be postmarked no later than the day prior to the last day allowed for filing requests for hearing.

The petition will be approved only if the commission determines that it qualifies under the criteria of Section 3.13 of Article 4418(h), Texas Revised Civil Statutes, and Rules 315.18.02.010-.040 and 315.19.02.012-.020.

In the following list, the applicant is listed first, the file number second, and the relief sought and description of the project third.

St. Jude Nursing Center, El Paso

AN79-0220-003R (12-19-79)

CN reissuance—Request for reissuance of certificate of need AN79-0220-003 which authorized construction of a 120-bed nursing home facility

Issued in Austin, Texas, on February 27, 1980.

Doc. No. 801531

John R. Neel

General Counsel

Texas Health Facilities Commission

Filed: February 27, 1980, 11:51 a.m.

For further information, please call (512) 475-6940.

## Texas Commission on Law Enforcement Officer Standards and Education

### Consultant Proposal Request

#### Alternate Showing for Entry Selection System

**Description of Services Requested.** The Texas Commission on Law Enforcement Officer Standards and Education invites firms to submit proposals to conduct the necessary research to meet the alternate showing requirement imposed by the Federal Uniform Selection Guidelines as it applies to the current police officer entry selection tests in use by the commission. The chosen firm will be called upon to determine a logical, alternate means of assessing reading comprehension ability and writing skills ability which are equally valid as the existing examinations, and to establish the greater or lesser degree of adverse impact resulting from these alternate means. It is the intent of the Commission on Law Enforcement Officer Standards and Education to award the contract for these services to the private consultant that developed and validated the original examinations unless an offer is received which demonstrates an equal or greater degree of validity in a more cost effective manner.

**Contact.** Firms desiring to offer their services in such capacity should contact Argel E. Roberts, coordinator; or Keith Bannon, senior consultant, Management Services Section, Field Services Division, Texas Commission on Law Enforcement Officer Standards and Education, 1106 Clayton Lane, Suite 220-E, Twin Towers Office Building, Austin, Texas 78723, telephone (512) 459-1171.

**Closing Date for Offers.** March 25, 1980.

Issued in Austin, Texas, on February 26, 1980.

Doc. No. 801509

Fred Toler

Executive Director

Texas Commission on Law Enforcement Officer Standards and Education

Filed: February 26, 1980, 3:12 p.m.

For further information, please call (512) 459-1171.



## State Property Tax Board Consultant Proposal Request

**Description of Project.** The State Property Tax Board is mandated to conduct, sponsor, or approve courses of instruction and in-service and intern training programs on the technical, legal, and administrative aspects of property tax by Senate Bill 621. The board has scheduled in excess of 20 Senate Bill 621 meetings throughout the State of Texas. The purpose of these meetings is to familiarize the new board of directors of the central appraisal districts with the technical, legal, and administrative aspects of property tax under the new law. In connection with these meetings, the board desires the assistance of a person in developing and presenting an educational program. The person is expected to attend the meetings and present materials on the following:

- (1) overview of the appraisal districts board of directors' duties;
- (2) development of budgets, including but not limited to cost estimates, sample funding patterns, staffing patterns with possible salary ranges, and basic equipment needs;
- (3) record requirements and how they can best be satisfied;
- (4) computers and how they help the appraisal district do its job;
- (5) where and how appraisal and mapping companies can be of assistance to the appraisal district;
- (6) practical aspects of multi-jurisdiction appraisal.

**Funding.** This contract will expire August 31, 1980, and is for \$9,000. The contract is a continuation of services previously performed under a prior contract and the two contracts together will not exceed \$19,000.

**Preliminary Decision.** The State Property Tax Board has made a preliminary decision that Karl Braucher, CTA, who is the tax assessor-collector of the Cleveland Independent School District and the City of Cleveland, Texas, is best suited to act as the consultant on the project. This determination is based on the following criteria:

- (1) exhibited educational and practical experience in the accounting field, preferably with a college degree in accounting;
- (2) at least 15 years experience gained in a local tax office as chief administrator of the office;
- (3) an exhibited broad working concept of other taxing jurisdictions and tax office operation through participation in valuation studies of other jurisdictions;
- (4) recognition within the tax assessor-collector profession, either through election to office or being a recipient of other professional honors such as certified Texas assessor or certified school tax administrator;
- (5) exhibited ability to instruct tax persons in the basics of property tax administration;
- (6) exhibited ability to establish standards and analyze propositions that are submitted to the appraisal office such as proposals from appraisal firms or computer services;
- (7) licensed by the Board of Tax Assessor Examiners as registered professional assessor.

**Contact Person.** Other persons which believe that they have similar qualifications and wish to be considered in the relation process are encouraged to submit their qualifications in writing to Merrily Moore, associate director of education and

standards, State Property Tax Board, 3301 Northland Drive, Austin, Texas 78731, by March 21, 1980.

Issued in Austin, Texas, on February 25, 1980.

Doc. No. 801478      Walter Lille  
General Counsel  
State Property Tax Board

Filed: February 26, 1980, 9:50 a.m.

For further information, please call (512) 454-5781.

## Senate Special Committee on Delivery of Human Services in Texas Subcommittee Meeting Notices

A meeting of the Subcommittee on Funding Patterns will be held on Friday, March 7, 1980, beginning at 9:30 a.m. in the Lieutenant Governor's Committee Room, State Capitol, Austin. The subcommittee will consider recommendations regarding agency utilization of option available under the financial accounting and control for Texas system (FACTS) and will review Title XX Special Project, including needs assessment methodology and potential impact on funding.

Doc. No. 801528

A meeting of the Subcommittee Studying Mental Health/Mental Retardation Services will be held on Thursday, March 6, 1980, at 9:30 a.m. in the Lieutenant Governor's Committee Room, State Capitol, Austin. The subcommittee will (1) further consider recommendations relating to the reorganization of the Texas Department of Mental Health and Mental Retardation; (2) further consider recommendations relating to community center screening of potential state hospital patients; (3) consider proposed amendments to the Texas MH/MR statutes and Mental Health Code which implement some of the subcommittee recommendations; (4) review information regarding the Texas Research Institute of Mental Sciences (TRIMS); (5) consider recommendations regarding community-based emergency psychiatric inpatient services; and (6) consider proposed recommendations regarding confidentiality of patient records.

Issued in Austin, Texas, on February 27, 1980.

Doc. No. 801529      June Hyer  
Executive Director  
Special Committee on Delivery of Human  
Services in Texas

Filed: February 27, 1980, 11:41 a.m.

For further information, please call (512) 475-1284.

## Subcommittee on Consumer Affairs

The Senate Subcommittee on Consumer Affairs will meet on Friday, March 7, 1980, beginning at 9:30 a.m. in Annex Building No. 1 of the Houston-Galveston Area Council of Governments at 3701 West Alabama in Houston.

The subcommittee will hold a public hearing regarding the adequate protection of the rights of elderly and/or disabled Texans in such areas as competency hearings, assignment of

property, powers of attorney, guardianship, and commitment proceedings. For further information, contact Ira Hillyer, chief counsel, Senate Subcommittee on Consumer Affairs, telephone (512) 475-3090.

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

Doc. No. 801479      Ron Clower  
Chairman  
Senate Subcommittee on Consumer  
Affairs

Filed: February 26, 1980, 9:29 a.m.  
For further information, please call (512) 475-3090.

## Texas Register

### Correction of Error

In the February 22, 1980, issue of the *Texas Register* (5 Tex-Reg 640), the agendas for two meetings of the *Board of Polygraph Examiners* were incompletely published. The following agenda items were inadvertently omitted: March 11 and 12, 1980, at 9 a.m.—any polygraph-related items deemed appropriate by the chairman; and April 9-12, 1980, at 9 a.m.—consider and conduct any other polygraph-related business deemed appropriate for presentation by the chairman.

## Texas Water Commission

### Applications for Waste Discharge Permits

Notice is given by the Texas Water Commission of public notices of waste discharge permit applications issued during the period of February 18-22, 1980.

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

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

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

### Week Ending February 22, 1980

Hugh Bauer, doing business as Stop and Shop, San Jacinto County; sewage treatment plant; east of the community of Point Blank on U.S. Highway 190; new permit

Kelly Springfield Tire Company, Tyler, Smith County; industrial wastewater plant; on the south side of State Highway 31, three miles west of the intersection of State Highway 31 and Loop 323; 01589; amendment

City of Abilene (Grimes Water Treatment Plant), Taylor County; water treatment plant; on North Second Street and Treadaway; 10334-02; renewal

Henry Andersen of Texas, Inc., Sherman County; truck maintenance center; 2-1/2 miles south of the intersection of U.S. Highway 287 with U.S. Highway 54; 01892; renewal

Texas Electric Service Co. (North Main Steam Electric Station), Tarrant County; steam electric station; in the City of Fort Worth; 00555; renewal

U.S. Department of Agriculture, U.S. Forest Service (Red Hills Lake), Sabine County; sewage treatment plant; just below the dam of Red Hills Lake, 3/4 mile east of State Highway 87; new permit

Louisiana-Pacific Corporation, Corrigan, Polk County; particle board plant; on the west side of U.S. Highway 59; 01754; renewal

C. L. Cavness, doing business as Cavness Hog Farm, Parker County; confined feeding operation; on the north side of a county road, halfway between the communities of Britan and Veal Station; new permit

Parker County Utility District, Parker County; sewage treatment plant; 2500 feet west of the intersection of FM Road 2376 and County Road 5; 10847; amendment

H. W. Hamilton doing business as Shady Oaks Camp, San Patricio County; sewage treatment plant; on the west side of U.S. Highway 77, north of Chiltipin Creek; 11334; renewal

Equitable Bag Company, Inc., Orange County; paper mill; on the east bank of Adams Bayou, north of the Missouri-Pacific Road bridge; 00727; new permit

Sea Horse Marine, Inc., Orange County; ships' tanks washing and unloading ballast water; northeast side of the Neches River adjacent to Old Mansfield Ferry Road; new permit

State Department of Highways and Public Transportation (IH 10, Orange County Comfort Station), Orange County; sewage treatment plant; south side of IH 10 between Vidor and Orange; 11457-01; renewal

U.S. Department of Navy, Nueces County; helicopter maintenance plant; at the Naval Air Station, east of Cayo Del Oso; new permit

Texas A&M University System (Research and Extension Center, Corpus Christi), Nueces County; sewage treatment plant; south side of State Highway 44, one mile west of its intersection with FM Road 2292; 11345-01; renewal

City of Corpus Christi (Laguna Shores Plant), Nueces County; sewage treatment plant; on the west side of

Laguna Shores Road, 1200 feet north of its intersection with Caribbean Drive: 10401-07; renewal

City of Dawson (Navarro Mills Water Treatment Plant), Navarro County; water treatment plant; at Liberty Park, 5.5 miles north of Dawson; 10026-04; renewal

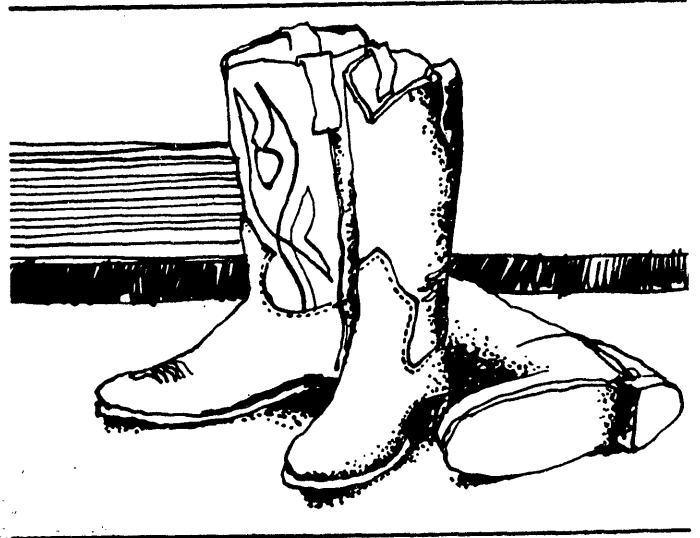
Kirby Forest Industries, Inc., Newton County; plywood plant; five miles west-southwest of the town of Bon Weir; 01789; renewal

Champlin Petrochemicals, Inc., Nueces County; petrochemical plant; four miles east of the City of Robstown; 02075; amendment

Issued in Austin, Texas, on February 25, 1980.

Doc. No. 801515      Mary Ann Hefner  
                                 Chief Clerk  
                                 Texas Water Commission

Filed: February 26, 1980, 3:43 p.m.  
For further information, please call (512) 475-1311.



## TAC Titles Affected in This Issue

The following is a list of the chapters of each title of the *Texas Administrative Code* affected by documents published in this issue of the *Register*. The listings are arranged in the same order as the table of contents of the *Texas Administrative Code*.

### TITLE 1. ADMINISTRATION

#### Part I. Office of the Governor

1 TAC §3.16 (001.55.02.006) ..... 804

#### Part IV. Office of the Secretary of State

1 TAC §§81.54-81.58, 81.60-81.62  
(004.30.05.326-.330, .332-.334) ..... 804

1 TAC §81.59 (004.30.05.331) ..... 806

1 TAC §81.59 (004.30.05.339) ..... 806

### TITLE 19. EDUCATION

#### Part I. Coordinating Board, Texas College and University System

Noncodified (251.20.02.004) ..... 783, 807

#### Part II. Texas Education Agency

Noncodified (226.11.02.040) ..... 784

Noncodified (226.62.13.010, .020, .060) ..... 784

Noncodified (226.62.13.070) ..... 786

### TITLE 22. EXAMINING BOARDS

#### Part XI. State Board of Nurse Examiners

Noncodified (388.04.00.006) ..... 802

### TITLE 25. HEALTH SERVICES

#### Part I. Texas Department of Health

Noncodified (301.30.01.002) ..... 808

Noncodified (301.33.07.007-.016) ..... 808

Noncodified (301.33.10.001-.010) ..... 787

Noncodified (301.41.04.002, .003, .006, .012, .014) .. 810

Noncodified (301.58.03.001-.012) ..... 812

Noncodified (301.72.02.001) ..... 792

Noncodified (301.72.15.001-.005) ..... 792

Noncodified (301.72.16.001-.004) ..... 792

Noncodified (301.83.01.002) ..... 816

Noncodified (301.83.12.001) ..... 816

### TITLE 28. INSURANCE

#### Part I. State Board of Insurance

Noncodified (059.05.01.002) ..... 816

Noncodified (059.05.01.005) ..... 793

Noncodified (059.05.05.004) ..... 817

Noncodified (059.50.02.001-.021) ..... 794

### TITLE 34. PUBLIC FINANCE

#### Part I. Comptroller of Public Accounts

Noncodified (026.02.23.004) ..... 781, 783

Noncodified (026.02.24.001) ..... 807

## Table of TAC Titles

TITLE 1. ADMINISTRATION
TITLE 4. AGRICULTURE
TITLE 7. BANKING AND SECURITIES
TITLE 10. COMMUNITY DEVELOPMENT
TITLE 13. CULTURAL RESOURCES
TITLE 16. ECONOMIC REGULATION
TITLE 19. EDUCATION
TITLE 22. EXAMINING BOARDS
TITLE 25. HEALTH SERVICES
TITLE 28. INSURANCE
TITLE 31. NATURAL RESOURCES AND CONSERVATION
TITLE 34. PUBLIC FINANCE
TITLE 37. PUBLIC SAFETY AND CORRECTIONS
TITLE 40. SOCIAL SERVICES AND ASSISTANCE
TITLE 43. TRANSPORTATION