

Texas Register

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How to Use the Texas Register

Information Available: The 10 sections of the Texas Register represent various facets of state government. Documents contained within them include:

Governor - Appointments, executive orders, and proclamations.

Attorney General - summaries of requests for opinions, opinions, and open records decisions.

Secretary of State - opinions based on the election laws.

Texas Ethics Commission - summaries of requests for opinions and opinions.

Emergency Sections - sections adopted by state agencies on an emergency basis.

Proposed Sections - sections proposed for adoption.

Withdrawn Sections - sections withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the Texas Register six months after the proposal publication date.

Adopted Sections - sections adopted following a 30-day public comment period.

Open Meetings - notices of open meetings.

In Addition - miscellaneous information required to be published by statute or provided as a public service.

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

How to Cite: Material published in the Texas Register is referenced by citing the volume in which the document appears, the words "TexReg" and the beginning page number on which that document was published. For example, a document published on page 2402 of Volume 18 (1993) is cited as follows: 18 TexReg 2402.

In order that readers may cite material more easily, page numbers are now written as citations. Example: on page 2 in the lower-left hand corner of the page, would be written "18 TexReg 2 issue date," while on the opposite page, page 3, in the lower right-hand corner, would be written "issue date 18 TexReg 3."

How to Research: The public is invited to research rules and information of interest between 8 a.m. and 5 p.m. weekdays at the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos, Austin. Material can be found using Texas Register indexes, the Texas Administrative Code, section numbers, or TRD number.

Texas Administrative Code

The Texas Administrative Code (TAC) is the official compilation of all final state agency rules published in the Texas Register. Following its effective date, a rule is entered into the Texas Administrative Code. Emergency rules, which may be adopted by an agency on an interim basis, are not codified within the TAC. West Publishing Company, the official publisher of the TAC, releases cumulative supplements to each printed volume of the TAC twice each year.

The TAC volumes are arranged into Titles (using Arabic numerals) and Parts (using Roman numerals).

The Titles are broad subject categories into which the agencies are grouped as a matter of convenience. Each Part represents an individual state agency. The Official TAC also is available on WESTLAW, West's computerized legal research service, in the TX-ADC database.

To purchase printed volumes of the TAC or to inquire about WESTLAW access to the TAC call West: 1-800-328-9352.

The Titles of the TAC, and their respective Title numbers are:

- 1. Administration
4. Agriculture
7. Banking and Securities
10. Community Development
13. Cultural Resources
16. Economic Regulation
19. Education
22. Examining Boards
25. Health Services
28. Insurance
31. Natural Resources and Conservation
34. Public Finance
37. Public Safety and Corrections
40. Social Services and Assistance
43. Transportation

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

1 indicates the title under which the agency appears in the Texas Administrative Code; TAC stands for the Texas Administrative Code; §27.15 is the section number of the rule (27 indicates that the section is under Chapter 27 of Title 1; 15 represents the individual section within the chapter).

How to update: To find out if a rule has changed since the publication of the current supplement to the Texas Administrative Code, please look at the Table of TAC Titles Affected. The table is published cumulatively in the blue-cover quarterly indexes to the Texas Register (January 22, April 16, July 13, and October 12, 1993). In its second issue each month the Texas Register contains a cumulative Table of TAC Titles Affected for the preceding month. If a rule has changed during the time period covered by the table, the rule's TAC number will be printed with one or more Texas Register page numbers, as shown in the following example.

TITLE 40. SOCIAL SERVICES AND ASSISTANCE
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The Table of TAC Titles Affected is cumulative for each volume of the Texas Register (calendar year).

Update by FAX: An up-to-date Table of TAC Titles Affected is available by FAX upon request. Please specify the state agency and the TAC number(s) you wish to update. This service is free to Texas Register subscribers. Please have your subscription number ready when you make your request. For non-subscribers there will be a fee of \$2.00 per page (VISA, MasterCard). (512) 463-5561.

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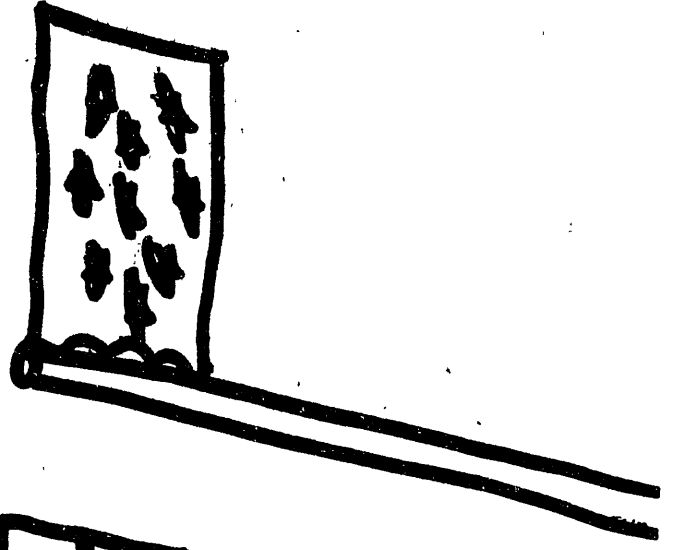
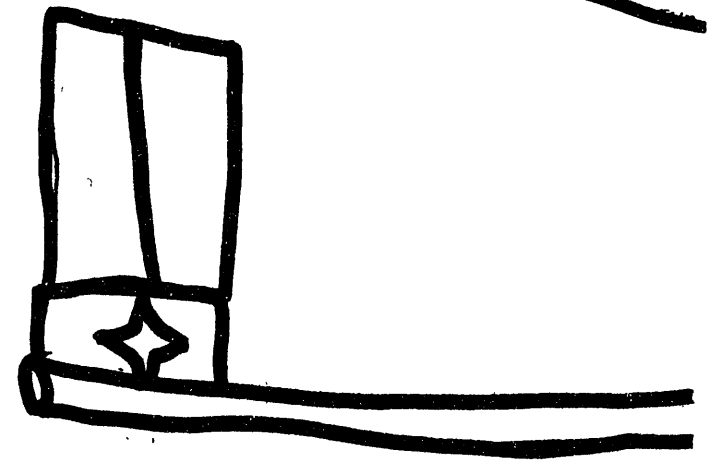
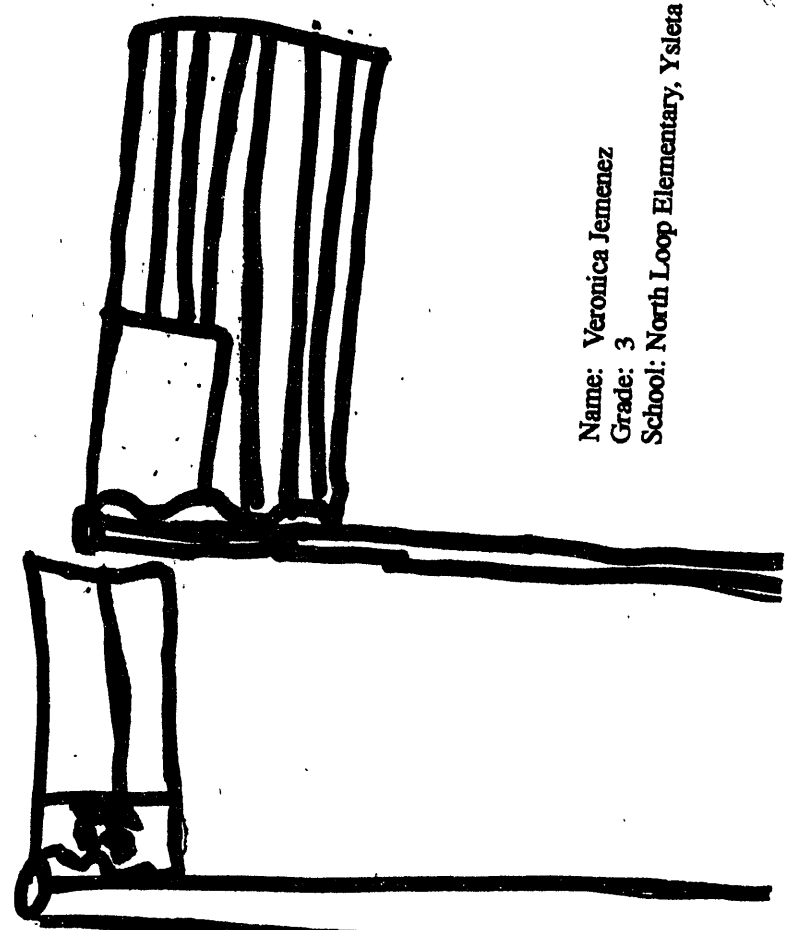
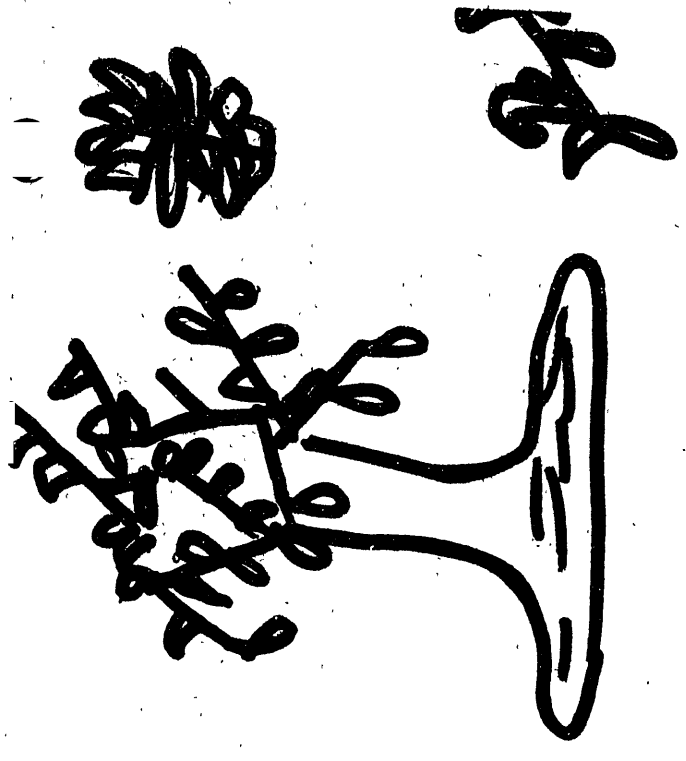
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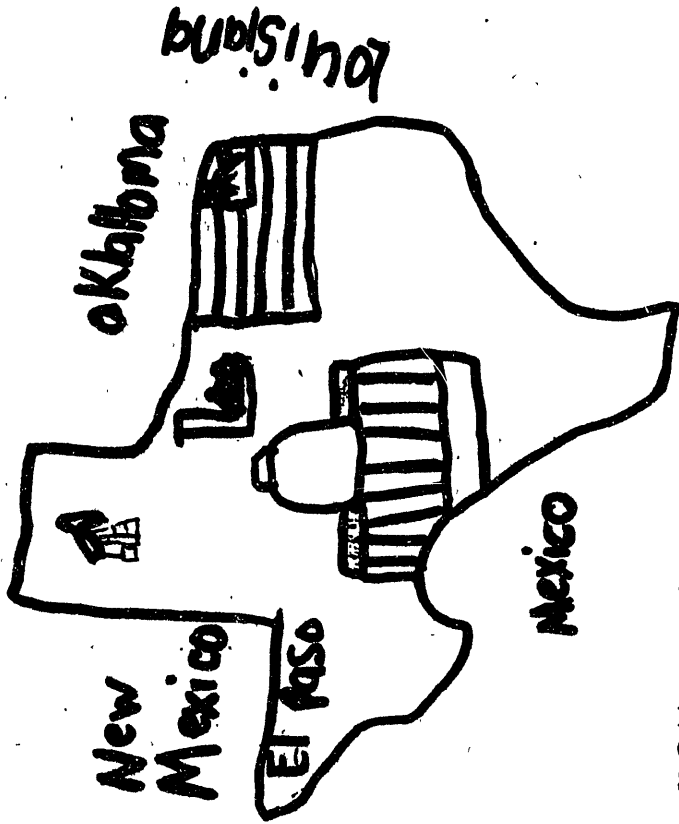
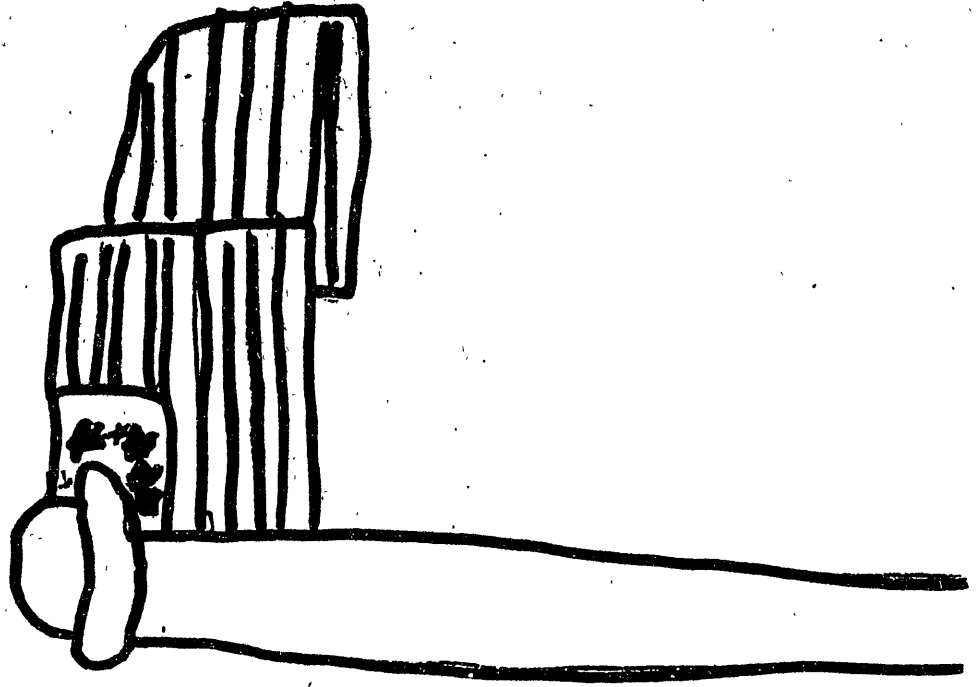
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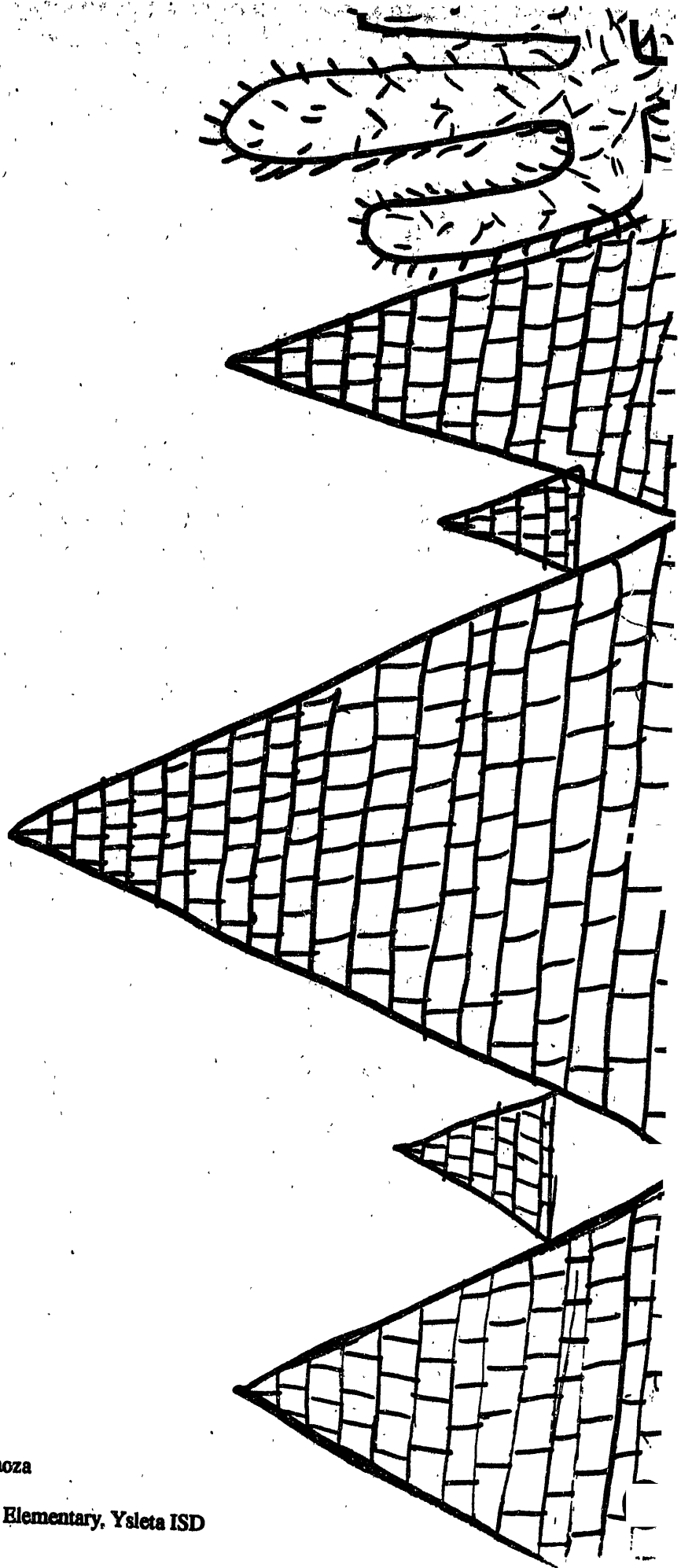
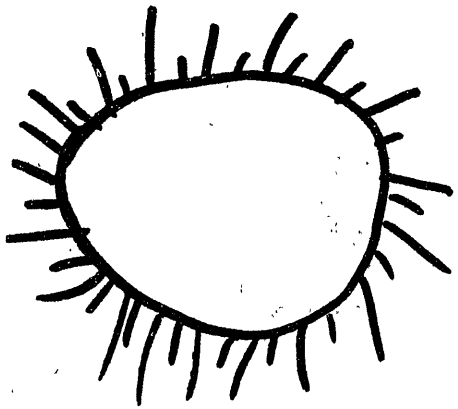
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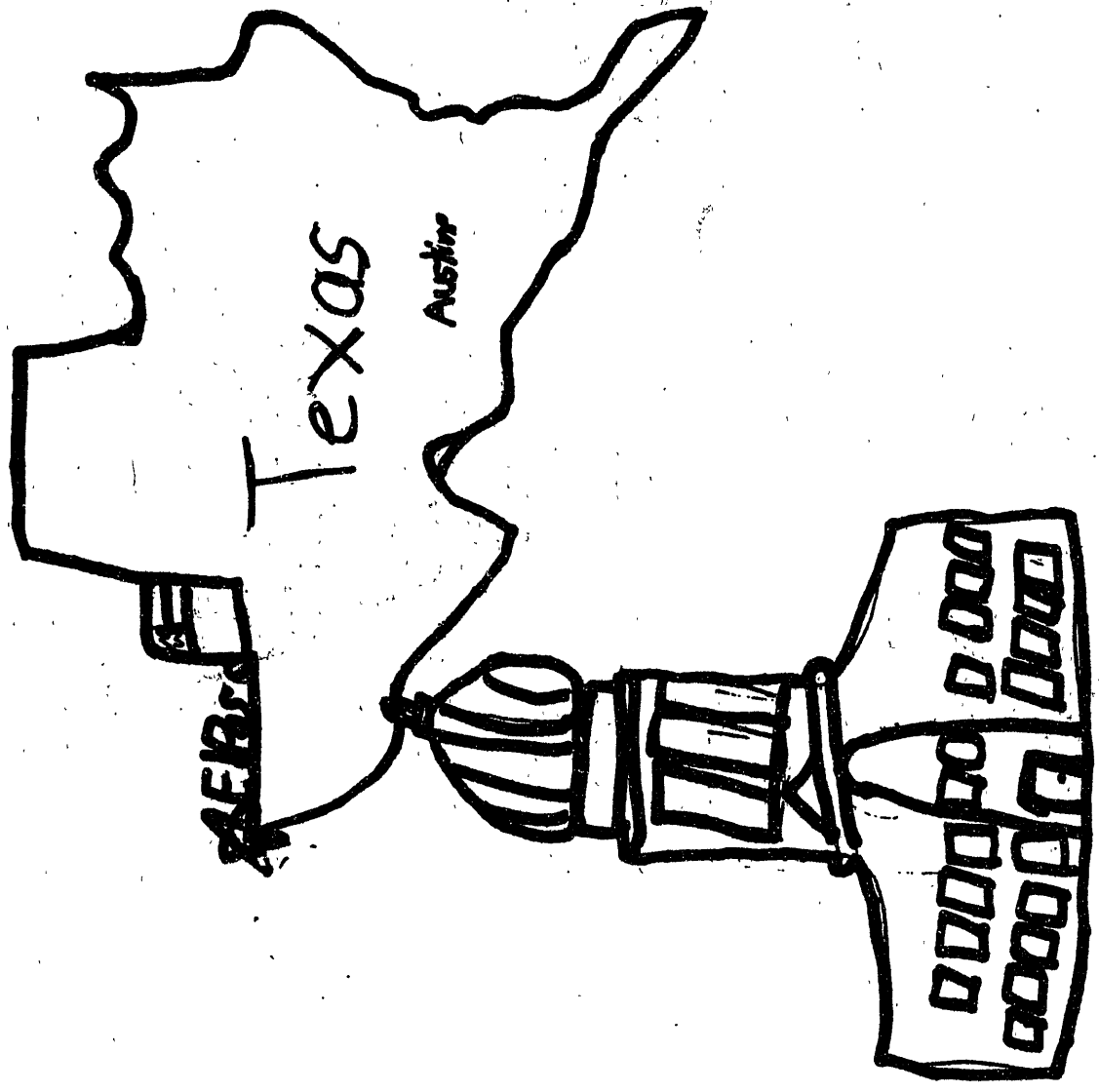
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Grade: 3
School: North Loop Elementary, Ysleta ISD



Name: Josue Kelley
Grade: 3
School: North Loop Elementary, Ysleta ISD



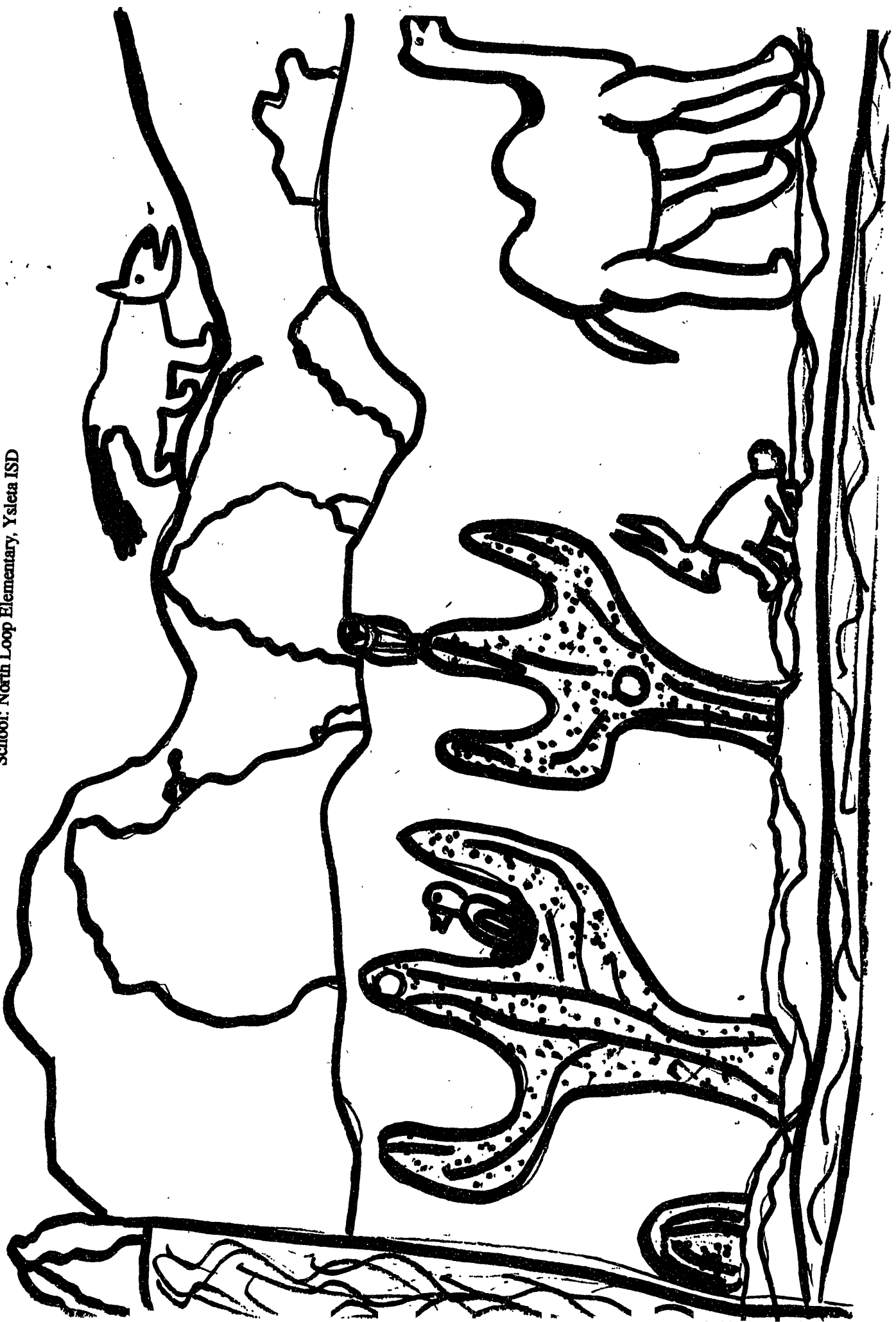
Name: Sonia Espinoza
Grade: 6
School: North Loop Elementary, Ysleta ISD



Name: Alicia Gonzalez
Grade: 2
School: North Loop Elementary, Ysleta ISD

"Desert Life"

Name: James Arguijo
Grade: 3
School: North Loop Elementary, Ysleta ISD



Texas Ethics Commission

The Texas Ethics Commission is authorized by Texas Civil Statutes, Article 6252-9d.1, §1.29, to issue advisory opinions in regard to the following statutes: Texas Civil Statutes, Article 6252-9b; the Government Code, Chapter 302; the Government Code, Chapter 305; the Election Code, Title 15; the Penal Code, Chapter 36; and the Penal Code, Chapter 39.

Requests for copies of the full text of opinions or questions on particular submissions should be addressed to the Office of the Texas Ethics Commission, P.O. Box 12070, Austin, Texas 78711-2070, (512) 463-5800.

Texas Ethics Commission Opinions

EAO-126. Whether a lawyer's representation of a client in certain proceedings under Board of Pharmacy rules and certain proceedings under Board of Nurse Examiner rules may require lobby registration.

Summary. Informal hearings and preconference hearings under rules of the Board of Nurse Examiners, 22 T.A.C. §213.15 and

§213.16, are "adjudicative proceedings of the type authorized by" APTRA for purposes of the Ethics Commission rules regarding lobby registration. Proceedings of the Board of Pharmacy that are not adjudicatory are not "adjudicatory proceedings of the type authorized by" APTRA.

EAO-127. Whether an employee or a member of the board of trustees of a municipal retirement system created under Texas Civil Statutes, Article 6243n may be required to register as a lobbyist under Chapter 305 of the Government Code.

Summary. An employee of a municipal retirement system created under Texas Civil Statutes, Article 6243n is not an employee of a political subdivision and may therefore be required to register as a lobbyist under Chapter 305 of the Government Code.

EAO-128. Whether appointed members of a committee that advises the Texas Education Agency must file financial disclosure statements.

Summary. Members of a committee that advises the Texas Education Agency, provided for by §2932 of Title 20 of the United States Code, are not required to file financial disclosure statements under Article 6252-9b.

EAO-129. Whether an officeholder may use political contributions to pay the expenses of operating and maintaining an airplane for officeholder purposes.

Summary. An officeholder may use political contributions to pay the expenses of operating and maintaining his personal airplane for officeholder purposes. Expenses may be prorated between officeholder use and personal use.

EAO-130. Acceptance of gifts by a state agency, and acceptance of gifts by individual officers and employees of a state agency.

Summary. Acceptance of gifts by a state agency is governed by laws that are not subject to interpretation by the Ethics Commission. Whether a state employee may accept a gift depends on the status of the donor and the donee as well as the nature of a gift.

EAO-131. Whether funds given to a political committee to defray the cost of hiring a lobbyist must be reported as political contributions under Title 15 of the Election Code.

Summary. If funds are given to a political committee with the restriction that they be used to hire a lobbyist to work on legislative matters, the political committee is not required to report the funds as a political contribution. If, on the other hand, funds are not restricted to uses not regulated by Title 15, the funds must be reported as a political contribution.

A director of a political committee who incurs postage, telephone, and personal travel costs to communicate with a legislator about pending legislation is not required to register as a lobbyist on the basis of such expenditures. A political committee is not required to register as a lobbyist on the basis of postage and printing costs incurred to mail requests to supports suggesting they write legislators to influence legislation.

EAO-132. Corporate expenditures made to finance the establishment or administration of a general-purpose committee.

Summary. Under the Election Code, §253.100, a corporation, acting alone or in concert with one or more corporations, may finance the administration of a general-purpose committee with donations from its own property. Under §253.100(d), such contributions are not reportable as political contributions by the general-purpose committee. However, if an individual makes a contribution to a general-purpose committee, specifying that the contribution is to be used for administrative expenses only, the general-purpose committee must report the donation as it does any other political contribution under Chapter 254 of the Election Code. Administrative expenses are those expenses that would be incurred in the normal course of business by any active organization, whether or not it engaged in political activity. Additionally, a corporation may pay expenses incurred by a general-purpose committee for solicitations of contributions

to the committee from the corporation's stockholders, employees, and their families under §253.100(b) of the Election Code.

EAO-133. Whether an appellate judge may use political contributions to pay the expenses of maintaining a residence in the city in which the court sits, to pay the expenses of commuting between his home city and the city where the court sits, or to pay the expenses of moving from his home city to the city where the court sits.

Summary. An appellate judge may not use political contributions to pay the expenses of maintaining a residence in the city in which the court sits. A judge may not use political contributions to pay the expenses of commuting between his home city and the city where the court sits. A judge may use political contributions to pay the expenses of moving from his home city to the city where the court sits.

EAO-134. Whether it is a violation of §39.01(a)(2) of the Penal Code for a state employee to use state-owned telephones and other equipment for personal purposes.

Summary. The incidental use of state telephones by state employees to place personal local calls that does not result in additional costs or damage to the state is not a "misapplication" of state property for purposes of §39.01(a)(2) of the Penal Code.

EAO-135. Whether certain officers and employees of the Texas State Technical College System are required to file annual financial disclosure statements under Texas Civil Statutes, Article 6252-9b.

Summary. The chancellor of the Texas State Technical College System must file an annual financial disclosure statement. The vice-chancellor, the secretary of the board, and the president of each TSTC System campus are not required to file. The members of the board of regents of the TSTC System are required to file financial disclosure statements.

EAO-136. Whether a lobbyist who invites members of the legislature to his home for dinner must report the value of the use of his home.

Summary. A lobbyist who provides a meal to legislators in his home in order to communicate to influence legislation is not required to report the value of the use of his home.

EAO-137. Where a designated representative of an ex officio nonvoting member of the Texas Board of Licensure for Nursing Home Administrators is required to file an annual financial disclosure statement.

Summary. A designated representative of an ex officio nonvoting member of the Texas Board of Licensure for Nursing Home Administrators is not required to file an annual financial disclosure statement.

EAO-138. Whether members of the Commission on Law Enforcement Office Standards and Education, the Law Enforcement Management Institute, and the Texas Peace

Officers' Memorial Advisory Committee are required to file annual financial statements under Texas Civil Statutes, Article 6252-9b.

Summary. Members of the Commission on Law Enforcement Officer standards and Education and of the Law Enforcement Management Institute are "state officers" for purposes of Texas Civil Statutes, Article 6252-9b, and must file annual financial disclosure statements as required by that statute. Members of the Texas Peace Officers' Memorial Advisory Committee are not required to file financial statements.

Questions on particular submissions should be addressed to the Texas Ethics Commission, P.O. Box 12070, Austin, Texas 78711-2070, (512) 463-5800.

Issued in Austin, Texas, on April 8, 1993.

TRD-9321539

Sarah Woelik
Director, Advisory Opinions
Texas Ethics Commission

Filed: April 12, 1993

For further information, please call: (512) 463-5800



Proposed Sections

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

Symbology In proposed amendments. New language added to an existing section is indicated by the use of bold text. [Brackets] indicate deletion of existing material within a section.

TITLE 4. AGRICULTURE Part I. Texas Department of Agriculture

Chapter 7. Pesticide

- 4 TAC §§7.1, 7.3-7.8, 7.10-7.12, 7.14, 7.16, 7.18-7.22, 7.30, 7.33, 7.34

The Texas Department of Agriculture (the department) proposes amendments to §§7.1, 7.3-7.8, 7.10-7.12, 7.14, 7.16, 7.18-7.22, 7.30, 7.33, and 7.34 concerning general requirements for the regulation of pesticides. The proposed changes are intended to make the regulations clearer and more consistent, as well as to correct grammatical and citation errors throughout the regulations.

The department is authorized to regulate the use of pesticides under the Texas Pesticide Control Act and the Texas Agriculture Code, Chapter 76. The amended regulations are intended to clarify the rights and responsibilities of all entities affected by the Act under the Texas Agriculture Code. The amendment to §7.1 adds definitions for application and department, and clarifies the definition of commissioner. The amendment to §7.3 corrects a citation quote, and clarifies labeling requirements concerning use classification, variation of contents, and identification of manufacturers lot or batch numbers or symbols. The amendment to §7.4 clarifies registration requirements of pesticides concerning the location of lot or batch numbers on containers, registration renewals, and late fee assessments. The amendment to §7.5 adds a labeling accompaniment requirement for custom mixes. The amendment to §7.6 clarifies the requirements for the registration of a pesticide for a special local need, and the amendment to §7.7 adds a requirement for providing the location of the application site for experimental use permits, as well as correcting the amount of the registration fee. The amendment to §7.8 clarifies the requirements for persons who use restricted use or state-limited-use pesticides, and clarifies the records required to be kept by licensed pesticide dealers. The amendment to §7.10 adds the requirement for courses approved by the department to meet applicable federal and state laws; allows Texas Agricultural Extension Service specialists to conduct continuing education courses for commercial and non-commercial applicators; and clarifies the requirements for commercial and noncommercial applicators in obtaining continuing education credits for license renewal. The amendment to this section also reduces

the number of continuing education units that a commercial and noncommercial applicator must obtain during the three year recertification period from 20 to 15, while increasing the required credits for integrated pest management strategies from one credit to two credits. The department feels that the reduction in the number of credits will alleviate the confusion that has existed among applicators in obtaining the correct number of credits for the three year period, will allow the department to more effectively maintain the number of credits received by applicators, and will make the continuing education credit requirements consistent with other states' recertification programs. The requirement for credit in integrated pest management strategies for private applicators was also increased to two credits during the five year recertification period from the previous one credit requirement. The amendment to this section further clarifies the requirements for applicators that do not obtain the required number of credits within the recertification period and deletes the ability of a commercial or noncommercial applicator licensed in another state to purchase or apply restricted use or state-limited-use pesticides in Texas. The amendment to §7.11 adds the anti-fouling paint subcategory and adds a subsection to allow the department to enter into a memorandum of agreement with other state or federal agencies for reciprocity in the certification of pesticide applicators. The amendment to §7.12 clarifies the testing and licensing requirements for persons wishing to license in the anti-fouling paint subcategory and clarifies the requirement of a test fee for each subcategory. The amendment to §7.14 clarifies the requirements for commercial applicators in providing proof of financial responsibility as a condition of licensing. This clarification includes allowing a general aggregate policy if a split limit policy is not available, requiring chemical drift coverage, and listing of all applicators to be covered by the proof of financial responsibility submitted. The amendment to §7.16 clarifies the requirements for private applicators to certify and recertify, including correcting the date for private applicators that were issued a certificate on or after January 10, 1989, to obtain a license by December 31, 1994, to continue to purchase or use a restricted use or state-limited-use pesticide. The previous date of December 31, 1995, had erroneously been stated in the existing rule, thereby allowing six years for the private applicator recertification period instead of the intended five year period. The amendment to §7.18 clarifies the records required to be kept by commercial and noncommercial applicators concerning pesticide use, adds further requirements concerning how these records

must be maintained, and clarifies that the requirements of this section do not apply to applications of livestock protection collars or M-44 sodium cyanide. The amendment to §7.19 specifies the type of equipment that is subject to registration by the department. The amendment to §7.20 clarifies the procedures used by the department in investigating complaints. The amendment to §7.21 adds the requirement of a lock on the dispensing device for bulk storage tanks, and provides an alternative to pesticide dealers in maintaining a list of poison control centers. The amendment to §7.22 clarifies what conditions constitute use inconsistent with a pesticide label. The amendment to §7.24 removes the state-limited-use classification of the pesticides chlordane, heptachlor, aldrin, and dieldrin, since uses of these pesticides have been either canceled or prohibited by the Environmental Protection Agency. The amendment to §7.30 lists those pesticides that have met the requirements of this section to allow exemption from the 24-hour reentry interval requirement. The amendment to §7.33 clarifies the state-limited-use requirements for M-44 sodium cyanide. The amendment to §7.34 clarifies the types of activities that require a commercial applicator to be continuously physically present.

Steve Bearden, assistant commissioner for pesticide programs, has determined that for the first five-year period the sections are in effect, there will be no fiscal implications for state or local government as a result of enforcing or administering the sections.

There will be no local employment impact as a result of enforcing or administering the sections.

Mr. Bearden also has determined that for each of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will include a more effective and safer use of pesticides, better trained pesticide applicators, better and more consistent enforcement of the pesticide regulations and laws, and a more efficient administration of the pesticide programs responsible for oversight of the provisions of the sections. There will be no effect on large or small businesses. There is no anticipated economic cost to persons who are required to comply with the sections as proposed.

Comments on the proposal may be submitted to Steve Bearden, Assistant Commissioner for Pesticide Program, Texas Department of Agriculture, P.O. Box 12847, Austin, Texas 78711. Comments must be received no later than 30 days from the date of publication of the proposal in the *Texas Register*. The department plans to hold public hearings to re-

ceive public comment on the proposal. Notice of these hearings will be published in the *Texas Register*.

The proposed amendments are adopted under the authority of the Texas Agriculture Code, §76.003, which authorizes the department to regulate the time and conditions of use of state-limited-use pesticides; §75.004, which authorizes the department to adopt rules for carrying out the provisions of Chapter 76, including rules for labeling requirements for pesticides and devices required to be registered under Chapter 76 and rules providing for the safe handling, transportation, storage, display, distribution, or disposal of pesticides and pesticide containers; §76.042, which authorizes the department to require information necessary for determining eligibility for registration of a pesticide; §76.044, which authorizes the department to charge a \$100 fee for registration of a pesticide; §76.075, which authorizes the department to prescribe information to be included in dealer records; §76.104, which authorizes the department to adopt rules for application of pesticides; §76.105, which authorizes the department to require licensing for use of restricted-use or state-limited use pesticides; §76.106, which authorizes the department to establish license-use categories, establish testing requirements for licensing in those categories and charge a nonrefundable testing fee of not more than \$20 for testing in each category; §76.110 which authorizes the department to enter into reciprocal agreements with any other state or federal agency for licensing of pesticide applicators; §76.111, which requires the filing of proof of financial responsibility by commercial pesticide applicators and authorizes the department to establish by rule proof of financial responsibility requirements and procedures; §76.112, which authorizes the department to prescribe by rule, information to be provided by persons applying for a private applicators license; §76.114, which authorizes the department to prescribe by rule, the information to be included in records maintained by commercial and noncommercial applicators; §76.115, which authorizes the department to adopt standards for registration and inspection of equipment used for application of pesticides; §76.131, which provides the department with the authority to adopt rules governing the storage and disposal of pesticides and pesticide containers; and §12.024 which provides for the assessment of late fees for renewal of pesticide registrations.

§7.1. Definitions. In addition to the definitions set out in the Texas Agriculture Code, §76.001, the following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

Application—The placing of a pesticide on a plant, animal, building, or soil; or its release into the air or water to prevent damage, or destroy pests.

Commissioner—The commissioner [Commissioner] of agriculture of the State of Texas, or his designee [Texas Department of Agriculture].

Department—Texas Department of Agriculture.

§7.3. Label Requirements. In addition to the labeling requirements contained in [Subchapter B of] the Act, Subchapter B, every pesticide distributed within this state must be prominently labeled with the following information:

(1) the address of the manufacturer[,] or registrant or distributor of the product;

(2) the use classification if it is federally registered as a restricted use pesticide. [for which it is registered, stated as:

[(A) restricted use

[(B) general use; or

[(C) unclassified, for which no statement is required]

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

(5) the net weight or measure of contents, exclusive of wrappers, or other materials.

(A)-(E) (No change.)

(F) Variation above or below minimum content or around an average is permissible only to the extent that it represents deviation unavoidable in good and workmanlike manufacturing practice.

[(G) Variation below a state minimum is not permitted.

[(H) In no case shall the average content fall below the stated average content.]

(6) (No change.)

(7) numbers or other symbols to identify the manufacturer's lot and batch may be stamped on the pesticide container any place where they can be readily seen; provided, however, it shall be unlawful to have more than one lot or batch number in a single package.

(8)-(9) (No change.)

§7.4. Registration of Pesticides.

(a) In addition to the requirements contained in the Act, Subchapter C (concerning registration), the application for registration of a pesticide shall include:

(1) (No change.)

(2) the location, if applicable, of the lot or batch number on the container of the pesticide; and

(3) (No change.)

(b) (No change.)

(c) It shall be a violation to continue to distribute a pesticide for which a renewal application, including the required fee, has not been received after December 31 of the year of current registration. It is the responsibility of the registrant to obtain and submit an application for registration of a pesticide before December 31 of the preceding year.

(d) Renewal or registration fees collected by the commissioner as a condition for registration of a pesticide shall not be prorated. Late fees will be assessed on renewal applications postmarked after December 31 of each year as provided by the Texas Agriculture Code, §12.024.

§7.5. Custom Mixes.

(a) (No change.)

(b) Pesticide containers of custom mix pesticides shall bear an ingredient statement as required by §7.3 of this title (relating to Label Requirements), and a copy of the applicable pesticide label must accompany the custom mix.

§7.6. Special Local Needs. Before approving the registration of a pesticide under the Act, §76.046 [of the Act], the commissioner shall determine:

(1) (No change.)

(2) that the applicant meets all federal [other] requirements for registration of a pesticide; and

(3) (No change.)

§7.7. Experimental Use Permits.

(a) Application for experimental use permits [will be on forms prescribed by the commissioner and] shall contain the following information:

(1)-(7) (No change.)

(8) location of the proposed experimental use permit application site.

(b) A pesticide registration fee of \$100 [\$30] shall accompany each experimental use permit application if the pesticide is not currently registered for other uses in the state.

(c) (No change.)

§7.8. Authorized Pesticide Users and Pesticide Dealers.

(a) Authorized pesticide users. A person may not use a restricted-use or state-limited-use pesticide unless the person is:

(1) (No change.)

(2) an individual acting under the direct supervision of a licensed applicator certified in the use categories covering the use; or

(3) a certified private applicator certified in the use categories covering the use as defined in the Act [Texas Agriculture Code], §76.112(j).

(b) Pesticide dealers. It shall be a violation for a pesticide dealer required to be licensed by the Act, Subchapter D (concerning licensing of dealers) to continue to distribute restricted-use or state-limited-use pesticides after December 31 of each year without first having renewed the pesticide dealer license in accordance with the Act.

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

(4) The records required to be kept by [recordkeeping requirements imposed on] licensed pesticide dealers by the Act [Texas Agriculture Code], §76.075, shall [may] be [satisfied either by invoices or by records] kept on a single [separate] form and [provided that, if such invoices are used they are] kept separate from the licensee's other sales records and [regardless of form] shall contain:

(A) the name, address, licensed or certified applicator number, or dealer license number of the person to whom the pesticide was distributed [sold or delivered];

(B) the date of distribution [sale];

(C) the brand name[,] and EPA registration number [, and manufacturer of pesticide];

(D) the quantity of pesticide distributed [sold]; and

(E) if the distribution [sale] is made to a non-licensed person acting under the authorization [direct supervision] of a licensed or certified applicator:

(i) (No change.)

(ii) verification that the restricted-use or state-limited-use pesticide is made available to a non-licensed person. This verification shall be accomplished by a statement signed by the licensed or certified applicator that the non-licensed person is the duly authorized representative of the licensed or certified applicator and that the restricted-use or state-limited-use pesticide made available to the nonlicensed person will only be used by a certified or licensed applicator, or under the direct supervision of the licensed applicator. This statement may be made on a form prescribed by the department.

(5) Records shall be maintained at the place of business where the pesticides are distributed.

(6)[5] Except as provided by §7.32 and §7.33 of this title (relating to Sodium Fluoroacetate (Compound 1080), Livestock Protection Collar-State-Limited-Use Requirements and M-44 Sodium Cyanide-State-Limited-Use Requirements), restricted-use or state-limited-use pesticides may only be distributed [sold] to licensed applicators, certified private applicators, persons acting under the direct supervision of a licensed applicator, persons authorized by a certified private applicator, or a licensed dealer. Persons authorized to purchase pesticides by a certified private applicator may not take delivery of pesticides in any type of distributing or transporting equipment ready for application [A dealer shall not sell or deliver a restricted-use or state-limited-use pesticide to a licensed applicator or certified private applicator unless the purchaser presents or provides proof of an unexpired license at the time of sale or delivery].

§7.10. Applicator Recertification.

(a) (No change.)

(b) Continuing education activities may include lectures, panel discussions, organized video or film with live instruction, field demonstrations, or other [TDA approved] activities approved by the department. In order for an activity to serve as a basis for recertification, it must be accredited by the department. No training may claim to be approved, accredited, or accepted by the department [TDA] or use any other such term that would lead an applicator to believe that it has been approved by the department [TDA] for recertification unless it is so accredited. In determining whether an activity will be accredited, the department will require the following:

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

(7) that activities cover one or more of the following:

(A)-(I) (No change.)

(J) business ethics and;[.]

(8) that the conductor of the activity certify that it is able to comply with any applicable federal and state laws, including the American With Disabilities Act (ADA) requirements for access to activities.

(c) Prior accreditation shall not be required for private applicator recertification courses of up to two continuing education credit units conducted by the Texas Agricultural Extension Service or right-to-

know training pursuant to Texas Agriculture Code, Chapter 125, conducted by the Texas Agricultural Extension Service or the Texas Department of Agriculture, and Texas Agricultural Extension Service specialists may conduct up to two continuing education credit units for commercial and non-commercial applicators without prior accreditation provided that all other requirements for course content and records are met. In order for a recertification activity to be accredited by the department, the sponsor must:

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

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

(g) Each licensed commercial or noncommercial applicator must:

(1) obtain at least five credits during the 12 months preceding December 31 in order to recertify and be allowed to renew a license for the following year. Any person who is issued an initial license on or after September 1 in any year and has not been licensed at any time during the preceding nine months, shall begin annual recertification [renewal] requirements the following year and need not obtain any credits between September 1 and December 31 of that year. If credits are obtained during that period, they may be applied to the following year's requirements. An applicator who becomes unlicensed in any licensing year may not be relicensed for 12 months unless all recertification credits required for the last year of licensing are completed; and

(2) [obtain 20 credits during the three-year period of continuing education requirements beginning on the first day of January in the year in which the applicator's license is issued, provided however, if an applicator is licensed after September 1, the continuing education period shall begin on the following January 1. For all applicators licensed before September 1, 1989, the initial continuing education period shall end December 31, 1992.] as [As] part of a three year requirement [the 20 credits,] each applicator must have at least two credits on relevant laws and regulations and two credits [one credit] in integrated pest management strategies, provided, however, if an applicator receives an initial license after September 1, the three-year continuing education period shall begin on the following January 1. Applicators with a recertification period beginning on or after January 1, 1996, shall be required to obtain two credits in integrated pest management as part of the three Year requirement.

(h) Private applicators must recertify as follows.

(1) Private applicators issued a certificate prior to January 10, 1989, may fulfill their recertification requirement on a

one-time only basis prior to December 31, 1995, by completing the Texas Agricultural Extension Service private applicator training program, attaining a passing score on the private applicator test, and obtaining a private applicator license. Certified private applicators who choose not to license but wish to maintain certification under a certificate issued prior to January 10, 1989, will be required to recertify through continuing education by December 31, 1995. Each applicator must obtain 15 continuing education credits including at least two credits in laws and regulations and two credits [one credit] in integrated pest management in order to be certified. Applicators with a recertification period beginning on or after January 1, 1996, shall be required to obtain two credits in integrated pest management as part of the three year requirement.

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

(4) Private applicators must obtain at least two credits in laws and regulations and two credits [one credit] in integrated pest management within the five-year recertification period. Applicators licensed as both private and commercial or noncommercial applicators may satisfy requirements for private applicator recertification by meeting the recertification requirements for commercial and noncommercial applicators.

(i) (No change.)

(j) A licensed or certified applicator may seek credit for a continuing education activity that has not been submitted by the sponsor to the department, and the department will assign the number of credits for the activity where:

(1) the activity is held by an out-of-state sponsor and the following applies:

(A) (No change.)

(B) the activity is sponsored by an institution of higher education, a regional association, a national association, or the state or federal government;

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

(2) (No change.)

(k) (No change.)

(l) Failure to comply with the one-year [three year] continuing education requirements for commercial and noncommercial applicators or the five-year requirements for private applicators will:

(1) (No change.)

(2) require the applicator to take and pass comprehensive department examinations for general knowledge and for

each category in which the applicator seeks certification if the applicator does not relicense or recertify in one year; and

(3) require retraining of private applicators and retraining of commercial and noncommercial applicators for categories or subcategories requiring special training if the applicator does not relicense or recertify in one year; and

(4) (No change.)

(m) (No change.)

[(n) a commercial or noncommercial applicator licensed in another state may purchase and apply restricted-use or state-limited-use pesticides in Texas only if the applicator:

[(1) has been properly certified and recertified as required in a state which Texas has engaged in formal reciprocity agreements;

[(2) is in good standing in the state in which the applicator has been licensed and has not had an applicator's license revoked in any state;

[(3) has not had the authority granted under this subsection revoked based on a violation in Texas;

[(4) files a registration with the department annually indicating the compliance with this subsection; and

[(5) obtains at least two credits every three years in Texas laws and regulations, and at least one credit every three years in integrated pest management strategies.]

(n)[(o)] The department [Texas Department of Agriculture] may enter into a memorandum of agreement with another state or non-profit professional society or association to recognize the state's pesticide applicator recertification or the society's professional recertification for satisfaction of the requirements of this section for commercial, noncommercial and private applicator recertification only if:

(1) (No change.)

(2) the licensed commercial or noncommercial applicator also acquires at least the equivalent of two credits in laws and regulations every three years and the licensed or certified private applicator acquires at least the equivalent of two credits in laws and regulations every five years; and

(3) (No change.)

(o) [(p)] A licensed or certified applicator or sponsor may file a written request for an extension of time for compliance with any deadline in these rules. Such request for extension shall be granted by the department if the applicator sponsor files appropriate documentation to show good

cause for failure to comply timely with the requirements of this subsection. Good cause means extended illness, extended medical disability, or other extraordinary hardship which is beyond the control of the person seeking the extension.

§7.11. Applicator Certification.

(a) The department [Texas Department of Agriculture] will certify commercial and noncommercial applicators in the following license use categories and subcategories:

(1)-(5) (No change.)

(6) aquatic pest control:

(A) aquatic plant pest control; [and]

(B) aquatic animal pest control; and

(C) anti-fouling paint;

(7)-(9) (No change.)

(10) chemigation [effective March 1, 1991].

(b) -(f) (No change.)

(g) The department may enter into a memorandum of agreement with another state or a federal agency for reciprocity in the certification of pesticide applicators.

§7.12. Classification of Commercial and Noncommercial Licenses.

(a) All testing conducted by a regulatory agency under the authority of the Act [Texas Agriculture Code], §76.106, shall be designed to cover the information necessary for an applicant to demonstrate competency to use and supervise the use of restricted-use and state-limited-use pesticides in a safe and effective manner. Anyone who makes a passing score on the general pesticide applicator examination, the laws and regulations examination, and on one or more tests will be eligible to be a certified applicator in those categories or subcategories for which a passing score was received and shall be licensed as soon as all other licensing requirements are met. An aerial applicator must also be licensed in any category or subcategory in which an application is to be made. Applicators may license in subcategory (6)(C) by successfully completing a single test pertaining to the subcategory and related laws and regulations and fulfilling other licensing requirements; however, applicators who license in this manner may not add categories without successfully completing the general pesticide applicator examina-

tion and the laws and regulations examination.

(b) A fee of \$20 shall be required for testing each applicant in each license use category and subcategory, and must be paid before the test or tests are given.

(c) (No change.)

§7.14. Commercial Applicator Proof of Financial Responsibility.

(a) Bonds and liability insurance. The department will accept a bond executed by the applicant as principal and by a corporate surety licensed to do business in Texas as a surety or a liability insurance policy as proof of financial responsibility. The bond or liability insurance policy must provide protection for persons who may suffer damages or injuries as a result of the operations of the applicant. The bond or liability insurance policy must meet the following conditions.

(1) Amount and type of coverage. Each bond or liability insurance policy must, at a minimum, provide for limits of liability of \$100,000 per occurrence for bodily injury and \$100,000 per occurrence for property damage. A general aggregate policy at a minimum of \$200,000 per occurrence may be accepted if a split limit policy is not available. These limits apply to both ground and aerial applicators. The insurance policy or bond may be written to cover one or more licensed applicators and those applicators working under their supervision. Each licensed applicator and anyone who applies pesticides under his or her supervisor, however, must be covered by a form of financial responsibility that complies with this section and that provides financial responsibility for any occurrence of injury or damage resulting from the application of pesticides by such persons. Claims made liability insurance policies will not be accepted by the department. If proof of financial responsibility is provided by insurance it must be a commercial policy with chemical drift coverage.

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

(5) Suspension [Abeyance] of license. A commercial applicator license will automatically be suspended [held in abeyance] and be invalid as a basis for operations if the full amount and extent of coverage required by this section is not maintained. If the bond or policy falls below the prescribed minimum limits of liability for any reason, the licenses of all licensed applicators relying on that bond or policy for proof of financial responsibility are automatically suspended [held in abeyance]. A licensee may not operate as a commercial applicator during a period in which the minimum requirements for coverage are not maintained.

(6) (No change.)

(7) Proof of financial responsibility. All applicators, to be covered by the proof of financial responsibility submitted, shall be listed by name, address, telephone number, and social security number. In order to prove compliance with the requirements of this subsection an applicant must submit to the department a completed certificate of insurance on a form approved by the department or a certified copy of the bond or liability insurance policy along with all endorsements and amendments. No application for a license will be deemed complete until the applicant has provided to the department the appropriate proof of financial responsibility.

(b) Certificates of deposit and letters of credit. The department will accept a certificate of deposit or a letter of credit from an applicant if the original instrument is submitted to the department and under the following conditions.

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

(5) Suspension [Abeyance] of license. Each commercial applicator license will automatically be suspended [held in abeyance] and be invalid as a basis for operations if the full amount of the certificate of deposit or letter of credit required by this section is not maintained. A licensee may not operate as a commercial applicator during a period in which the full amount of the certificate of deposit or letter of credit is not maintained.

(6)-(7) (No change.)

§7.16. Private Applicators.

(a) [The Texas Department of Agriculture will establish a program to license or certify private applicators as provided by the Texas Agriculture Code, §76.112. The program for licensing private applicators shall take effect no later than January 1, 1990.] Producers of agricultural commodities that complete the Texas Agricultural Extension Service training program for private applicators and obtain a passing score on the private applicator test may be certified in the following categories and subcategories listed in §7.11(a)(1)-(4), (6), and (10) of this title (relating to Applicator Certification).

(b) (No change.)

(c) An application for an original or renewal private applicator license shall be on a form prescribed by the department [Texas Department of Agriculture] and accompanied by a license fee of \$50. An application for renewal must be received by the department on or before the last day of February in the year in which license renewal is due. The application form shall contain the following information:

(1) (No change.)

[(2) the name, address, telephone number, and United States Department of Agriculture farm number of the farm or ranch, if any, that the applicant owns or by which the applicant is employed;]

(2)[(3)] an indication of whether the person is also applying for the aerial applicator category; and

(3)[(4)] a statement of whether the applicant has ever had a previous license revoked, suspended, probated, or denied in this or any other state.

(d) All applicators issued a private applicator certification on or after January 10, 1989, must obtain a private applicator license by December 31, 1994, [1995] to continue purchase and use of restricted-use or state-limited-use pesticides.

(e) -(h) (No change.)

§7.18. Records.

(a) The records of all pesticide uses required to be kept by commercial and non-commercial licensees under provisions of the Texas Agriculture Code, §76.114, shall at a minimum include the following:

(1) the date and time of day each [of] application started [the times of day or hours of operation, including each time application starts and ends];

(2) the name of the person for whom the application was made [done] (owner or lessee);

(3) (No change.)

(4) the pesticide applied, including:

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

(C) rate of product per unit; and [active ingredient(s);]

[(D) spray diluents and surfactants;

[(E) rate of active ingredient per unit;

[(F) total amount of active ingredients; and]

(D)[(G)] total volume of spray mix, dust, granules, or other materials applied per unit.

(5)-(6) (No change.)

(7) total acres or volume of area treated;

(8) [climatological data, including but not limited to,] wind direction and velocity and [.] air temperature [., etc.; and];

(9) the FAA "N" number of aerial application equipment, or identification number of other types of application equipment, [and] or decal number affixed to the application unit; and [.]

(10) the name and department license number of the applicator.

(b) The record of each pesticide application shall be kept current and maintained at the applicator's principal place of business as designated on the applicator's application/renewal for a pesticide applicators license. The record for each application shall contain all of the above information. The licensee shall make these records available for inspection by the regulatory agency upon request. The regulatory agency may examine these records at any time during normal business hours, or, by written request, require the licensee to submit a copy of these records.

(c) Subsection (a) of this section shall not apply to application of Live-stock Protection Collars or M-44 Sodium Cyanide. Recordkeeping requirements specified in §7.32 of this title (relating to Sodium Fluoroacetate (Compound 1080) Livestock Protection Collar-State-Limited-Use Requirements) and §7.33 of this title (relating to M-44 Sodium Cyanide-State-Limited-Use Requirements) and record requirements specified in the U.S. Environmental Protection Agency approved labeling, shall apply to these pesticides.

§7.19. Registration and Inspection of Equipment.

(a) Application [All application] equipment used by commercial applicators, except pressurized hand-sized apparatus or any equipment or device for which the person applying the pesticide is the source of power or energy used in making pesticide application, must be registered with the licensing agency. The agency shall issue to the licensee a license [plate or] decal to be attached to each such piece of equipment in a conspicuous place. The license [plate or] decal will contain the following information:

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

(b) The licensee shall notify the regulatory agency of any equipment changes and remove the license [plate or] decal before giving up possession of the equipment.

(c) (No change.)

§7.20. Complaint Investigation.

(a) Any person with cause to believe that any provision of the Act or this chapter has been violated may file a written [or oral] complaint with the Texas Department of Agriculture. The department will continue to accept either written or oral notification of a complaint, but may require that a complaint form be signed in order to conduct an investigation.

(b) Any person who has experienced or is alleging adverse effects [or is alleging damages] from a pesticide application may file a written complaint with the appropriate regulatory agency. Such complaint shall be subscribed by the complaining party and set forth in detail the facts of the alleged violation.

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

§7.21. Storage and Disposal of Pesticides.

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

(c) Bulk storage tanks, when not enclosed in a secured fenced area or a building, must have a lock on the dispensing device.

(d)[(c)] Pesticides in leaking, broken, corroded, or otherwise unsafe containers, or with illegible labels shall not be displayed or offered for sale. Such containers will be handled in a manner to prevent environmental contamination prior to proper disposal or return to manufacturer.

(e)[(d)] Pesticide containers, concentrates, spray mixes, container rinsates, and/or spray system rinsates that are to be discarded shall be disposed of in accordance with pesticide label directions or in accordance with the provisions of the Texas Solid Waste Disposal Act (Texas Civil Statutes, Article 4477-7).

(f)[(e)] The applicator, the owner of the pesticide, and/or the person in control of the mixing site, shall be jointly and severally liable for proper storage and disposal of pesticide containers and contents. It will be acceptable for any one of the parties involved to assume liability for compliance.

(g)[(f)] All pesticide dealers shall have a list of poison control centers in the state or other sources of contact designed to provide medical assistance in emergencies involving [to contact in the case of] pesticide poisoning.

§7.22. Use Inconsistent with Label Directions.

(a) It shall be a violation for any person to use or cause to be used a pesticide in a manner inconsistent with its label or labeling. Use inconsistent with the label includes, but is not limited to:

(1) applications at sites, rates, concentrations, intervals, or under conditions not specified in the labeled directions, except:

(A) (No change.)

(B) applying a pesticide against any target pest not specified on the label or labeling if the application is to the crop, animal, or site specified on the label or labeling, unless the department or the EPA [commissioner] has determined that the use of the pesticide against other pests would cause an unreasonable, adverse effect on the environment, and has required a statement on the label of the pesticide so stating this determination;

(C) employing any method of application not prohibited by the labeling unless the labeling specifically states that the product may be applied only by the methods specified on the labeling or unless prohibited by law or regulation;

(D) (No change.)

(2) (No change.)

(3) failure to observe reentry intervals, pre-harvest intervals, grazing restrictions, or worker protection requirements.

(A) (No change.)

(B) if a commercial applicator applies or furnishes the pesticide, it is the commercial applicator's responsibility to notify the person in control of the commodity or site treated of the requirements of this section prior to, or at the time of treatment by:

(i)-(ii) (No change.)

(4) (No change.)

§7.24. State-Limited-Use Pesticides.

(a) Because of their potential to cause adverse effect to non-targeted vegetation, all pesticide products containing the active ingredients as specified in this subsection, alone or in mixtures, shall be classified as state-limited-use pesticides when distributed in containers of a capacity larger than one quart for liquid material or two pounds for dry or solid material. If the products are marketed using metric measures, the classification applies to containers larger than one liter or one kilogram, respectively; 2,4-Dichlorophenoxyacetic acid (2,4-D); 2,4-Dichlorophenoxy butyric acid (2,4-DB); 2,4-Dichlorophenoxy propionic acid (2,4-DP); 2,4,5-Trichlorophenoxyacetic acid (2,4,5-T); 2-Methyl-4-

Chlorophenoxyacetic acid (MCPA); 2-(2,4,5-Trichlorophenoxy) propionic acid (silvex); 3,6-Dichloro-o-anisic acid (dicamba); 3, 4-Dichloropro-pionanilide (propanil); orthoarsenic acid (arsenic acid); [and effective January 1, 1991] 5-bromo-3-sec-butyl-6-methyluracil (bromacil); and 2,4-bis(isopropylamino)-6-methoxy-s-triazine (prometon). Formulations containing the active ingredients previously listed in this subsection are exempt from being classified as state-limited-use pesticides if they meet one of the criteria listed in paragraphs (1) or (2) of this subsection:

(1) (No change.)

(2) products [for home use] that are ready for use and require no further mixing or dilution before use and are packaged in containers with a capacity of one gallon or less for liquid formulations and four pounds or less for dry or solid materials.

[(b) Because of their potential risks to public health and the environment and because of the need to establish requirements for recordkeeping and safe handling, pesticides with the following active ingredients shall be classified as state-limited-use when distributed in any quantities for use in preventing, destroying, or controlling any subterranean termites:

- [(1) chlordane;
- [(2) heptachlor;
- [(3) aldrin; and
- [(4) dieldrin.]

(b)[(c)] Because of their potential to cause adverse effects to humans and nontarget animals, any and all pesticides and devices using the active ingredients sodium fluoroacetate (Compound 1080) and sodium cyanide, in any quantity, for livestock predation control are classified as state-limited-use pesticides. Additional requirements for the handling and use of Compound 1080 and sodium cyanide are provided at §7.32 and §7.33 of this title (relating to Sodium Fluoroacetate (Compound 1080) Livestock Protection Collar-State-Limited-Use Requirements; and the M-44 Sodium Cyanide-State-Limited-Use Requirements).

§7.30. Reentry Intervals.

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

(c) Specific reentry intervals. The following reentry intervals are hereby established for pesticides when used on crops requiring workers to perform labor-intensive activities.

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

(11) Subsection (c)(5) and (6) of this section do not apply to the following pesticide formulations, which are ex-

empted from the 24-hour reentry interval requirement:

(A) Dipel WP, EPA Registration Number 275-18;

(B) Dipel 2X, EPA Registration Number 275-37;

(C) Dipel FMU, EPA Registration Number 275-23;

(D) Dipel LCM, EPA Registration Number 275-26;

(E) Dipel 4L, EPA Registration Number 275-36;

(F) Dipel 8L, EPA Registration Number 275-51; and

(G) Pro-Gibb 4.0% Liquid Concentrate, EPA Registration Number 275-61.

§7.33. M-44 Sodium Cyanide-State-Limited-Use Requirements.

(a) Purpose. Any and all pesticides and devices using sodium cyanide as the active ingredient, including the M-44 device for livestock predation control, shall be classified as state-limited-use pesticides, pursuant to the Act, §76.003. However, this section shall not apply to the use of M-44 sodium cyanide by employees of the Texas Animal Damage Control Service when performing official duties and using M-44 cyanide capsules under the federal government registration.

(b) (No change.)

(c) Sale or transfer requirements. Dealers selling or transferring M-44 sodium cyanide must meet the following requirements.

(1) All dealers who wish to sell or transfer M-44 sodium cyanide must obtain written approval by the department. In order to obtain approval to handle M-44 sodium cyanide from the department, dealers must obtain from the department a pesticide dealer's license to handle restricted pesticides and complete special agreement forms to become an authorized dealer for the purpose of selling or transferring M-44 sodium cyanide. All applicators must meet the dealer requirements of the Act, §§76.071-76.077, the requirements of §7.8 of this title (relating to Authorized Pesticide Users and Pesticide Dealers), and any additional federal requirements of the use restriction bulletin (label) for M-44 sodium cyanide under EPA Registration Number 33858-2 [33858-1].

(2)-(8) (No change.)

(d) M-44 applicators. Any person seeking to qualify as an M-44 applicator must possess a current private applicator certification or license, or a noncommercial applicator license with certification in the predatory animal control subcategory, regulatory pest control category or demonstration and research category, or a commercial applicator license with certification in the predatory animal control subcategory and undertake training prescribed by the department and obtain a certificate. Those private applicators approved for use of M-44 sodium cyanide as of the effective date of this section may continue to purchase and use M-44 sodium cyanide until November 1, 1988. After that date, any such private applicator must have completed retraining and have obtained a new certificate from the department in order to purchase M-44 sodium cyanide or use M-44 sodium cyanide regardless of when the M-44 was purchased.

(1) (No change.)

(2) All M-44 applicators must comply with the label including the use restrictions bulletin on M-44 sodium cyanide issued by the department (EPA Registration Number 33858-2 [33858-1]) when using M-44 sodium cyanide. Copies of the use restrictions must be obtained with the purchase of each box of M-44 sodium cyanide. Additional copies of the bulletin and recordkeeping forms may be obtained from the Texas Department of Agriculture, P.O. Box 12847, Austin, Texas 78711.

(e) (No change.)

§7.34. Supervision.

(a) (No change.)

(b) A business that applies a restricted-use or state-limited-use pesticide to the land of another for hire must be operated by or employ a licensed commercial applicator. An application of a restricted-use or state-limited-use pesticide can only be made by the licensed commercial applicator or by persons [working] under the licensee's direct supervision during which time the licensee must be continuously physically present. A person may apply a restricted-use or state-limited-use pesticide under the direct supervision of a licensed commercial applicator only if the person is under the instruction and control of the commercial applicator and the commercial applicator is on the site where the application of the pesticide is being made and can observe and converse with the person under supervision. A licensed commercial applicator is responsible for the actions of any person working under the licensee's direct supervision. A licensed commercial applicator is not required to be continu-

ously physically present during the transporting of a restricted use or state-limited-use pesticide in any type of distributing or transporting equipment ready for application, mixing, loading, storing, and handling in packages or containers that have been opened, disposing of pesticides, and/or the cleaning of equipment used in the application of pesticides by a person working under the direct supervision of that licensed applicator. The licensee must, however, assure that any person working under the licensee's direct supervision is knowledgeable of the label requirements and rules and regulations governing the use of the particular pesticide being used by the individual, as specified in subsection (d) of this section.

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

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

Issued in Austin, Texas, on April 13, 1993.

TRD-9321608

Dolores Alvarado Hibbs
Chief Administrative Law
Judge
Texas Department of
Agriculture

Proposed date of adoption: May 21, 1993

For further information, please call: (512) 463-7583.

TITLE 7. BANKING AND SECURITIES

Part I. State Finance Commission

Chapter 1. Consumer Credit Commissioner

Subchapter B. Miscellaneous

• 7 TAC §1.301

The State Finance Commission proposes an amendment to §1.301, concerning appellate procedure in the event of an appeal of an Order to Desist or to Refrain. The amendment is necessary because of legislation which has abolished the Consumer Credit Section of the Finance Commission.

Al Endsley, Consumer Credit Commissioner, has determined that for the first five-year period the section is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the section.

Mr. Endsley also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be the removal of outdated and inaccurate notice as to the tribunal to which appeal shall be made from orders to desist or to refrain from violating any provisions of Texas Civil Statutes, Article 5069, Title 79, Subtitles two and three.

There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

Mr. Endsley has determined that the proposed rule will have no local employment impact.

Comments on the proposal may be submitted to Al Endsley, Consumer Credit Commissioner, 2801 North Lamar Boulevard, Austin, Texas 78705.

The amendment is proposed under Texas Civil Statutes, Article 342-114A, which provides the State Finance Commission with the authority to prescribe such rules or procedure as may be necessary for supervising the Consumer Credit Commissioner and for ensuring compliance with Texas Civil Statutes, Title 79, Article 5069-1.01 et seq.

§1.301. Appeals From Orders to Desist or to Refrain. An appeal to the [Consumer Credit Section of the] Finance Commission of [Texas pursuant to] an order issued by the consumer credit commissioner to desist or to refrain from violating any provisions of Texas Civil Statutes, Title 79, Subtitles two and three must be made in accordance with the Administrative Procedure and Texas Register Act (Texas Civil Statutes, Article 6252-13a) and its subsequent amendments [shall be heard by the Consumer Credit Commissioner or his designated hearing officer in accordance with the Rules of Practice and Procedure of the Office of Consumer Credit Commissioner. Each party to the proceeding may submit proposed findings of fact to the hearing officer who shall forward to the members of the Consumer Credit Section such proposed findings of fact, conclusions of law, and if in the proceeding a majority of the Consumer Credit Section of the Finance Commission has not heard the case or read the record, the decision if adverse to a party to the proceedings other than the Consumer Credit Commission itself, may not be made until a proposal for decision prepared by the hearing officer in compliance with the provisions of the Administrative Procedure and Texas Register Act, Article 6252-13a, §15, has been served on the parties and all right and procedures available under the authority of said §15 have been provided to each party adversely affected by the decision, unless the parties by written stipulation waive compliance with the provisions of §15].

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

Issued in Austin, Texas, on March 31, 1993.

TRD-9321361

Al Endsley
Consumer Credit
Commissioner
State Finance Commission

Earliest possible date of adoption: May 21, 1993

For further information, please call: (512) 479-1280

TITLE 22. EXAMINING BOARDS

Part IX. Texas State Board of Medical Examiners

Chapter 163. Licensure

• 22 TAC §163.9

The Texas State Board of Medical Examiners proposes an amendment to §163.9, concerning certification examinations. The proposed amendment will allow an additional examination to be considered in lieu of the Special Purpose Examination for reciprocal endorsement applicants not examined within the past 10 years.

Ivan Hurwitz, director of licensure and information services, has determined that for the first five-year period the section is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the section.

Pat Wood, secretary to the executive director, also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be to allow physicians who have training equal to that required for specially certification to be considered for licensure, without the necessity of taking the Special Purpose Examination. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Pat Wood, P.O. Box 149134, Austin, Texas 78714-9134. A public hearing will be held at a later date.

The amendment is proposed under Texas Civil Statutes, Article 4495b, which provide the Texas State Board of Medical Examiners with the authority to make rules, regulations, and bylaws not inconsistent with this Act as may be necessary for the governing of its own proceedings, the performance of its duties, the regulation of the practice of medicine in this state, and the enforcement of this Act.

§163.9. Procedural Rules for All Licensure Applicants.

(a)-(f) (No change.)

(g) A licensure applicant who has not been examined for licensure in a 10-year period prior to the filing date of his or her application must pass Component II of the FLEX prior to June 1988, or SPEX, unless the applicant has obtained:

(1) speciality certification, [or] recertification, or an examination of continued demonstration of qualifications by a board that is a member of the American Board of Medical Specialties or the Advi-

sory Board for Osteopathic Specialists within the preceding 10 years; or

(2) (No change.)

(h)-(i) (No change.)

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

Issued in Austin, Texas, on April 2, 1993.

TRD-9321307

Homer R. Goehrs, M.D.
Executive Director
Texas State Board of
Medical Examiners

Earliest possible date of adoption: May 21, 1993

For further information, please call: (512) 834-4502

◆ ◆ ◆
**Chapter 179. Investigation
Files**

• **22 TAC §179.6**

The Texas State Board of Medical Examiners proposes an amendment to §179.6, concerning professional liability claims. The proposed amendment will clarify the physician's responsibility in reporting professional liability claims and gives examples of those claims that are not required to be reported.

Tim Weitz, senior attorney, has determined that for the first five-year period the section is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the section.

Pat Wood, secretary to the executive director, has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be better protection of the public through investigation of professional liability claims against physicians and reduction of paperwork regarding reporting of unnecessary claims. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Pat Wood, P.O. Box 149134, Austin, Texas 78714-9134. A public hearing will be held at a later date.

The amendment is proposed under Texas Civil Statutes, Article 4495b, which provide the Texas State Board of Medical Examiners with the authority to make rules, regulations, and bylaws not inconsistent with this Act as may be necessary for the governing of its own proceedings, the performance of its duties, the regulation of the practice of medicine in this state, and the enforcement of this Act.

§179.6. Reporting Medical Professional Liability Claims.

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

(f) **Definition.** For the purposes of this chapter a professional liability claim or complaint shall be defined as a cause of action against a physician for treatment, lack of treatment, or other claimed departure from accepted standards of medical or health care or safety which proximately results in injury to or death of the patient, whether the patient's claim or cause of action sounds in tort or

contract, to include interns, residents, supervising physicians, on-call physicians, consulting physicians, and those physicians who administer, read, or interpret laboratory tests, x-rays, and other diagnostic studies.

(g) Claims not required to be reported. Examples of claims that are not required to be reported under this chapter but which may be reported include, but are not limited to, the following:

(1) product liability claims (i.e. where a physician invented a medical device which may have injured a patient but the physician has had no personal physician-patient relationship with the specific patient claiming injury by the device);

(2) antitrust allegations;

(3) allegations involving improper peer review activities;

(4) civil rights violations; or

(5) allegations of liability for injuries occurring on a physician's property, but not involving a breach of duty in the physician-patient relationship (i.e. slip and fall accidents).

(h) Claims that are not required to be reported under this chapter may however be voluntarily reported pursuant to the provision of the Medical Practice Act of Texas, Texas Civil Statutes, Article 4495b.

(i)[(f)] The reporting form shall be as follows.

TEXAS STATE BOARD OF MEDICAL EXAMINERS
P.O. Box 149134 [P.O. Box 13562, Capitol Station]
Austin, Texas 78714-9134 [78711]

MEDICAL PROFESSIONAL LIABILITY CLAIMS REPORT

FILE ONE REPORT FOR EACH DEFENDANT PHYSICIAN.

PART I COMPLETE FOR ALL CLAIMS OR COMPLAINTS AND FILE WITH THE TEXAS STATE BOARD OF MEDICAL EXAMINERS WITHIN 30 DAYS FROM RECEIPT OF COMPLAINT OR CLAIM. INCLUDE COPY OF CLAIM LETTER AND/OR PLAINTIFF'S COMPLAINT.

1. Name and address of insurer: _____

2. Defendant physician: _____
License number: _____
3. Plaintiff's name: _____
4. Policy number: _____
5. Date claim reported to insurer/self-insured physician: _____
6. Type of complaint: _____ claim only _____ lawsuit
7. Initial reserve amount after investigation: _____
(If this is not determined within 30 days, report this data within 105 days of filing the Part I report with T.S.B.M.E.)

Person completing this report

Phone number

8

PART II COMPLETE AFTER DISPOSITION OF THE CLAIM AS DEFINED IN 22 T.A.C., INCLUDING DISMISSALS OR SETTLEMENTS. FILE WITH T.S.B.M.E. WITHIN 105 DAYS AFTER DISPOSITION OF THE CLAIM. A COPY OF COURT ORDER OR SETTLEMENT AGREEMENT MAY BE USED AS PROVIDED IN 22 T.A.C.

8. Date of disposition: _____

9. Type of Disposition:

_____ (1) Settlement

_____ (2) Judgment after trial

_____ (3) Other (please specify) _____

10. Amount of indemnity agreed upon or ordered on behalf of this defendant:

\$ _____ . Note: If percentage of fault was not determined by the court or insurer in the case of multiple defendants, the insurer may report the total amount paid for the claim followed by a slash and the number of insured defendants. (Example: \$100,000/3)

11. Appeal, if known: ____ Yes ____ No. If yes, which party: _____

Person completing this report

Phone number

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

Issued in Austin, Texas, on April 2, 1993.

TRD-9321310

Homer R. Goehrs, M.D.
Executive Director
Texas State Board of
Medical Examiners

Earliest possible date of adoption: May 21, 1993

For further information, please call: (512) 834-4502

◆ ◆ ◆
Chapter 187. Procedure

Subchapter D. Posthearing

• 22 TAC §§187.31, 187.32, 187.34, 187.36

The Texas State Board of Medical Examiners proposes amendments to §§187.31, 187.32, 187.34, and 187.36, concerning proposals for decision. These proposed changes involve establishing policy reasons, or legal grounds, to enable the Board to disagree with the recommendation of the administrative law judge, as well as various housekeeping changes.

Tim Weitz, senior attorney, has determined that for the first five-year period the sections are in effect there will be no fiscal implications

for state or local government as a result of enforcing or administering the sections.

Pat Wood, secretary to the executive director, also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be to allow the Board some flexibility in rendering a decision on disciplinary matters when it is in the best interest of the public. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the sections as proposed.

Comments on the proposal may be submitted to Pat Wood, P.O. Box 149134, Austin, Texas 78714-9134. A public hearing will be held at a later date.

The amendments are proposed under Texas Civil Statutes, Article 4495b, which provide the Texas State Board of Medical Examiners with the authority to make rules, regulations, and bylaws not inconsistent with this Act as may be necessary for the governing of its own proceedings, the performance of its duties, the regulations of the practice of medicine in this state, and the enforcement of this Act.

§187.31. Proposals for Decision.

(a) Elements. In addition to any other requirement of the Act or APTRA, the administrative law judge [an examiner] shall serve on the parties a proposal for decision which shall contain:

(1) (No change.)

(2) a statement of the administrative law judge's [examiner's] reasons for the proposed decision;

(3)-(6) (No change.)

(b) Service. When a proposal for decision is prepared, a copy of the proposal shall be served forthwith by the administrative law judge [examiner] on each party, his or her attorney of record or representative, and the board. Service of the proposal for decision shall be in accordance with §187.7(d) of this title (relating to Pleadings) and §187.12(c) of this title (relating to Service in Nonrulemaking Proceeding).

(c) (No change.)

(d) Proposed findings. Only when the administrative law judge [examiner] requests a parties to submit findings of fact will it be necessary for the administrative law judge [examiner] to rule on each proposed finding in the recommended order.

§187.32. Exceptions and Replies.

(a) Entitlement. Any party of record who is aggrieved by the administrative law judge's [examiner's] proposal for decision shall have the opportunity to file

exceptions to the proposal for decision within 20 days from the date of service of the proposal for decision. Replies to the exceptions may be filed by other parties within 10 days of the filing of the exceptions. Exceptions and replies shall be filed with the administrative law judge [examiners]. Any extensions of time shall be as provided by §187.4 of this title (relating to Computation of Time).

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

(d) Briefs. Briefs shall be filed only when requested or permitted by the board, presiding officer, or administrative law judge [examiner].

(e) (No change.)

§187.34. Final Decisions and Orders.

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

(d) Changes to Recommendation. In that the board has been created by the legislature to protect the public interest as an independent agency of the executive branch of the government of the State of Texas so as to remain as the primary means of licensing, regulating, and disciplining physicians and surgeons, consistent with APTRA, §13(j) to protect the public interest and ensure that sound medical principles govern the decisions of the board, it shall hereafter be the policy of the board to change a finding of fact or conclusion of law or to vacate or modify the proposed order of an administrative law judge when the proposed order is:

- (1) erroneous;
- (2) against the weight of the evidence;
- (3) based on unsound medical principles;
- (4) based on an insufficient review of the evidence;
- (5) not sufficient to protect the public interest; or
- (6) no sufficient to adequately allow rehabilitation of the physician.

(e)[(d)] Amended order. If the board modified, amends, or changes the administrative law judge's [examiner's] recommended order, [the examiner shall prepare] an order shall be prepared reflecting the board's changes as state in the record.

(f)[(e)] Administrative finality. A final order or board decision is administratively final:

- (1) upon a finding of imminent peril to the public health, safety, or welfare, as outlined in subsection (c) of this section;
- (2) when absent the filing of a timely motion for rehearing upon the expi-

ration of 20 days from the date the final order or board decision is entered; or

(3) when a timely motion for rehearing is filed and the motion for rehearing is overruled by board order or operation of law as outlined in §187.35 of this title (relating to Motions for Rehearing).

(g)[(f)] Rendering of final decision or order. This final decision or order must be rendered with 60 days after the date the hearing is finally closed. In a contested case heard by an administrative law judge [examiner], an extension of time for the issuing of a proposal for decision may be announced at the conclusion of the hearing.

§187.36. The Record. The record in a contested case shall include:

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

(7) all staff memoranda a correspondence from parties, or other data submitted to or considered by the administrative law judge [hearing officer] or members of the agency who are involved in making the decision.

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

Issued in Austin, Texas, on April 2, 1993.

TRD-9321309

Homer R. Goehrs, M.D.
Executive Director
Texas State Board of
Medical Examiners

Earliest possible date of adoption: May 21, 1993

For further information, please call: (512) 834-4502

Chapter 199. Disciplinary Hearing Panels

• 22 TAC §§199.1-199.5

(Editor's note: The text of the following sections proposed for repeal will not be published. The sections may be examined in the offices of the Texas State Board of Medical Examiners or in the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)

The Texas State Board of Medical Examiners proposes the repeal of §§199.1-199.5, concerning disciplinary panels appointed by the President of the Board to hear contested cases. The proposed repeals are necessary due to a change in law establishing the State Office of Administrative Hearings to handle all contested cases.

Tim Weitz, senior attorney, has determined that for the first five-year period the repeals are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the repeals.

Pat Wood, secretary to the executive director, also has determined that for each year of the first five years the repeals in effect the public

benefit anticipated as a result of enforcing the repeals will be deletion of a rule no longer in effect due to change in law. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the repeals as proposed.

Comments on the proposal may be submitted to Pat Wood, P.O. Box 149134, Austin, Texas 78714-9134. A public hearing will be held at a later date.

The repeals are proposed under Texas Civil Statutes, Article 4495b, which provide the Texas State Board of Medical Examiners with the authority to make rules, regulations, and bylaws not inconsistent with this Act as may be necessary for the governing of its own proceedings, the performance of its duties, the regulation of the practice of medicine in this state, and the enforcement of this Act.

§199.1. Purpose.

§199.2. Procedure.

§199.3. Standards for Conducting Hearings.

§199.4. Proposal for Decision.

§199.5. Final Decision and Order.

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

Issued in Austin, Texas, on April 2, 1993.

TRD-9321308

Homer R. Goehrs, M.D.
Executive Director
Texas State Board of
Medical Examiners

Earliest possible date of adoption: May 21, 1993

For further information, please call: (512) 834-4502

Part XII. Board of Vocational Nurse Examiners

Chapter 235. Licensing

Application for Licensure

• 22 TAC §§235.2, 235.9, 235.16, 235.18, 235.19

The Board of Vocational Nurse Examiners proposes amendments to §§235.2, 235.9, 235.16, 235.18, and 235.19. These rules are amended for implementation of computer adaptive testing (CAT) and to streamline the process of licensure of persons with criminal convictions.

Marjorie A. Bronk, executive director, has determined that for the first five-year period the sections are in effect there will be no fiscal implications for state or local government as

a result of enforcing or administering the sections.

Mrs. Bronk also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be implementation of computer adaptive testing for licensure and a more streamline process for determining eligibility of persons with criminal convictions for licensure. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the sections as proposed.

Comments on the proposal may be submitted to Marjorie A. Bronk, R.N., M.S.H. P., Executive Director, Board of Vocational Nurse Examiners, 9101 Burnet Road, Suite 105, Austin, Texas 78758, (512) 835-2071.

The amendments are proposed under Texas Civil Statutes, Article 4528c, §5(g), which provide the Board of Vocational Nurse Examiners with the authority to make such rules and regulations as may be necessary to carry in effect the purposes of the law.

§235.2. Application for Licensure

(a) Forms. Applications for licensure shall be completed on forms obtained from the Board and/or an agent designated by the Board.

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

§235.9. Application Fees.

(a) Application for Examination and Application for Licensure fees shall:

(1) be payable to the Board of Vocational Nurse Examiners and mailed directly to the Board office or as designated by the Board;

(2)-(5) (No change.)

(b) (No change.)

§235.16. Request To Extend Two-Year Limit Regarding Rewriting Examination. The following specified criteria for legitimate excuse shall apply only to persons failing to appear for the last opportunity to establish eligibility for extension of the two-year limit. The applicant shall, within four weeks following the last opportunity for the licensing examination, provide to the board:

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

§235.18. Disabled Candidate.

(a) (No change.)

(b) A written request for appropriate accommodations must be submitted to the Board [at least 130] 30 days prior to the examination date. Procedural guidelines and criteria from the National Council of State Boards of Nursing shall be followed.

(c) (No change.)

[(d)] The request for consideration of special testing accommodations must occur prior to the candidate writing the NCLEX-PN for the first time.

[(e)] Modifications of testing procedures costs will be borne by the agency. The counselor and candidate will be informed of the costs for modification of examination materials.]

(d)[(f)] A disability occurring after graduation will require the documentation noted in subsection (c)(1)-(3) of this section, and will be reviewed and decided by the Executive Director.

§235.19. Licensure of Persons with Criminal Convictions.

(a) Exam Applicants.

(1) (No change.)

(2) If the conviction involved drugs, evidence of rehabilitation, i.e., counseling, drug program, psychiatric treatment, etc., and the application may [shall] be submitted through the disciplinary process [for presentation] to the members of the Board according to the Administrative Procedure and Texas Register Act.

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

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

Issued in Austin, Texas, on April 8, 1993.

TRD-9321547

Marjorie A. Bronk, R.N.,
M.S.H.P.
Executive Director
Board of Vocational Nurse
Examiners

Earliest possible date of adoption: May 21, 1993

For further information, please call: (512) 835-2071

Board Review of Application

• 22 TAC §235.26

(Editor's note: The text of the following section proposed for repeal will not be published. The section may be examined in the offices of the Board of Vocational Nurse Examiners or in the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)

The Board of Vocational Nurse Examiners proposes to repeal §235.26, concerning Board Review of Application. The rule is being repealed because it is obsolete.

Marjorie A. Bronk, executive director, has determined that for the first five-year period the repeal is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the repeal.

Mrs. Bronk also has determined that for each year of the first five years the repeal is in

effect there will be no public benefit. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Marjorie A. Bronk, R.N., M.S.H. P., Executive Director, Board of Vocational Nurse Examiners, 9101 Burnet Road, Suite 105, Austin, Texas 78758, (512) 835-2071.

The repeal is proposed under Texas Civil Statutes, Article 4528c, §5(g), which provide the Board of Vocational Nurse Examiners with the authority to make such rules and regulations as may be necessary to carry in effect the purposes of the law.

§235.26. Hardship.

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

Issued in Austin, Texas, on April 8, 1993.

TRD-9321548

Marjorie A. Bronk, R.N.,
M.S.H.P.
Executive Director
Board of Vocational Nurse
Examiners

Earliest possible date of adoption: May 21, 1993

For further information, please call: (512) 835-2071

Examination

• 22 TAC §235.31

The Board of Vocational Nurse Examiners proposes an amendment to §235.31, concerning Examination. The rule is amended to allow for the implementation of computer adaptive testing (CAT).

Marjorie A. Bronk, executive director, has determined that for the first five-year period the section is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the section.

Mrs. Bronk also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be larger number of sites for examination once CAT is implemented and more expedient release of results. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Marjorie A. Bronk, R.N., M.S.H. P., Executive Director, Board of Vocational Nurse Examiners, 9101 Burnet Road, Suite 105, Austin, Texas 78758, (512) 835-2071.

The amendment is proposed under Texas Civil Statutes, Article 4528c, §5(g), which provide the Board of Vocational Nurse Examiners with the authority to make such rules and regulations as may be necessary to carry in effect the purposes of the law.

§235.31. Applicability. The following will apply for persons making application under §6, subsection (a) or (b) and the Act, §7. Pursuant to the Board's authority as provided by §231.40 of this title (relating to State Board Examination) and other provisions herein.

(1) The examination will be administered at sites designated by the Board according to the test administration agency's schedule. [in Austin and other sites in the state as designated by the board. The examination will be offered twice each year.]

(2) Applicants will be notified at least 15 days in advance and should appear for the first examination after their application is approved.]

(2)(3) Applications of individuals who do not appear for an examination with two years after Board approval will be rejected unless a legitimate excuse is presented and approved by the Board.

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

Issued in Austin, Texas, on April 8, 1993.

TRD-9321549 Marjorie A. Bronk, R.N.,
M.S.H.P.
Executive Director
Board of Vocational Nurse
Examiners

Earliest possible date of adoption: May 21, 1993

For further information, please call: (512) 835-2071

Examination

• 22 TAC §235.32, §235.33

(Editor's note: The text of the following sections proposed for repeal will not be published. The sections may be examined in the offices of the Board of Vocational Nurse Examiners or in the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)

The Board of Vocational Nurse Examiners proposes the repeal to §235.32 and §235.33, concerning Examination. The rules are being repealed because they are obsolete.

Marjorie A. Bronk, executive Director, has determined that for the first five-year period the repeals are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the repeals.

Mrs. Bronk also has determined that for each year of the first five years the repeals are in effect there will be no public benefit. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the repeal as proposed.

Comments on the proposal may be submitted to Marjorie A. Bronk, R.N., M.S.H. P., Execu-

ive Director, Board of Vocational Nurse Examiners, 9101 Burnet Road, Suite 105, Austin, Texas 78758, (512) 835-2071.

The repeals are proposed under Texas Civil Statutes, Article 4528c, §5(g), which provide the Board of Vocational Nurse Examiners with the authority to make such rules and regulations as may be necessary to carry in effect the purposes of the law.

§235.32. Proctoring for Other State Boards.

§235.33. Writing Examinations.

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

Issued in Austin, Texas, on April 8, 1993.

TRD-9321550 Marjorie A. Bronk, R.N.,
M.S.H.P.
Executive Director
Board of Vocational Nurse
Examiners

Earliest possible date of adoption: May 21, 1993

For further information, please call: (512) 835-2071

Issuance of Licenses

• 22 TAC §235.47

The Board of Vocational Nurse Examiners proposes an amendment to §235.47, concerning Issuance of Licenses. The rule is being amended to allow for consistency between the licensing and continuing education rules.

Marjorie A. Bronk, executive director, has determined that for the first five-year period the amendment is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the section.

Mrs. Bronk also has determined that for each year of the first five years the section is in effect the public benefit will be a consistency in the rules of the board. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Marjorie A. Bronk, R.N., M.S.H. P., Executive Director, Board of Vocational Nurse Examiners, 9101 Burnet Road, Suite 105, Austin, Texas 78758, (512) 835-2071.

The amendment is proposed under Texas Civil Statutes, Article 4528c, §5(g), which provide the Board of Vocational Nurse Examiners with the authority to make such rules and regulations as may be necessary to carry in effect the purposes of the law.

§235.47. Reactivation of a License. A vocational nurse who has been on inactive status or whose license has been delinquent, revoked, or suspended for more than five

years shall meet the following criteria for licensure:

(1) (No change.)

(2) submit verification of employment as a licensed vocational nurse in another state or employment as a registered nurse [an RN] in this state or another state within the past five years immediately prior to application [the last 12 months]; or

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

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

Issued in Austin, Texas, on April 8, 1993.

TRD-9321551 Marjorie A. Bronk, R.N.,
M.S.H.P.
Executive Director
Board of Vocational Nurse
Examiners

Earliest possible date of adoption: May 21, 1993

For further information, please call: (512) 835-2071

Issuance of Licenses

• 22 TAC §235.48

The Board of Vocational Nurse Examiners proposes new §235.48, concerning Emeritus License. The section as proposed is not included in the current licensing rules, although the term is referred to in the continuing education chapter of the rules.

Marjorie A. Bronk, executive director, has determined that for the first five-year period the section is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the section.

Mrs. Bronk also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be a consistency in the rules of the board. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Marjorie A. Bronk, R.N., M.S.H. P., Executive Director, Board of Vocational Nurse Examiners, 9101 Burnet Road, Suite 105, Austin, Texas 78758, (512) 835-2071.

The new section is proposed under Texas Civil Statutes, Article 4528c, §5(g), which provide the Board of Vocational Nurse Examiners with the authority to make such rules and regulations as may be necessary to carry in effect the purposes of the law.

§235.48. Emeritus License. A licensee who is in good standing but does not intend to seek gainful employment as a licensed vocational nurse any longer and would like

to maintain licensure may obtain emeritus status by:

- (1) submitting a written request; and
- (2) submitting the required fees.

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

Issued in Austin, Texas, on April 8, 1993.

TRD-9321552 Marjorie A. Bronk, R.N.,
M.S.H.P.
Executive Director
Board of Vocational Nurse
Examiners

Earliest possible date of adoption: May 21, 1993

For further information, please call: (512) 835-2071

Chapter 237. Continuing Education

• 22 TAC §237.19

The Board of Vocational Nurse Examiners proposes an amendment to §237.19, concerning Continuing Education. The rule is amended to make licensing and continuing education rules consistent.

Marjorie A. Bronk, executive director, has determined that for the first five-year period the section is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the section.

Mrs. Bronk also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be a consistency in the board rules. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Marjorie A. Bronk, R.N., M.S.H.P., Executive Director, Board of Vocational Nurse Examiners, 9101 Burnet Road, Suite 105, Austin, Texas 78758, (512) 835-2071.

The amendment is proposed under Texas Civil Statutes, Article 4528c, §5(g), which provide the Board of Vocational Nurse Examiners with the authority to make such rules and regulations as may be necessary to carry in effect the purposes of the law.

§237.19. Relicensure Process. In addition to meeting all other board requirements specified in Chapter 235 of this title (relating to Licensing), the following conditions for relicensure shall be met:

- (1) -(3) (No change.)
- (4) Delinquent License.

(A) (No change.)

(B) A nurse who has been delinquent for more than five years shall: [A license that has been delinquent for five or more years may be renewed only after completing an acceptable refresher course and/or such other requirements as may be indicated by the board.]

(i) submit verification of employment as a licensed vocational nurse in another state or employment as a registered nurse in this state or another state within the past five years immediately prior to application; or

(ii) submit evidence of successful completion of a refresher course or an agreement to complete a refresher course or an agreement to supervised employment, with verification of such submitted to the board office prior to issuance of a license;

(iii) be exempt from the continuing education requirements for the biennium in which the license is renewed and the immediately succeeding renewal period.

(5) Reactivation of a License.

(A) (No change.)

(B) A nurse who has been on inactive or emeritus status for more than five years shall:

(i) submit verification of employment as a licensed vocational nurse [registered nurse] in another state or employment as a registered nurse in this state or another state within the past five years immediately prior to application; or

(ii) -(iii) (No change.)

(6) (No change.)

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

Issued in Austin, Texas, on April 8, 1993.

TRD-9321553 Marjorie A. Bronk, R.N.,
M.S.H.P.
Executive Director
Board of Vocational Nurse
Examiners

Earliest possible date of adoption: May 21, 1993

For further information, please call: (512) 835-2071

Chapter 239. Contested Case Procedure

Hearings Process

• 22 TAC §239.33

The Board of Vocational Nurse Examiners proposes new §239.33, concerning release of information from hearing process. The rule delineates what investigations division information can be released.

Marjorie A. Bronk, executive director, has determined that for the first five-year period the section is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the section.

Mrs. Bronk also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be knowing what information can be released regarding investigations. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Marjorie A. Bronk, R.N., M.S.H.P., Executive Director, Board of Vocational Nurse Examiners, 9101 Burnet Road, Suite 105, Austin, Texas 78758, (512) 835-2071.

The new section is proposed under Texas Civil Statutes, Article 4528c, §5(g), which provide the Board of Vocational Nurse Examiners with the authority to make such rules and regulations as may be necessary to carry in effect the purposes of the law.

§239.33. Release of Information.

(a) A complaint and investigation concerning a licensee/applicant and all information and materials compiled by the board in connection with a complaint and investigation are confidential and not subject to disclosure under Chapter 424, Acts of the 63rd Legislature, Regular Session, 1973 (Texas Civil Statutes, Article 6252-17a), and not subject to disclosure, discovery, subpoena, or other means of legal compulsion for their release to anyone other than the board or its employees or agents involved in licensee discipline, except that this information may be disclosed to:

- (1) persons involved with the board in a disciplinary action against the nurse;
 - (2) nurse licensing or disciplinary boards in other jurisdictions;
 - (3) peer assistance programs approved by the board under Chapter 701, Acts of the 69th Legislature, Regular Session, 1985 (Texas Civil Statutes, Article 5561c-3);
 - (4) law enforcement agencies;
- and

(5) persons engaged in bona fide research, if all individual identifying information has been deleted.

(b) The filing of formal charges against a licensee/applicant by the board, the nature of those charges, disciplinary proceedings of the board, and final disciplinary actions, including warnings and reprimands, by the board are not confidential and are subject to disclosure in accordance with Chapter 424, Acts of the 63rd Legislature, Regular Session, 1973 (Texas Civil Statutes, Article 6252-17a).

(c) If the board takes a final disciplinary action, including a warning or reprimand, against a licensee/applicant, the board shall immediately send a copy of the board's final order to the individual at his or her most recent address as shown in the investigative records of the board.

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

Issued in Austin, Texas, on April 8, 1993.

TRD-9321554

Marjorie A. Bronk, R.N.,
M.S.H.P.
Executive Director
Board of Vocational Nurse
Examiners

Earliest possible date of adoption: May 21, 1993

For further information, please call: (512) 835-2071

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TITLE 28. INSURANCE
Part I. Texas Department
of Insurance
Chapter 3. Life, Accident and
Health Insurance and
Annuities

Subchapter II. Insurance Sold
in Connection with Prepaid
Funeral Contracts

• **28 TAC §3.9001, §3.9002**

The State Board of Insurance of the Texas Department of Insurance proposes new §3.9001 and §3.9002, concerning the Joint Memorandum of Understanding to be entered into by the Texas Department of Insurance, the Texas Funeral Service Commission, and the Texas Department of Banking under Texas Civil Statutes, Article 4582(b), §4(l). That statute provides that the Joint Memorandum of Understanding shall be promulgated by rule by each of the affected agencies. Any future revisions to the Joint Memorandum of Understanding will be promulgated as amendments to these sections. New §3.9001 outlines the statutory requirements and new §3.9002 contains the Memorandum of Understanding, which describes the statutory responsibilities of the three agencies and the

procedures by which the agencies will coordinate their activities. The Joint Memorandum of Understanding sets forth the manner in which the three agencies will coordinate their statutory responsibilities in the area of prepaid funeral services and transactions.

Rhonda Myron, deputy commissioner for the Life/Health Group, has determined that for the first five-year period the proposed sections will be in effect, there will be no fiscal implications for state government, local government or small businesses as a result of enforcing or administering the sections, and there will be no effect on local employment or the local economy.

Ms. Myron also has determined that for each year of the first five years the sections are in effect, the public benefit anticipated as a result of enforcing these sections is the ability to better regulate prepaid funeral services and insurance, and the ability to provide better services to consumers through better coordination of the complaint processing and regulatory activities of the three agencies.

Comments on the proposal, to be considered by the State Board of Insurance, must be submitted in writing within 30 days after publication of the proposed sections in the *Texas Register*, to Linda K. von Quintus-Dorn, Chief Clerk, P.O. Box 149104, Mail Code 113-2A, Austin, Texas 78714-9104. An additional copy of the comment should be submitted to Rhonda Myron, Deputy Commissioner for Life/Health Group, P.O. Box 149104, Mail Code 106-1A, Austin, Texas 78714-9104. Request for a public hearing should be submitted separately to the Chief Clerk's office.

These new sections are proposed under Texas Civil Statutes, Article 4582(b), Insurance Code, Article 1.04, and Texas Civil Statutes, Article 6252-13a, §4 and §5. Texas Civil Statutes, Article 4582(b), §4(l) mandates the Texas Department of Insurance, the Texas Funeral Service Commission and the Texas Department of Banking to enter into a Joint Memorandum of Understanding and mandates that each agency promulgate the Joint Memorandum of Understanding as a rule. The Insurance Code, Article 1.04(b) provides the board with authority to determine rules in accordance with the laws of this state. Texas Civil Statutes, Article 6252-13a, §4 and §5 authorize and require each state agency to adopt rules of practice setting forth the nature and requirements of available procedures, and prescribe the procedures for adoption of rules by a state administrative agency.

§3.9001. Introduction to Joint Memorandum of Understanding.

(a) Texas Civil Statutes, Article 4582(b), §4(l) mandates the Texas Department of Insurance, the Texas Funeral Service Commission, and the Texas Department of Banking to adopt by rule a Joint Memorandum of Understanding relating to prepaid funeral services and transactions that:

(1) outlines the responsibilities of each agency in regulating these services and transactions;

(2) establishes procedures to be used by each agency in referring complaints to one of the other agencies;

(3) establishes procedures to be used by each agency in investigating complaints;

(4) establishes procedures to be used by each agency in notifying the other agencies of a complaint or of the investigation of a complaint;

(5) describes actions the agencies regard as deceptive trade practices;

(6) specifies the information the agencies provide consumers and when that information is to be provided; and

(7) sets the administrative penalties each agency imposes for violations.

(b) Any revisions to the Joint Memorandum of Understanding will be adopted by rule by each agency.

(c) The Joint Memorandum of Understanding entered into by the three agencies is found at §3.9002 of this title (relating to Joint Memorandum of Understanding).

§3.9002. Joint Memorandum of Understanding.

(a) Pursuant to Texas Civil Statutes, Article 4582b, §4(l), the Texas Funeral Service Commission (herein referred to as the "TFSC"), the Texas Department of Insurance (herein referred to as the "TDI"), and the Texas Department of Banking (herein referred to as the "DOB") hereby adopt the following joint memorandum of understanding relating to prepaid funeral services and transactions. The TFSC, TDI, and DOB intend this memorandum of understanding to serve as a vehicle to assist the three agencies in their regulatory activities, and to make it as easy as possible for a consumer with a complaint to have the complaint acted upon by all three agencies, where appropriate. In order to accomplish this end, where not statutorily prohibited, the three agencies will share information between the agencies which may not be available to the public generally under the Open Records Act, Texas Civil Statutes, Article 6252-17a. Such information will be transmitted between agencies with the notation on the information that it is considered confidential, is being furnished to the other agencies in furtherance of their joint responsibilities as state agencies in enforcing their respective statutes, and that it may not be disseminated to others.

(b) Responsibilities of Each Agency in Regulating Prepaid Funeral Services and Transactions.

(1) The Texas Funeral Service Commission is responsible for the following:

(A) licensing funeral directors and embalmers, apprentice funeral directors and apprentice embalmers (Texas Civil Statutes, Article 4582b, §3) and funeral establishments (Texas Civil Statutes, Article 4582b, §4(A)). The TFSC may refuse to license a person or establishment which violates Texas Civil Statutes, Article 548b, under Texas Civil Statutes, Article 4582b, §3(H)(10);

(B) taking action against any licensee violating article 548b, under Texas Civil Statutes, Article 4582b, §3(H)(10); and

(C) taking action against any funeral director in charge and/or funeral establishment for violations of Article 548b, by persons directly or indirectly connected to the funeral establishment, under Texas Civil Statutes, Article 4582b, §4(D)(1)(f) and (E).

(2) The Texas Department of Banking is responsible for administering Texas Civil Statutes, Article 548b, including but not limited to the following:

(A) issuing permits to sell prepaid funeral services or funeral merchandise pursuant to Texas Civil Statutes, Article, 548b, §1 and §3;

(B) approving forms for sales contracts pursuant to Texas Civil Statutes, Article 548b, §2;

(C) canceling or refusing to renew permits pursuant to Texas Civil Statutes, Article 548b, §4; and providing notice of alleged violations to the Attorney General of Texas and to sellers pursuant to Texas Civil Statutes, Article 548b, §9(e) and (f);

(D) approving the release or withdrawal of funds under certain circumstances or for certain purposes, pursuant to Texas Civil Statutes, Article 548b, §5(3), (4), and (5);

(E) providing for reporting requirements and performing examinations under Texas Civil Statutes, Article 548b, §§7 and 8(a); and

(F) maintaining a guaranty fund with respect to prepaid funeral benefits funded by trusts, pursuant to Texas Civil Statutes, Article 548b, §8A.

(3) The Texas Department of Insurance is responsible for the following:

(A) regulating licensed insurers that issue or propose to issue life insurance/annuity contracts which may fund prepaid funeral contracts;

(B) regulating individuals/entities that perform the acts of an insurance agent(s) as defined in Insurance Code, Articles 21.02 and 1.14-1;

(C) regulating insurance/annuity contracts that may fund prepaid funeral contracts;

(D) regulating unfair trade practices relating to the insurance/annuity contracts which may fund prepaid funeral contracts pursuant to Insurance Code, Article 21.21; and

(E) regulating unfair claims settlement practices by insurance companies pursuant to Insurance Code, Article 21.21-2.

(c) Procedures Used by Each Agency in Exchanging Information With or Referring Complaints to One of the Other Agencies.

(1) Exchanging information. If, upon receipt of a complaint, or during the course of an investigation, an agency (referred to as the receiving agency) receives any information that might be deemed of value to another of the agencies (referred to as the reviewing agency), the receiving agency will contact the reviewing agency and will forward the relevant information to the reviewing agency at its request.

(2) Referral of complaints for handling. When an agency receiving a complaint refers the complaint to another agency for handling, the receiving agency will contact the complainant in writing informing him or her of the referral, and providing contact information on the reviewing agency, and encouraging the complainant to re-contact the receiving agency if she or he has any problem with the reviewing agency's processing of the complaint.

(3) Complaint procedures. The three agencies will work together to establish procedures to ensure consumer complaints will be fully resolved by the reviewing agency.

(d) Procedures to be Used by Each Agency in Investigating a Complaint.

(1) All agencies.

(A) Each agency will develop an internal complaint procedures manual for violations relating to prepaid

funeral services and/or transactions. The manual should at a minimum provide for:

(i) cross-checking the other two agencies' list of licensees against the investigating agency's list;

(ii) background checks on disciplinary proceedings and license eligibility-including background checks into the two other agencies' complaints, disciplinary proceedings, and licensing process involving the same licensee if any, where not prohibited by law;

(iii) outlining of relevant law for each agency with check-point steps to ensure all relevant information has been obtained from complainant and referenced to applicable legal provisions;

(iv) identification of necessary data and documents to be obtained from the complainant; and

(v) such other steps deemed necessary for the agency to perform an adequate and appropriate investigation.

(B) Each agency will maintain its centralized complaint resolution process with a long-term goal of integrating the complaint resolution process, which includes the complaint tracking system, with the other agencies in the most effective, cost-efficient manner.

(C) Within four months from the final adoption of the JMOU by rulemaking; the DOB, TFSC, and TDI will develop one or more complaint and referral forms that are substantially similar in content and format to be used by each agency in processing complaints relating to prepaid funeral services and/or transactions.

(D) Each reviewing agency will provide periodic status reports, no less than quarterly, on the complaint investigation to the receiving agency or agencies. In addition, the reviewing agency will contact the complainant to inform him or her of the status of the investigation.

(E) Each agency will develop with the other agency, or other two agencies, a written plan for conducting joint investigations where appropriate which, at a minimum, establishes a case manager for the investigation, establishes the divisions of duties among the agencies, and establishes a time-line for completion of the investigation.

(F) As soon as possible following the final adoption of the JMOU by rulemaking the DOB, TFSC, and TDI will each ensure its complaint resolution procedure is accessible to the public by reviewing

its procedures, forms, brochures, and letters to determine what steps, if any, are needed to remedy problems of accessibility. The DOB, TFSC, and TDI will implement the needed steps as soon as possible thereafter.

(G) The TDI, DOB, and TFSC commit to a long-term goal with a five year planning horizon to develop an efficient and cost-effective way to ensure that the three agencies can readily exchange information and that there is effective and easy access by each of the three agencies to the information and data held by the other agencies relating to complaints and information regarding licensees in the prepaid funeral services area.

(2) The Texas Funeral Service Commission.

(A) The TFSC, in accordance with Texas Civil Statutes, Article 4582b, §4D(2)(b), will investigate violations of prepaid funeral services only if the investigation does not interfere with or duplicate an investigation conducted by the DOB.

(B) The TFSC will, upon request, assist the DOB and/or the TDI with investigations.

(3) Texas Department of Banking.

(A) Complaints received by the Special Audit Division will be entered into a complaint log and assigned a reference number. If, after agency notice to the subject of the complaint, the complaint is not resolved, the DOB will investigate.

(B) If disciplinary action against a DOB permittee is appropriate, the matter will be referred to the agency's legal staff.

(C) If the complaint involves a matter handled by either the TDI or TFSC, as well as a violation of the DOB statutes or regulations, the DOB will coordinate the investigation with either or both of these agencies, as appropriate. The DOB will, upon request, assist the TFSC and/or TDI with investigations.

(D) In the event that a licensee under the TFSC's jurisdiction is found, after hearing, to have violated one or more provisions of Article 548b, the DOB will inform the TFSC of the violation(s) in writing and provide documentation supporting the occurrence of the violation(s).

(4) Texas Department of Insurance.

(A) Complaints received by the Consumer Services area of TDI will be logged in and investigated. Other areas of the agency can be called upon for assistance in the investigation of the complaint where appropriate.

(B) If disciplinary action against a licensee of the TDI is found to be appropriate, the matter will be referred to the Compliance Intake Unit of TDI.

(C) If the complaint involves a matter handled by either the DOB or TFSC, as well as a violation of the TDI statutes or regulations, the investigation will be coordinated with either or both of those agencies.

(D) TDI will, upon request, assist the TFSC and/or DOB with investigations.

(e) Actions the Agencies Regard as Deceptive Trade Practices

(1) The TFSC, the DOB and the TDI regard as deceptive trade practices those actions found under Texas Business and Commerce Code, §17.46.

(2) With respect to trade practices within the business of insurance, the TDI regards as deceptive trade practices those actions found under Insurance Code, Article 21.21 and other articles of the Code, and the regulations promulgated by the TDI thereunder.

(f) Information the Agencies Will Provide Consumers and When That Information is to be Provided.

(1) TFSC, DOB, and TDI will continue to provide consumers with the brochure entitled "Facts About Funerals" developed by TFSC (in Spanish and in English). As soon as possible after the final adoption of the JMOU by rulemaking, the agencies will update the brochure to provide information about insolvency, the guaranty funds, and consumer complaints, and make the brochure accessible under the terms of the Americans with Disabilities Act. The agencies will provide other relevant consumer brochures to each other.

(2) TDI will maintain its toll-free number, and TFSC and DOB will each work towards consumer access via a toll-free number. Each agency will include its toll-free number as a prepaid funeral consumer protection resource in the respective agencies' consumer information materials. DOB, TFSC, and TDI will routinely inform consumers of options within the agency's knowledge available to them to resolve the complaint.

(3) TFSC, DOB, AND TDI, as state agencies, are subject to the Open Records Act, Texas Civil Statutes, Article 6252-17a. Upon written request, the three agencies will provide consumers with public information which is not exempt from disclosure under that Act. As noted in the preamble to this JMOU, the agencies may, where not statutorily prohibited, exchange information necessary to fulfill their statutory responsibilities among each other, without making such information public information under the Open Records Act.

(g) Administrative Penalties Each Agency Imposes for Violations.

(1) All Agencies.

(A) DOB, TDI, and TFSC will create a working group to develop recommendations concerning the three agencies working together on enforcement actions using the resources of the Attorney General and/or prosecutorial or investigative agencies, where appropriate.

(B) DOB, TDI and TFSC will refer DTPA and other such violations to the Federal Trade Commission and/or the Attorney General whenever appropriate.

(2) Texas Funeral Service Commission. The TFSC may impose an administrative penalty, issue a reprimand, or revoke, suspend, or place on probation any licensee who violates Article 548b. The recommended range of administrative penalty for a violation of Article 548b is \$500 to \$5,000. Also, a funeral establishment may be assessed an administrative penalty of \$250 to \$5,000 for each violation of Article 548b by a person directly or indirectly connected to the funeral establishment, under §201.11(a)(6) and (25) of Title 22 (relating to Disciplinary Guidelines).

(3) Texas Department of Banking. The DOB may impose the following administrative penalties:

(A) cancel a permit or refuse to renew a permit pursuant to Texas Civil Statutes, Article 548b, §4; and

(B) Seize prepaid funeral funds and records of a prior permit-holder pursuant to Texas Civil Statutes, Article 548b, §8(b).

(4) Texas Department of Insurance. TDI administrative penalties vary based on the violation; TDI sanctions are imposed under Insurance Code, Article 1.10.

(h) Meetings for Developing Cooperative Efforts in Regulation.

(1) DOB and TDI will develop an insolvency alert among themselves to minimize the drain of trust funds and premiums consistent with their respective statutory provisions. They will also clarify each agency's responsibility to access the respective guaranty fund vis-a-vis the other agency.

(2) DOB, TDI, and TFSC will develop methods to coordinate the efforts of the agencies to articulate the funeral providers' responsibility in the event of seller and/or insurance company insolvency.

(3) Each agency should seek input from the other agencies on any proposed agency regulations relating to prepaid funeral services and/or transactions; and, where appropriate, legislative recommendations concerning prepaid funeral services and/or transactions.

(4) The three agencies will provide lists of their key contact personnel and their telephone numbers to each other.

(5) In order to better accomplish the exchange of information and coordination of regulation described in this Memorandum of Understanding, the appropriate staff of the TFSC, DOB, and TDI shall meet, at a minimum, once a year to discuss matters of mutual regulatory concern and share updates of the regulations promulgated by the respective agencies.

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

Issued in Austin, Texas, on April 9, 1993.

TRD-9321497 Linda K. von Quintus-Dorn
Chief Clerk
Texas Department of
Insurance

Earliest possible date of adoption: May 21, 1993

For further information, please call: (512) 463-6328

TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part I. General Land Office

Chapter 19. Oil Spill Prevention and Response

Subchapter B. Spill Prevention and Preparedness

• 31 TAC §19.17

The General Land Office (GLO) proposes an amendment to §19.17, concerning vessel response plans and proof of financial responsibility. The purpose of this amendment is to

provide guidance to the owners and operators of vessels, required by the Oil Pollution Act of 1990, 33 United States Code §2701 et seq (OPA), to submit vessel response plans to the United States Coast Guard. These regulated vessels, which intend to enter the coastal waters of the State of Texas, are also subject to the Oil Spill Prevention and Response Act of 1991, Texas Natural Resources Code, Chapter 40 (OSPRA).

OSPRA, §40.114(c), provides that a vessel discharge prevention and response plan that complies with requirements under federal laws and regulations for a vessel-specific plan satisfies the requirements of OSPRA for contingency plans for vessels. On September 15, 1992, the United States Coast Guard issued Navigation and Vessel Inspection Circular (NVIC) Number 8-92 which set forth interim guidelines for the development and review of vessel response plans. On February 5, 1993, the United States Coast Guard issued Interim Final Rules on vessel response plans. See *Federal Register* Volume 58, Number 23, page 7376.

The GLO is requiring the general information, notification, list of contacts, vessel specific, Texas specific, and shore-based response activities sections of these plans to be filed with the GLO by August 18, 1993. Further, the GLO is requiring vessel owners and operators to submit to the GLO copies of correspondence with the United States Coast Guard related to the receipt, approval, deficiency, correction of deficiencies, and notification of changes in the plan. The GLO is not requiring the submission of the complete federal vessel response plan.

This amendment applies only to those vessels that are required by OPA to submit vessel response plans to the United States Coast Guard. Vessels which are subject to OSPRA, §40.114, contingency plans for vessels, but not subject to OPA vessel response plan requirements, will be addressed in a later rule-making procedure.

Timothy G. McKinna, deputy land commissioner, division of oil spill prevention and response, has determined that for the first five years of the implementation of this section there will be no fiscal affect for local government. State government will incur an increase in costs due to the processing, storing and review of the submission required in this proposed rule. However, these costs have already been calculated into the division's budget for the next two fiscal years. There is not expected to be any significant impact on the Coastal Protection Fund.

Mr. McKinna also has determined that for each year of the first five years this proposed section is in effect, the public benefit anticipated is the ability of the State of Texas to have ready access to information needed to assess the risk and initiate state response actions for spills of oil from tank vessels. The increased costs for vessel owners and operators will be reproduction and mailing costs of the required submission.

Comments on the proposal may be submitted to Ingrid K. Hansen, Texas General Land Office, Division of Oil Spill Prevention and Response, Room 740, 1700 North Congress

Avenue, Austin, Texas 78701-1495, (512) 463-5091. In order to be considered, comments on the proposed rule amendment must be received within 30 days of publication of the proposed rule amendment.

The amendment is proposed under the Natural Resources Code, §40.007, which authorizes the commissioner to promulgate rules necessary and convenient to the administration of OSPRA.

§19.17. Vessel Response Plans and Proof of Financial Responsibility.

(a) Response Plans.

(1) Vessels subject to the Oil Pollution Act of 1990, 33 United States Code §2701 et seq (OPA). [Regulated] Vessels operating in coastal waters of the State of Texas that are subject to OPA must have response plans as required by [the Federal Water Pollution Control Act, §311 (33 United States Code §1321)] 33 United States Code §2716.

(A) Submission of Vessel Response Plans to the GLO. All owners and operators of vessels that intend to enter the coastal waters of the State of Texas and that are subject to OPA response plan requirements must submit the following sections of their plan to the GLO by August 18, 1993:

(i) general information and introduction;

(ii) notification procedures;

(iii) list of contacts;

(iv) geographic-specific appendix for each COTP zone in Texas in which the vessel intends to operate;

(v) vessel-specific appendix for each vessel which intends to enter coastal waters of the State of Texas covered by the plan, and

(vi) shore-based response activities. The sections must be accompanied by a letter from the person who signed the vessel response plan that was submitted to the United States Coast Guard and the letter must verify that the submissions to the GLO are identical to those submitted to the United States Coast Guard.

(B) Submission of United States Coast Guard letter of acknowledgement or deficiency. Vessel owners and operators are required to forward to the GLO copies of all correspondence between the United States Coast Guard and the vessel owner or operator relating to the receipt, acceptance, deficiency, corrections of deficiencies and notification of changes in the vessel response plan submitted pursuant to OPA §2716.

(2) Vessels subject to the Oil Spill Prevention and Response Act of 1991, Texas Natural Resources Code, Chapter 40 (OSPRA). Regulated vessels, under OSPRA, are those vessels whose capacity to carry oil as fuel or cargo exceeds 10,000 U.S. gallons. These vessels will [also] be required to meet the vessel [contingency] response plan requirements of §40.114 when rules are adopted thereunder.

(b) Financial Responsibility. Those vessels covered by the Oil Spill Prevention and Response Act of 1991 (OSPRA) but not covered by OPA will be required to meet the financial responsibility requirements of OSPRA §40.202(a)(1) and (2) when rules are adopted under that section.

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

Issued in Austin, Texas, on April 7, 1993.

TRD-8321505 Garry Mauro
Commissioner
General Land Office

Earliest possible date of adoption: May 21, 1993

For further information, please call: (512) 433-5007

Part II. Texas Parks and Wildlife Department

Chapter 55. Law Enforcement

Subchapter E. Depredating Animal Control and Wildlife Management from Aircraft

• 31 TAC §55.152

The Parks and Wildlife Commission proposes an amendment to §55.152, regulating depre-dating animal control and wildlife manage-ment from aircraft. The proposed amendment would permit a person to pilot an aircraft to control depre-dating animals and manage wildlife if they meet the Federal Aviation Ad-ministration license requirements. The amendment will allow more individuals to qualify for permits.

Robin Riechers, staff economist, has deter-mined that for the first five-year period the section is in effect there will be minimal fiscal implications to state or local government as a result of enforcing or administering the sec-tion.

Ms. Riechers also has determined that for each year of the first five years the section is in effect the anticipated public benefit is to protect property from depre-dating animals and to better manage wildlife. There will be a minimal effect on small businesses. The ex-pected economic cost to persons who are required to comply with the proposed section will be minimal. The department has not filed

a local employment impact statement with the Texas Employment Commission in compli-ance with the Administrative Procedure and Texas Register Act, §4A, as this agency has determined that the section as proposed will not impact local economics.

Comments on the proposal may be submitted to Charles Hiensley, Director of Law Enforce-ment, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Texas 78744, (512) 389-4845, or 1 (800) 792-1112, extension 4845.

The amendment is proposed under the Parks and Wildlife Code, Subchapter G, Chapter 43, which authorizes regulations concerning control of depre-dating animals and wildlife management by aircraft.

§55.152. General Rules.

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

(c) A person commits an offense if:

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

(4) the person pilots an aircraft to control depre-dating animals or manage wildlife without a valid [commercial] pilot's license as required by the Federal Avia-tion Administration;

(5)-(11) (No change.)

(d)-(e) (No change.)

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

Issued in Austin, Texas, on April 8, 1993.

TRD-9321381 Paul M. Shinkawa
Director, Legal Services
Texas Parks and Wildlife
Department

Earliest possible date of adoption: May 21, 1993

For further information, please call: 1 (800) 792-1112, Ext. 4845 or (512) 389-4845

Chapter 57. Fisheries

Harmful or Potentially Harmful Fish, Shellfish, and Aquatic Plants

• 31 TAC §§57.113, 57.114, 57.125, 57.126

The Parks and Wildlife Commission proposes amendments to §57.113, 57.124, 57.125, and 57.126, concerning Harmful or Potentially Harmful Exotic Fish, Shellfish, and Aquatic Plants rules.

Changes to the rules proposed in the *Texas Register* are: modification of §57.113(c) which allows a fish farmer in possession of a valid Exotic Species Permit to possess, prop-agate, transport, or sell *Tilapia nilotica* as provided by conditions of the permit; addition of §57.113(k) which allows the Department to investigate the efficacy of using planktivorous

fish to improve water quality in Lake Rita Blanca. Use of both native and exotic fish (including silver carp, (*Hypophthalmichthys molitrix*), and bighead carp (*Aristichthys/Hypophthalmichthys nobilis*)) is authorized; modification of §57.124(a) which restricts the sale of triploid grass carp to persons in possession of either a valid Exotic Species Permit or a Triploid Grass Carp Per-mit, and restricts the number sold to an amount less than or equal to the number specified on the permit; modification of §57.124(b) which prohibits persons in pos-session of a Triploid Grass Carp Permit from buying triploid grass carp in a number which exceeds that specified on the permit; modi-fication of §57.125(a) which allows the Depart-ment to issue a Triploid Grass Carp Permit in public and private waters; modification of §57.125(c) which allows the Department to waive the \$15 flat fee portion of Triploid Grass Carp Permit application fee in the case of permits for public water; modification of §57.125(d) which specifies that applicants for a Triploid Grass Carp Permit will allow inspection of their facilities, ponds, or lakes by Department personnel.

The Department has received a number of requests to stock triploid grass carp in public water, as well as some requests to utilize other Asian carp species as biological control agents in situations other than on fish farms, particularly planktivorous species. Technical staff have determined that investigation into the use of planktivorous fish, including Asian carp species, is warranted.

Robin Riechers, staff economist, has deter-mined that for the first five-year period the sections are in effect there will be minimal fiscal impacts to state and local government as a result of enforcing or administering the sections.

Ms. Riechers also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of research into the use of planktivorous fish to alter water quality may include improved fisheries management through the use of planktivorous fish as a management tool, based on acceptable wild-life management tenets. The Department has not filed a local employment impact statement with the Texas Employment Commission.

Comments may be submitted to Earl Chilton, Staff Support Specialist/Conservation Scien-tist, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Texas 78744, (512) 389-4652.

The amendments are proposed under the Parks and Wildlife Code, §66.007 and §66.015 or Agriculture Code, §134.020, which authorizes the department to regulate harmful or potentially harmful exotic fish, shellfish, and aquatic plants.

§57.113. Exceptions.

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

(c) A fish farmer who holds a valid Exotic Species Permit issued by the depart-ment may possess, propagate, transport or sell silver carp (*Hypophthalmichthys*

moltix), black carp (*Mylopharyngodon piceus*, also commonly known as snail carp), bighead carp (*Aristichthys/Hypophthalmichthys nobilis*), blue tilapia (*Tilapia aurea*), Mozambique tilapia (*Tilapia mossambica*), Nile tilapia (*Tilapia nilotica*) or hybrids between the three [two] tilapia species as provided by conditions of the permit and these rules.

(d)-(j) (No change.)

(k) The Department is authorized to stock planktivorous fish (including silver carp, *Hypophthalmichthys molitrix*, and bighead carp *Aristichthys/Hypophthalmichthys-nobilis* if necessary) in Lake Rita Blanca, Hartley County, in order to investigate their utility as biological agents to improve water quality and enhance fishery management.

(l)(k) A person may possess the hybrid grass carp (*Ctenopharyngodon idella* x *Aristichthys/Hypophthalmichthys nobilis*) if that person has documented evidence of possession prior to January 25, 1990, has provided such evidence to the department by May 1, 1990, and possesses acknowledgment of such evidence from the department by June 1, 1990. A person in possession of hybrid grass carp on January 25, 1990, shall not replace or supplement hybrid grass carp. This subsection shall be in effect only until January 1, 1995.

(m)(l) A person in possession of, and named in, a valid Triploid Grass Carp Permit may transport 30 or less triploid grass carp from the point of purchase from a fish farmer in possession of a valid Exotic Species Permit to the final destination named in the permit.

§57.124. Triploid Grass Carp; Sale, Purchase.

(a) Triploid grass carp may be sold only [to]:

(1) to a person in possession of a valid Exotic Species Permit authorizing possession of triploid grass carp or;

(2) to a person in possession of a valid Triploid Grass Carp Permit, and only in an amount less than or equal to that number specified in the permit.

(b) a person who holds a valid Triploid Grass Carp Permit may purchase triploid grass carp only from a fish farmer in possession of a valid Exotic Species Permit authorizing possession of triploid grass carp, and only in an amount less than or equal to that number specified in the Triploid Grass Carp Permit.

(c)-(d) (No change.)

§57.125. Triploid Grass Carp Permit; Application, Fee.

(a) The department may issue a Triploid Grass Carp Permit [only] for stocking of triploid grass carp [into a private pond].

(b) (No change.)

(c) The department shall charge a Triploid Grass Carp Permit application fee in the amount of the sum of a \$15 application flat fee plus \$2.00 for each triploid grass carp requested on the Triploid Grass Carp Permit application form. In the case of permit denial, the Triploid Grass Carp Permit application flat fee is not refundable. The \$15 flat fee will be waived in the case of applications to stock triploid grass carp in public water.

(d) An applicant for a Triploid Grass Carp Permit or a permittee shall allow inspection of their facilities and [private] ponds or lakes by authorized employees of the department during normal business hours.

§57.126. Triploid Grass Carp Permit; Terms of Issuance.

(a) The department may issue a Triploid Grass Carp Permit upon a finding that:

(1) applicant has completed and submitted to the department a Triploid Grass Carp Permit application;

(2) applicant has remitted to the Department all pertinent fees;

(3) all information provided in the Triploid Grass Carp Permit application is true and correct;

(4) applicant has not been finally convicted, within the last year, for violation of the Parks and Wildlife Code, §66.007, §66.015, or these rules;

(5) issuance of a Triploid Grass Carp Permit is consistent with department fisheries or wildlife management activities; and

(6) issuance of a Triploid Grass Carp Permit is consistent with the Parks and Wildlife Commission's Environmental Policy; and

(7) issuance of a Triploid Grass Carp Permit and subsequent stocking does not conflict with specific management objectives of the department; and

(8) issuance of a Triploid Grass Carp Permit and subsequent stocking will not detrimentally affect threatened or endangered species populations, or their habitat; and

(9) issuance of a Triploid Grass Carp Permit and subsequent stocking will not detrimentally affect

coastal wetland and estuarine ecosystems.

(b) A permittee shall allow, upon request, take of a reasonable number of grass carp from the permittee's [private] body of water by department personnel for determination of triploid status.

(c) In determining the number of triploid grass carp authorized for possession under a Triploid Grass Carp Permit the department shall consider the surface area of the [private] pond or lake named in the permit application, and as appropriate, the percentage of the surface area [of the private pond] infested by aquatic vegetation.

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

Issued in Austin, Texas, on April 8, 1993.

TRD-9321380

Paul M. Shinkawa
Director, Legal Services
Texas Parks and Wildlife
Department

Earliest possible date of adoption: May 21, 1993

For further information, please call: 1 (800) 792-1112, Ext. 4433 or (512) 389-4433

◆ ◆ ◆
Chapter 65. Wildlife

Subchapter H. Type I Wildlife Management Areas, Hunting and Fishing

• 31 TAC §§65.190-65.197

(Editor's note: The text of the following sections proposed for repeal will not be published. The sections may be examined in the offices of the Texas Parks and Wildlife Department or in the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)

The Texas Parks and Wildlife Commission proposes the repeal of §§65.190-65.197, concerning the Type I Wildlife Management Areas Hunting and Fishing Proclamation. The repeal will permit merging of Type I and Type II Wildlife Management Areas Proclamations into one document. The intent of merging the two documents simplifies administration of the public lands available for public hunting.

Robin Riechers, staff economist, has determined that the first five-years the rules are in effect there will be no fiscal implications to state or local governments as a result of enforcing or administering the rules.

Robin Riechers also has determined that for each of the first five-years the rules as proposed are in effect the public benefit anticipated as a result of enforcing the rules as proposed will be simplification of the administering of wildlife management areas. It is anticipated there will be no fiscal implications to persons who are required to comply with the rules as proposed. The department has not filed a local employment impact statement with the Texas Employment Commission in

compliance with the Administrative Procedure and Texas Register Act, §4A, as this agency has determined that the rules as proposed will not impact local economies.

Comments on the rules as proposed may be submitted to Herb Kothmann, Public Hunt Coordinator, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Texas 78744; (512) 389-4770 or 1 (800) 792-1112, extension 4770.

The repeal is proposed under the Texas Parks and Wildlife Code, Chapter 81, Subchapter E, which provides the Texas Parks and Wildlife Commission with authority to regulate seasons, numbers, means, methods, and conditions for taking wildlife resources on wildlife management areas. With respect to designated state parks, the Commission is acting under the authority of Texas Parks and Wildlife Code, Chapter 82, Subchapter D, which provides authority as sound biological management practices warrant to prescribe seasons, number, size, kind, and sex and the means and method of taking any wildlife.

§65.190. Application.

§65.191. Definitions.

§65.192. General Rules and Regulations.

§65.193. Open Seasons, Bag and Possession Limits, and Means and Methods; General Rules.

§65.194. Permit Required and Fees.

§65.195. Refund of Permit Fees.

§65.196. Reinstatement of Preference Points.

§65.197. Penalties.

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

Issued in Austin, Texas, on April 9, 1993.

TRD-9321430

Paul M. Shinkawa
Director, Legal Services
Texas Parks and Wildlife
Department

Proposed date of adoption: May 21, 1993

For further information, please call: 1 (800) 792-1112, Ext. 4433 or (512) 389-4433

◆ ◆ ◆ Subchapter H. Public Hunting Lands Hunting and Fishing Proclamation

• 31 TAC §§65.190-65.198

The Texas Parks and Wildlife Department proposes new §§65.190-65.198, concerning

Public Hunting Lands Hunting and Fishing Proclamation. The proposed new rules are a merger of two previous proclamations (Type I Wildlife Management Areas Hunting and Fishing Proclamation and Type II Wildlife Management Areas Proclamation) and reflect the consolidation of these two public hunting programs in order to improve operating efficiency, increase public use, promote more effective law enforcement, reduce public confusion by removing conflict in regulations, and better assure the proper management of wildlife resources. Major provisions of the proposed new rules include the addition of new areas, clarified definitions, revision of hunter orange requirements to include orange headwear, removal of prohibitions on use and possession of handguns, establishment of a minimum muzzleloader caliber to take big game, requirement of an application fee to apply in drawings for public hunts by special permit, and clarification of permit requirements for non-consumptive use.

The proposed new rules have as their factual basis scientific studies and investigations which track trends in wildlife resource populations and assess user impacts upon those populations and related habitats. The studies and information which support the proposed new rules are incorporated by reference and are available for public inspection. The new rules as proposed are designed to prevent depletion or waste and promote public user opportunity.

Robin Riechers, staff economist, has determined that for the first five-year period the sections are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the sections.

Ms. Riechers also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections are to provide for additional public user opportunities on public hunting lands, promote proper management of wildlife resources, and reduce confusion in regulations through consolidation of the public hunting lands program. There will be no effect on small businesses. It is anticipated there will be minimal fiscal implications to persons who are required to comply with the sections.

The department has not filed a local employment impact statement with the Texas Employment Commission in compliance with the Administrative Procedure and Texas Register Act, §4A, as this agency has determined that the sections will not impact local economies.

Comments on the proposal may be submitted to H. G. Kothmann, Public Hunts Coordinator, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Texas 78744; (512) 389-4770 or 1 (800) 792-1112, extension 4770.

The new sections are proposed under the Texas Parks and Wildlife Code, Chapter 81, Subchapter E, which provides the Texas Parks and Wildlife Commission with authority to regulate seasons, number, means, methods, and conditions for taking wildlife resources on wildlife management areas; with respect to designated state parks, the com-

mission is acting under the authority of the Texas Parks and Wildlife Code, Chapter 82, Subchapter D, which provides authority to prescribe seasons, number, size, kind, sex, means, and method of taking any wildlife.

§65.190. Application.

(a) This subchapter applies to the entering, hunting, and taking of wildlife resources and other activities under commission regulations established for land designated by the department by boundary markers as public hunting areas. Public hunting areas are acquired by lease, management agreements, and purchase. Records of such acquisition are on file at the department's central repository. The executive directory is authorized by the Parks and Wildlife Commission to execute lease and management agreements for public hunting lands.

(b) On U.S. Forest Service Lands and Units 902 and 903 in Jasper, Sabine, and San Augustine Counties, designated as public hunting lands, persons other than hunters are exempt from these rules.

(c) On U.S. Army Corps of Engineer Lands designated as public hunting lands, persons other than hunters are exempt from requirements for an access permit.

(d) The provisions of this subchapter apply to all of the wildlife resources in the following areas, except as restricted herein and contingent upon execution of required agreements for leased lands:

(1) Alazan Bayou Wildlife Management Area in Nacogdoches County;

(2) Aquilla Wildlife Management Area in Hill County;

(3) Atkinson Island Wildlife Management Area in Harris County;

(4) Black Gap Wildlife Management Area in Brewster County;

(5) Candy Abshier Wildlife Management Area in Chambers County;

(6) Cedar Creek Islands Wildlife Management Area:

(A) Big Island Unit in Kaufman County;

(B) Bird Island Unit in Henderson County;

(C) Telfair Island Unit in Henderson County;

(7) Chaparral Wildlife Management Area in Dimmit and LaSalle Counties;

(8) Cooper Wildlife Management Area in Delta and Hopkins Counties;

(9) Dam B Unit (includes Angelina-Neches Scientific Area) in Jasper and Tyler Counties;

(10) designated units of the Las Palomas Wildlife Management Area:

(A) Adams Unit in Hidalgo County;

(B) Anacua Unit in Cameron County;

(C) Baird Unit in Hidalgo County;

(D) Brasil Unit in Cameron County;

(E) Carricitos Unit in Cameron County;

(F) Champion Unit in Hidalgo County;

(G) Frederick Unit in Willacy County;

(H) Kiskadee Unit in Hidalgo County;

(I) Kelly Unit in Hidalgo County;

(J) La Grulla Unit in Starr County;

(K) Longoria Unit in Cameron County;

(L) Mac Whorter Unit in Hidalgo County;

(M) McManus Unit in Hidalgo County;

(N) Ocotillo Unit in Presidio County;

(O) Penitas Unit in Hidalgo County;

(P) Prieta Unit in Starr County;

(Q) Taormina Unit in Hidalgo County;

(R) Tucker De-Shazo Unit in Cameron County; and

(S) Voshell Unit in Cameron County.

(11) designated units of the Playa Lakes Wildlife Management Area:

(A) Dimmit Playa Unit in Castro County; and

(B) Taylor Lakes Unit in Donley County.

(12) Designated Units of the State Park System of Texas approved by the Commission as having met the following criteria.

(A) The population level of a species, as determined by scientific investigations, could pose a threat to its own welfare, other wildlife resources or habitat conditions.

(B) The regulated harvest of selected species can be achieved with maximum consideration for public safety.

(C) The regulated harvest of selected species will not significantly impact unique features of the area or conventional state park use.

(13) Elephant Mountain Wildlife Management Area in Brewster County;

(14) Gene Howe Wildlife Management Area in Hemphill County;

(15) Granger Wildlife Management Unit in Williamson County;

(16) Guadalupe Delta Wildlife Management Area in Calhoun County;

(17) Gus Engeling Wildlife Management Area in Anderson County;

(18) James E. Daughtrey Wildlife Management Area in Live Oak and McMullen Counties;

(19) J. D. Murphree Wildlife Management Area in Jefferson County.

(20) Keechi Creek Wildlife Management Area in Leon County;

(21) Kerr Wildlife Management Area in Kerr County;

(22) lands within a Desert Bighorn Sheep Cooperative Unit for the hunting of desert bighorn sheep only;

(23) Lower Neches Wildlife Management Area in Orange County;

(24) Mad Island Wildlife Management Area in Matagorda County;

(25) Matador Wildlife Management Area in Cottle County;

(26) Matagorda Island Wildlife Management Area in Calhoun County;

(27) M. O. Neasloney Wildlife Management Area in Gonzales County;

(28) Old Tunnel Wildlife Management Area in Kendall County;

(29) Pat Mayse Wildlife Management Unit in Lamar County;

(30) Peach Point Wildlife Management Area in Brazoria County;

(31) Richland Creek Wildlife Management Area in Freestone and Navarro Counties;

(32) Sheldon Wildlife Management Area in Harris County;

(33) Sierra Diablo Wildlife Management Area in Culberson and Hudspeth Counties;

(34) Somerville Wildlife Management Area in Burleson and Lee Counties;

(35) Walter Buck Wildlife Management Area in Kimble County;

(36) White Oak Creek Wildlife Management Area in Bowie, Cass, Morris and Titus Counties;

(37) Numbered Units of Public Hunting Lands:

(A) Unit 102 in Sabine County;

(B) Unit 103 in Sabine County;

(C) Unit 104 in Sabine and San Augustine Counties;

(D) Unit 106 in San Augustine County;

(E) Unit 108 in Angelina County;

(F) Unit 109 in Hardin County;

(G) Unit 112 in Hardin County;

(H) Unit 113 in Rusk and Nacogdoches Counties;

(I) Unit 114 in Trinity County;

- (J) Unit 115 in Trinity County;
- (K) Unit 116 in Houston County;
- (L) Unit 117 in Houston County;
- (M) Unit 119 in Cherokee County;
- (N) Unit 120 in Anderson and Cherokee Counties;
- (O) Unit 121 in Houston County;
- (P) Unit 122 in Newton County;
- (Q) Unit 125 in Jasper County;
- (R) Unit 129 in Jasper and Orange Counties;
- (S) Unit 130 in Tyler County;
- (T) Unit 133 in Jasper County;
- (U) Unit 134 in Tyler County;
- (V) Unit 135 in Anderson County;
- (W) Unit 136 in San Augustine and Sabine Counties;
- (X) Unit 137 in San Augustine and Sabine Counties;
- (Y) Unit 142 in San Augustine County;
- (Z) Unit 143 in Newton County;
- (AA) Unit 144 in Newton County;
- (BB) Unit 145 in Liberty County;
- (CC) Unit 146 in Angelina County;
- (DD) Unit 147 in Nacogdoches County;
- (EE) Unit 150 in Panola County;
- (FF) Unit 151 in Panola County;
- (GG) Unit 152 in Sabine County;
- (HH) Unit 154 in San Augustine County;
- (II) Unit 155 in Sabine County;
- (JJ) Unit 156 in Shelby County;
- (KK) Unit 157 in Shelby County;
- (LL) Unit 158 in Hardin County;
- (MM) Unit 159 in Sabine County;
- (NN) Unit 160 in Jasper and Newton Counties;
- (OO) Unit 203 in Hardin County;
- (PP) Unit 204 in Hardin County;
- (QQ) Unit 210 in Newton County;
- (RR) Unit 211 in Newton and Jasper Counties;
- (SS) Unit 213 in Newton and Jasper Counties;
- (TT) Unit 217 in Montgomery and Liberty Counties;
- (UU) Unit 218 in Hardin County;
- (VV) Unit 222 in Newton County;
- (WW) Unit 223 in Jasper County;
- (XX) Unit 224 in Shelby County;
- (YY) Unit 301 in Newton County;
- (ZZ) Unit 501 (Lake Ray Roberts Wildlife Management Area) in Cooke, Denton, and Grayson Counties;
- (AAA) Unit 607 in Robertson County;
- (BBB) Unit 608 (Wall Tract) in Dallam County;
- (CCC) Unit 615 (North Toledo Bend Wildlife Management Area) in Shelby County;
- (DDD) Unit 616 in Orange County;
- (EEE) Unit 617 (Cleavinger Tract) in Castro County;
- (FFF) Unit 630 in Panola and Shelby Counties;
- (GGG) Unit 801 in Shelby County;
- (HHH) Unit 803 in Bowie County;
- (III) Unit 901 (Caddo Wildlife Management Area) in Fannin County;
- (JJJ) Unit 902 (Moore Plantation Wildlife Management Area) in Sabine and Jasper Counties;
- (KKK) Unit 903 (Bannister Wildlife Management Area) in San Augustine County;
- (LLL) Unit 904 (Alabama Creek Wildlife Management Area) in Trinity County; and
- (MMM) Unit 905 (Sam Houston National Forest) in Montgomery, San Jacinto, and Walker Counties.

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

Adult—A person 17 years of age or older.

All terrain vehicle (ATV)—Any motor vehicle having a saddle, three or four tires, designed for off-highway use, and not designed for farming or lawn care.

Annual public hunting permit—A \$35 Public Hunting Lands Permit, valid from September 1 or issuance date, whichever is later, through the following August 31, issued to an individual to allow the hunting and taking of specific wildlife resources during designated periods of time from designated public hunting lands. The fee for a regular permit is waived for the holder of the annual public hunting permit.

Antlerless deer—A deer having no hardened antler protruding through the skin.

Application fee—A non-refundable fee which may be required to accompany and validate an individual's application for a special permit.

Authorized entry/exit location—A location where public entry or exit from an area is authorized and is identified by on-site signing, posted information, departmental literature, or departmental instructions in writing.

Authorized supervising adult—A parent or legal guardian of a minor age participant, or an individual 21 years of age or older who possesses written authorization signed by a parent or legal guardian of a minor age participant to assume liability responsibility for the minor age participant.

Baiting—The placement of salt, minerals, sugar based products, grain, fruit, nuts, bulbs, tubers, roots, stems, vegetative material or other food as an attractant for wildlife on public hunting lands. The use of scent lures or calls is not considered baiting.

Bearded hen—A female turkey possessing a clearly visible beard protruding through the feathers of the breast.

Buck deer—A deer having a hardened antler protruding through the skin.

Buckshot—Lead pellets ranging in size from .24 inch to .36 inch in diameter normally loaded in a shotgun.

Commission—The Texas Parks and Wildlife Commission.

Consumptive user—A person who takes or attempts to take wildlife resources.

Daily bag limit—The quantity of a species of wildlife that may be taken in one day.

Daylight hours—The period of time from 30 minutes before official sunrise through 30 minutes after official sunset.

Department—The Texas Parks and Wildlife Department or a specifically authorized employee of the department.

Designated campsite—An area where camping and camping activities are authorized and the location of which is identified by signs, departmental literature, or directives of department personnel.

Designated days—Specific days within an established season or period of time as designated by the executive director and identified in the current departmental

publication, "Hunting Opportunities on Public Hunting Lands."

Designated exotic mammal—A species or cross of species of non-indigenous wild mammals identified as the primary target animal for harvest by special permit.

Designated road—A constructed roadway indicated as being open to the public by either signs posted to that effect or by current maps and leaflets distributed at the area. Roads closed to the public may additionally be identified by on-site signing, barricades at entrances, or informational literature made available to the public. Designated roads do not include county or state roads or highways.

Designated units of the State Park System—Specific units of the State Park System approved by the commission for application of provisions of this subchapter and identified in the current departmental publication, "Hunting Opportunities on Public Hunting Lands."

Disabled person—A paraplegic or a person who has a physician's statement in their immediate possession certifying that they fit the criteria for ambulatory disability as defined in Texas Civil Statutes, Article 6675a-5e.1, referenced in "Application for Disabled Persons-Special Registration insignia" and whose disability is permanent.

Executive Director—The executive director of the Texas Parks and Wildlife Department.

Exotic mammals—Nonindigenous feral or wild mammals and includes, but is not limited to non-native species of deer, antelope, sheep, goats, hogs, European wild boar, or crosses thereof.

Furbearing animals—Wild beaver, otter, mink, ring-tailed cat, badger, skunk, raccoon, muskrat, opossum, fox, civet cat, nutria, or weasel.

Game animals—Wild deer, wild elk, wild pronghorn antelope, wild desert bighorn sheep, wild gray or cat squirrels, wild fox squirrels or red squirrels, and collared peccary or javelina.

Game birds—Wild turkey, wild grouse, wild prairie chickens, wild pheasants of all varieties, wild partridge, wild bobwhite quail, wild scaled quail, wild Mearns' quail, wild Gambel's quail, chachalacas, and migratory game birds.

Headwear—A cap, hat, hood, ski mask, visor, bonnet, scarf, headband, or other similar garment or item of apparel worn on or about the head.

Hunt—Includes take, kill, pursue, trap, and the attempt to take, kill, pursue, or trap.

Immediate supervision—Control of the actions of a person less than 17 years of age (minor) by the authorized supervising adult through the use of verbal instructions in a normal voice level.

Limited public use permit—A \$10 public use permit, valid from September 1 or issuance date, whichever is later, through

the following August 31, issued to an individual to allow access to designated public hunting lands for non-consumptive purposes and as provided on U.S. Forest Service Lands for limited consumptive use concurrent with periods of time that access is provided under the Annual Public Hunting Permit.

Limited use zone—An area designated in the current publication, "Hunting Opportunities on Public Hunting Lands", identified by boundary signs, and within which hunting and the use of firearms or archery equipment is prohibited or restricted to specified means and methods or periods of time.

Lands within a Desert Bighorn Sheep Cooperative—An aggregation of identified lands for which the concerned landowners have entered into a written agreement with the Texas Parks and Wildlife Department to coordinate efforts to restore and manage desert bighorn sheep and establish an equitable method of allocating permits for the harvest of surplus desert bighorn sheep among the participating landowners and the Department.

Loaded firearm—A firearm containing a live round of ammunition within the chamber and/or the magazine, or if muzzleloading, one which has a cap on the nipple or a priming charge in the pan.

Migratory game birds—Wild ducks of all species, wild geese and wild brant of all species, wild coot, wild rail, wild gallinules, wild plovers, Wilson's snipe or jack snipe, woodcock, mourning doves, white-winged doves, white-fronted or white-tipped doves, red-billed pigeons, band-tailed pigeons, shore birds of all varieties, and sandhill cranes.

Minor age participant—An individual less than 17 years of age.

Muzzleloader—A firearm capable of having propellant and projectiles loaded only through the muzzle of the barrel.

Non-consumptive activities—Activities which do not involve the taking or attempt to take of wildlife resources.

Non-migratory game birds—Game birds not listed as migratory game birds.

Non-toxic shot—Any shot material which is approved by the federal government as being non-toxic to wildlife or the environment.

On-site registration—The requirement for public users to register at designated places upon entry to and exit from specified public hunting lands.

Permit—Documentation issued by the department to an individual authorizing specified access and public use privileges on public hunting lands, and includes special permit, regular permit, annual public hunting permit, limited public use permit, and Texas conservation passport. On-site registration does not constitute a permit.

Possession limit—The maximum number of a species of game that may be possessed at one time.

Predatory animals—Coyotes, feral house cats, bobcats, and mountain lions.

Preference points—An increased chance of selection assigned an application for a special permit due to and progressively enhanced by prior unsuccessful applications within the same hunt category by the concerned individual or party members.

Public hunting area—A portion of public hunting lands designated as being open to the activity of hunting, and may include all or only a portion of a certain unit of public hunting land.

Public hunting lands—Lands identified in §65.190 of this title (relating to Application), on which provisions of this subchapter apply and include wildlife management areas, scientific areas, state parks, state natural areas, state historical sites, state recreational areas, and other lands owned or operated by the Texas Parks and Wildlife Department on which provision is made for hunting, fishing, or other outdoor recreational public use.

Regular permit—A permit issued to an individual to allow the taking of designated species of wildlife from public hunting lands when such permit is issued on a first-come-first-served basis by department personnel on an area at the time of the hunt.

Restricted area—All or portions of public hunting lands listed in §65.190 of this title identified by boundary signs as being closed to public entry or use.

Sanctuary—All or portions of public hunting lands listed in §65.190 of this title and identified by boundary signs as being closed to the hunting of certain specified wildlife resources.

Slug—A bullet, ball, or similar metallic object designed for being fired as a single projectile by discharge of a firearm.

Special permit—A permit issued to an applicant to allow the taking of designated species of wildlife from public hunting lands when such permit is issued as the result of a computer selection procedure, public drawing, public auction, or as authorized by the Parks and Wildlife Commission for the taking of desert bighorn sheep.

Tagging fee—A fee which may be assessed in addition to the special permit fee for the harvest of alligators for commercial sale or prior to the attempted harvest of desert bighorn sheep or designated exotic mammals. The tagging fee is in the amount established by the Parks and Wildlife Commission and is non-refundable.

Texas conservation passport—An annual permit, valid for one year from the date of issuance, issued to an individual to allow access to designated areas for participation in scheduled non-consumptive events.

Waterfowl—Wild ducks of all species, wild geese and wild brant of all species, and wild coot.

Wildlife resources—Game animals, game birds, furbearing animals, alligators,

marine mammals, frogs, fish, crayfish, other aquatic life, exotic mammals, predatory animals, rabbits and hares, and other wild fauna.

Wounded deer or wounded exotic mammal—A deer or exotic mammal leaving a blood trail.

§65.192. General Rules and Regulations.

(a) The following rules and regulations apply to all public hunting lands unless an exception is provided in the Open Seasons and Special Regulations section for a specific area.

(1) It is an offense if a person camps or constructs an open fire anywhere other than in a designated campsite.

(2) It is an offense for a person to cause, create, or contribute to excessive or disturbing sounds beyond the person's immediate campsite between the hours of 10 p.m. and 6 a.m.

(3) It is an offense to not confine motor vehicle use to designated roads, except on the shoulder of or immediately adjacent to designated roads and as provided for a disabled person.

(4) It is unlawful to hunt, take, or kill, or attempt to hunt, take, or kill any wildlife resource from a motor vehicle, motor-driven land conveyance, or from any aircraft or airborne device, or possess a loaded firearm in or on the vehicle, except as provided for a disabled person.

(5) It is an offense for an individual other than a disabled person to operate an all terrain vehicle (ATV) on public hunting lands.

(6) Disabled persons may hunt from a stationary motor vehicle or motor-driven land conveyance provided the hunting by a disabled person is not conducted on a designated road.

(7) The disturbance of plants, rocks, artifacts, or other objects or their removal from public hunting lands is prohibited, except as authorized by the department.

(8) It is unlawful for any person to not obey posted regulations, fail to comply with instructions on permits or area leaflets, or refuse to follow directives given by departmental personnel in the discharge of official duties as established by Texas Parks and Wildlife Code, §§81.401-81.404.

(9) Failure to properly dispose of refuse, litter, trash, or garbage is prohibited.

(10) It is an offense for a person to be under the influence of alcohol or consume an alcoholic beverage while engaged in hunting activities, or to publicly consume or display an alcoholic beverage while on public hunting lands.

(11) It is an offense if a person within the hunt area fails to visibly wear a minimum of 400 square inches of daylight fluorescent orange material with orange headwear and 144 square inches appearing on both the chest and back when hunting is permitted on public hunting lands, except that persons hunting only the following species are exempt from this requirement:

(A) deer, javelina, or feral hog during the archery only seasons;

(B) turkey;

(C) migratory birds, except as provided in paragraph (12) of this subsection;

(D) coyotes or furbearers at night;

(E) alligators; and

(F) desert bighorn sheep.

(12) It is an offense if a person who is hunting mourning dove fails to comply with minimum requirements for visible fluorescent orange material on days when concurrent hunts are held for mourning dove and quail or mourning dove and chachalaca.

(13) It is a violation to conduct business concessions such as selling, buying, renting, leasing, or peddling goods, merchandise, or services to the public unless specifically authorized in writing by the executive director.

(14) It is unlawful to enter public hunting lands with a firearm, bow and arrow, or any other weapon, or to possess a firearm, bow and arrow, or any other weapon on public hunting lands, except persons authorized by the Parks and Wildlife Department to hunt on the areas, or commissioned law enforcement officers and/or department employees in performance of their duties.

(15) It is a violation to possess dogs in camp that are not confined or leashed.

(16) It is an offense for a person under 17 years of age (minor) to fail to be under the immediate supervision of a duly permitted and authorized supervising adult when hunting on public hunting lands. For a minor who has received hunter education certification, the requirement for immediate supervision is relaxed to the extent that while the minor is engaged in hunting activities, the authorized supervising adult is required to only be present on the public hunting area.

(17) It is unlawful for any person or persons to harass, molest, or otherwise interfere with anyone lawfully engaged in hunting or fishing activities on public hunting lands. This subsection does not apply to peace officers of this state, law enforcement officers of the United States, or employees of the department while in the actual discharge of official duties.

(18) The use of traps, snares, and deadfalls is an offense, except handheld snares with integral locking mechanisms may be used for taking alligator, crab traps may be used for taking crabs, and designated exotic mammals may be taken by means as specified on the special permit.

(19) The use of electrically amplified calls is prohibited for taking wildlife resources.

(20) It is an offense to bait wildlife on public hunting lands, except as provided for taking alligator by special permit or when performed at the direction of the department as a management tool.

(21) It is unlawful to use or possess a horse, mule, burro, or any type of riding stock or pack animal on public hunting lands during any open season for hunting or at any other time, except as provided in accordance with scheduled events under the Texas Conservation Passport.

(22) Firearms.

(A) It is unlawful to take a game bird with a rifle or handgun.

(B) It is an offense to use or possess buckshot on public hunting lands.

(C) It is unlawful to possess shotgun shells containing slugs or to possess a rifle or handgun while engaged in hunts conducted exclusively for game birds.

(D) It is unlawful to use rimfire ammunition or a muzzleloader smaller than .45 inch caliber in taking or shooting deer, exotic mammals, javelina, pronghorn antelope, predatory animals, or alligators.

(E) It is an offense if a person hunting waterfowl fails to comply with requirements for use and possession of non-toxic shot only.

(F) It is an offense to use or possess a firearm other than a muzzleloading firearm when participating in a hunt designated as being restricted to muzzleloaders only.

(G) The possession of a loaded firearm within a designated campsite, vehicle parking area, boat-launching

facility, or departmental check station is prohibited.

(H) It is an offense to possess a loaded firearm in or on a motor vehicle, except as provided for a disabled person.

(I) It is an offense to discharge a firearm from, onto, along, or across a designated road or designated campsite.

(J) It is an offense to use or display a firearm or other weapon in an obviously unsafe or threatening manner.

(23) Archery.

(A) Regulations governing the use of archery equipment for hunting on public hunting lands governed by these rules are as follows:

(i) game animals and game birds are as provided in the Statewide Hunting and Fishing Proclamation;

(ii) exotic mammals and predatory animals are as provided for hunting all game animals, other than squirrels, in §65.15 of this title (relating to Archery); and

(iii) furbearing animals, rabbits, and hares are as provided for hunting squirrels in §65.15 of this title (relating to Archery).

(B) It is unlawful to possess a firearm while participating in archery-only hunts conducted under special or regular permit.

(C) A shotgun with shells having non-toxic shot or no larger than size #4 lead shot may be possessed when hunting under regular permit or annual public hunting permit during concurrent periods of archery-only hunts and firearms hunts, but it is an offense to use the shotgun to take species for which archery-only hunts are being held (Non-toxic shot requirements for waterfowl remain in effect).

(D) It is an offense to discharge a bow and arrow from, onto, along, or across a designated road or designated campsite.

(24) Hunting with dogs.

(A) It is an offense to use a dog or dogs in hunting, pursuing, or taking deer, exotic mammals, pronghorn antelope, desert bighorn sheep, javelina, or turkey, except as provided in subparagraph (C) of this paragraph.

(B) It is lawful to use a dog or dogs in hunting squirrel, rabbits and hares, furbearing animals, predatory animals, or game birds other than turkey during the open season prescribed on public hunting lands.

(C) It is an offense to use more than two leashed dogs in trailing wounded deer or wounded exotic mammals.

(25) Falconry.

(A) It is an offense to use a falcon to hunt or take migratory game birds except during the seasons provided in these rules and in accordance with the means, methods, and special restrictions as provided in the Early Season Migratory Game Bird Proclamation and the Late Season Migratory Game Bird Proclamation.

(B) It is an offense to use a falcon to hunt or take any non-migratory game bird, game animal, or rabbits and hares except during the seasons provided in these rules and in accordance with the means, methods and special restrictions as provided in §65.21 of this title (relating to Falconry).

(26) Checking Game, Entering and Exiting Public Hunting Lands.

(A) When hunting under special or regular permit, it is an offense if a person fails to check in at a public hunt area check station prior to initiation of hunting activities. Unless otherwise authorized in writing by the department, it is an offense if a person hunting under special or regular permit fails to check out at a public hunt area check station and allow inspection of the bag before leaving the area.

(B) On areas where on-site registration is required for hunting, fishing, or non-consumptive use, it is an offense if a hunter, fisherman, or non-consumptive user fails to check in at a registration station and properly complete registration procedures before initiation of hunting, fishing, or non-consumptive use activities or fails to properly check out at the registration station before departing the area.

(C) It is an offense if a person enters public hunting lands at any location other than an authorized entry location or exits public hunting lands at any location other than an authorized exit location.

(D) Access for non-consumptive use and fishing may be temporarily restricted while hunts are being conducted by special or regular permit.

(E) It is an offense if a person who does not possess a valid permit enters a public hunt area at a time when access is restricted to only persons possessing a valid permit.

(F) It is an offense for a person to enter an area identified by boundary signs as a limited use zone or a sanctuary and fail to obey the restrictions on public use posted at the area.

(G) It is an offense for a person to enter an area identified by boundary signs as a restricted area.

(H) Employees of the department may remove parts from specimens harvested on public hunting lands for scientific investigation.

(27) Tagging of Game.

(A) It is an offense if a person possesses the carcass of a deer or turkey which does not have attached to it a properly completed valid tag from his or her hunting license.

(B) It is an offense if a person removes a deer, exotic mammal, javelina, pronghorn antelope, desert bighorn sheep, turkey, or alligator taken under special or regular permit from a public hunting area without attachment of a special tag issued by the public hunting area.

(C) A tagging fee may be assessed for alligators which are to be disposed of commercially, for desert bighorn sheep, and for designated exotic mammals.

(28) Construction of Blinds.

(A) It is an offense to construct permanent blinds, stands, towers, or platforms.

(B) The use of temporary blinds, stands, towers, or platforms is permitted only if such structures are not otherwise excluded for the specific activity or area, are not nailed to timber and are not replaced longer than 72 hours.

(C) It is an offense for a person to fail to remove all materials used in constructing a temporary blind, stand, tower, or platform upon conclusion of public use activity.

(D) It is an offense if a public user places a blind, stand, tower, or

platform within 50 yards of any designated road, designated campsite, or public hunting lands boundary.

(E) It is an offense for a person to attempt to establish preferential rights to use of a specific location through construction of a temporary blind, stand, tower, or platform. The temporary blind, stand, tower, or platform will be equally available to all public users on a first-come-first-served basis.

(b) The following rules and regulations apply to the taking of specific wildlife resources.

(1) Deer.

(A) Hunt categories include Archery Only, Buck Only or Either-Sex General, and Antlerless Only General.

(B) Bag and possession limits apply to individual areas within each hunt category. It is a violation if the cumulative bag limit of a person exceeds the number of appropriate carcass tags on the hunting license.

(C) Unless otherwise specified for designated areas, the hunting of deer of either-sex is legal during the archery-only season.

(2) Designated Exotic Mammals.

(A) Certification Option. The department at its option may require that any designated exotic mammal taken must be certified by an authorized representative of the department as a harvestable animal prior to being taken.

(B) Tag Fees. The tag fee for each permittee selected by means of auction or an impartial drawing is in the amount established by the Parks and Wildlife Commission. The tag fee is payable in advance of the hunt and is non-refundable.

(C) Permit Issuance. Upon authorization of the Parks and Wildlife Commission, special permits for the harvest of designated exotic mammals may be issued to persons selected by means of auction or an impartial drawing.

(D) Means and Methods. The means and methods of taking designated exotic mammals are as specified on the special permit or attachments.

(E) Bag and Possession Limits. The bag and possession limits for design-

nated exotic mammals are as specified on the special permit.

(3) Desert Bighorn Sheep.

(A) Certification. The department at its option may require that any bighorn sheep taken must be certified by an accompanying department wildlife biologist as a harvestable animal prior to the kill. The permit must be possessed while hunting.

(B) Legal weapons. Only centerfire rifles designed to shoot a bullet of at least .250 inches in diameter may be used. The firearm must be equipped with a telescopic sight capable of four-power magnification or greater.

(C) Method of hunting.

(i) All hunting shall be on foot or from horseback or mule.

(ii) No motorized conveyance or aircraft of any type may be used to hunt, spot, herd, or harass desert bighorn sheep.

(iii) No two-way radio communications may be used to assist in the taking of desert bighorn sheep.

(D) Tagging. Any bighorn sheep must be tagged within 72 hours after being taken with a permanent tag issued and affixed in the horn by a designated representative of the department. The tag shall remain in the horn throughout the existence of the trophy.

(E) Hunter orientation. Each person receiving a bighorn sheep hunting permit is required to attend an orientation conducted by the department prior to the hunt.

(F) Tag fees.

(i) The tag fee is \$300 for each permittee selected by means of a random drawing, payable in advance of the hunt and is non-refundable.

(ii) The tag fee is \$300 for each permittee selected by membership of a Desert Bighorn Sheep Cooperative Unit, payable in advance of the hunt and is non-refundable.

(iii) The tag fee for each permittee selected by means of auction conducted by the Foundation for North American Wild Sheep is in the amount established by the Parks and Wildlife Commission, payable in advance of the hunt and is non-refundable.

(G) Permit Issuance.

(i) Bighorn sheep hunting permits are authorized for issuance to persons selected by random drawing. Only residents of Texas who are 17 years of age or older at the time of the hunt and possess a valid Texas Resident Hunting License are eligible to participate in the random drawing.

(ii) Bighorn sheep hunting permits are authorized for issuance to persons selected by membership of a Desert Bighorn Sheep Cooperative Unit.

(iii) Upon authorization of the Parks and Wildlife Commission, bighorn sheep hunting permits may be issued to persons selected by means of an auction conducted by the Foundation for North American Wild Sheep.

(4) Predatory Animals-Special Regulations. It is an offense if a person during hunts by special or regular permit takes any predatory animal other than the specific species listed on the permit.

(5) Alligator.

(A) Means and methods: as specified on the permit or attachments.

(B) Tagging Requirements and Tag Fees.

(i) It is an offense if a hunter does not possess a State of Texas alligator hide-tag while engaged in the act of hunting alligators. There is no charge for the state tag and it is available at the area prior to the hunt. The tag must be attached to the alligator immediately after it is taken.

(ii) Successful hunters who opt to commercially dispose of their alligator will be assessed an additional tagging fee of \$120 for attachment of the U.S. Fish and Wildlife Service alligator hide-tag required for lawful sale of the hide.

(iii) Successful hunters who do not opt to commercially dispose of their alligator will not be required to obtain the U.S. Fish and Wildlife Service alligator hide-tag or to pay the tagging fee.

§65.193. Open Seasons, Bag and Possession Limits, and Means and Methods; General Rules.

(a) It is unlawful to take wildlife resources at any time other than during the open seasons provided in this subchapter, or to take more than the daily bag limits, or to have in possession more than the possession limits, as provided in this subchapter.

(b) Open seasons are given by their opening and closing dates, both days inclusive, and include all days between the opening and closing dates unless otherwise specified.

(c) Specific days, times, and compartments for taking wildlife resources within the open seasons, as provided, will be established by the executive director in the interest of sound conservation practices.

(d) It is an offense to remove a wildlife resource, or any portion thereof, from public hunting lands, except during the specific days and time period provided for taking the specified wildlife resource. A wounded or lost animal must be recovered and taken into possession during the authorized hunt period in order for any portion thereof to be claimed by the hunter.

(e) Except for hunting predators and furbearers and fishing, it is an offense to hunt wildlife resources during the hours between one-half hour after sunset and one-half hour before sunrise.

(f) The executive director may close to public use an area or a portion of an area to protect sensitive sites, or may restrict bag limits, cancel hunts or close the season on specific species in certain areas to avoid depletion of wildlife resources.

(g) The executive director may designate an area or a portion of an area as a limited use zone in which hunting and the use of firearms and archery equipment is either prohibited, restricted to specified means and methods, or limited to certain periods of time.

(h) The executive director may establish additional restrictions on camping, consistent with the type of public use activity authorized and the environmental protection of the area.

(i) The executive director may permit recreational activities on public hunting lands which are compatible with sound resource management practices and public health and safety.

(j) Open seasons, shooting hours, means and methods, and bag and possession limits for taking deer, javelina, pronghorn antelope, desert bighorn sheep, squirrel, turkey, pheasant, and quail and fishing when listed as a legal species or activity are as provided for that county by the Statewide Hunting and Fishing Proclamation, except as otherwise specified for a specific area.

(k) Open season, shooting hours, and means and methods for taking exotic mammals when listed as a legal species are as provided for taking deer within that county by the Statewide Hunting and Fishing Proclamation, except as otherwise specified for a specific area. Either sex of exotic mammals may be taken and there is no bag or possession limit, except as otherwise established for designated exotic mammals.

(l) Open seasons, shooting hours, means, methods, special requirements, and bag and possession limits for taking mourn-

ing dove, white-winged dove, rail, gallinule, and teal duck during the early teal season when listed as a legal species are as provided for that locale by the Early Season Migratory Game Bird Proclamation, except as further restricted for a specific area.

(m) Open seasons, shooting hours, means, methods, special requirements, and bag and possession limits for taking waterfowl (outside of the early teal season), sandhill crane, woodcock, and snipe when listed as a legal species are as provided for that locale by the Late Season Migratory Game Bird Proclamation, except as further restricted for a specific area.

(n) Open seasons, means and methods, and bag and possession limits for taking furbearing animals when listed as a legal species are as provided by the Statewide Furbearing Animal and Trapping Proclamation, except as otherwise specified for a specific area.

(o) Open seasons, shooting hours, and means and methods for taking predatory animals when listed as additional legal species on special or regular hunting permits correspond to the open season, shooting hours, and means and methods provided for taking the featured hunt species. Either sex of predatory animal may be taken and there is no bag or possession limit.

(p) Open seasons, general rules, license requirements, means and methods, hide tag requirements, and bag limits for taking alligator when listed as a legal species are as provided by the Alligator Proclamation, except as further restricted for a specific area.

(q) Open Seasons, Bag and Possession Limits, Means and Methods, and Special Regulations for Legal Species and Legal Activities on Specific Areas.

(1) Alazan Bayou Wildlife Management Area.

(A) Deer: Archery—during the periods of October 1-October 31 and from the first Saturday in November through the first Sunday in January; one deer (either sex); by annual public hunting permit.

(B) Exotic Mammal: Archery—during the period from October 1-February 28; no bag or possession limit; by annual public hunting permit.

(C) Squirrel—by annual public hunting permit.

(D) Quail—by annual public hunting permit.

(E) Mourning Doves—by annual public hunting permit.

(F) Waterfowl—shooting hours end at noon; by annual public hunting permit.

(G) Woodcock—by annual public hunting permit.

(H) Gallinules—by annual public hunting permit.

(I) Snipe—by annual public hunting permit.

(J) Rabbits and Hares—to correspond with dates and shooting hours and means and methods designated for game animal, game bird, or exotic mammal hunts; no bag or possession limits; by annual public hunting permit.

(K) Fishing—during the period from March 1-August 31; by annual public hunting permit.

(L) Special Regulations—It is an offense to possess a rifle or handgun of greater size than .22 caliber rimfire while hunting during the season designated for squirrel.

(2) Aquilla Wildlife Management Area.

(A) Deer: Archery—to correspond with hunt dates established by the Statewide Hunting and Fishing Proclamation for taking deer in Hill County during the archery only season and the general season; one deer (buck only); by annual public hunting permit.

(B) Exotic Mammal: concurrent seasons—to correspond with hunt dates, shooting hours, and means and methods designated for taking deer; no bag or possession limit; by annual public hunting permit.

(C) Squirrel—by annual public hunting permit.

(D) Turkey—during the spring season established by the Statewide Hunting and Fishing Proclamation for taking turkey in Hill County; one turkey (gobbler only); by annual public hunting permit.

(E) Quail—by annual public hunting permit.

(F) Mourning Dove—by annual public hunting permit.

(G) Sandhill Crane—by annual public hunting permit.

(H) Waterfowl—season closed within that portion of the area designated by signs as a waterfowl sanctuary; by annual public hunting permit.

(I) Snipe—by annual public hunting permit.

(J) Rabbits and Hares—no bag or possession limits; by annual public hunting permit.

(K) Fishing—no permit required.

(L) Special Regulations—It is an offense to use any device other than shotguns with non-toxic shot or no larger than #4 lead shot or bow and arrow for hunting (Non-toxic shot requirements for hunting waterfowl remain in effect).

(3) Atkinson Island Wildlife Management Area—Special Regulations:

(A) It is an offense to take wildlife resources other than fish.

(B) It is an offense to park a boat on the area in any place except the nonvegetated beach zone.

(C) It is an offense for a person to allow a dog, cat, or any animal to enter the area unleashed and not under the person's physical control.

(4) Black Gap Wildlife Management Area.

(A) Deer:

(i) Archery—on designated days during the period from September 1-January 31; one deer (buck only); by annual public hunting permit.

(ii) General—during the period from October 1-February 15; one deer as specified on the permit; by special permit.

(B) Javelina:

(i) Archery: concurrent seasons—to correspond with dates and shooting hours designated for archery only deer hunts; one javelina (either-sex); by annual public hunting permit.

(ii) General—during the period from September 1-March 31; one javelina (either-sex); by special permit.

(C) Quail—on designated days; by annual public hunting permit.

(D) Mourning Dove—on designated days; by annual public hunting permit.

(E) Rabbits and Hares—to correspond with hunt dates and shooting hours designated for quail and mourning dove; no bag or possession limit; by annual public hunting permit.

(F) Fishing—impoundments are closed to fishing. Fishing is permitted in the Rio Grande River year-round, except on days when hunts are being conducted by special permit; annual public hunting permit required, except fishermen who enter and exit the area by boat are not required to possess an annual public hunting permit. Fishermen are required to use Maravillas Canyon and Horse Canyon roads only while going to and from the Rio Grande River. From the point where the Maravillas Canyon Road enters the Rio Grande Valley downstream to the area boundary, a fisherman who does not possess an annual public hunting permit commits an offense if the fisherman does not stay within the area between the road and the river or within 300 yards of the river from the aforementioned point upstream to the area boundary.

(G) Special Regulations—It is an offense if a public user fails to perform on-site registration at the area headquarters, except fishermen who enter and exit the area by boat are not required to perform on-site registration.

(5) Candy Abshier Wildlife Management Area—Special Regulations.

(A) It is an offense to take wildlife resources other than fish.

(B) It is an offense to park or operate motor vehicles in an area other than the designated parking area.

(C) It is an offense to enter a restricted area, except as authorized in writing by the department.

(D) It is an offense for a person to allow a dog, cat, or any animal to enter the area unleashed and not under the person's physical control.

(6) Cedar Creek Islands Wildlife Management Area (Big Island, Bird Island, and Telfair Island Units)-Special Regulations.

(A) It is an offense to take wildlife resources other than fish.

(B) It is an offense to enter a restricted zone, except as authorized in writing by the department.

(C) It is an offense to park a boat on the area in any place except the nonvegetated beach zone.

(D) It is an offense for a person to allow a dog, cat, or any animal to enter the area unleashed and not under the person's physical control.

(7) Chaparral Wildlife Management Area:

(A) Deer:

(i) Archery-during the period from September 1-January 31; one deer (either-sex); by special permit;

(ii) General-during the period from October 1-February 15; one deer as specified on the permit; by special permit;

(B) Exotic Mammal: concurrent seasons-to correspond with hunt dates, shooting hours, means and methods, and permit requirements for taking deer, javelina, and coyote; no bag or possession limit;

(C) Javelina:

(i) Archery: concurrent seasons-to correspond with dates and shooting hours designated for archery-only deer hunts; one javelina (either-sex); by special permit;

(ii) General-during the period of September 1-March 31; one javelina (either-sex); by special permit;

(D) Quail-on designated days during the period from October-February; by regular permit;

(E) Mourning Dove-on designated days by regular permit;

(F) Rabbits and Hares-to correspond with hunt dates and shooting hours designated for quail and mourning dove; no bag or possession limit; by regular permit;

(G) Coyote-during the period from September 1-August 31; no bag or possession limit; by regular permit;

(H) Fishing-no open season;

(8) Cooper Wildlife Management Area:

(A) Deer:

(i) Archery-one deer (either sex); by annual public hunting permit;

(ii) General-during the period from October 1-February 15; one deer as specified on the permit; by special permit;

(B) Exotic Mammal: concurrent seasons-to correspond with hunt dates, shooting hours, means and methods, and permit requirements designated for deer; no bag or possession limits;

(C) Squirrel-closed on days designated for hunts by special permit; by annual public hunting permit;

(D) Quail-closed on days designated for hunts by special permit; by annual public hunting permit;

(E) Mourning Dove-closed on days designated for hunts by special permit; by annual public hunting permit;

(F) Waterfowl-on Tuesdays, Thursdays, and Saturdays during the waterfowl seasons established for Delta and Hopkins Counties; shooting hours end at noon; by annual public hunting permit;

(G) Woodcock-closed on days designated for hunts by special permit; by annual public hunting permit;

(H) Snipe-on dates and shooting hours which correspond to those designated for waterfowl hunts; by annual public hunting permit;

(I) Rabbits and Hares-closed on days designated for hunts by special permit; by annual public hunting permit;

(J) Fishing-no permit required;

(K) Special Regulations-It is an offense to use any device other than shotguns with non-toxic shot or no larger than size #4 lead shot or bow and arrow for hunting, except that firearms with slugs are

the only legal firearm for taking deer or exotic mammals during the general season (Non-toxic shot requirements for hunting waterfowl remain in effect).

(9) Dam B Wildlife Management Area:

(A) Deer:

(i) Archery-one deer (either-sex); by annual public hunting permit;

(ii) General-one deer (buck only); by annual public hunting permit;

(B) Exotic Mammal: concurrent seasons-to correspond with hunt dates, shooting hours, and means and methods designated for deer; no bag or possession limit; by annual public hunting permit;

(C) Squirrel-by annual public hunting permit;

(D) Quail-by annual public hunting permit;

(E) Mourning Doves-by annual public hunting permit;

(F) Waterfowl-by annual public hunting permit;

(G) Woodcock-by annual public hunting permit.

(H) King and Clapper Rail-by annual public hunting permit;

(I) Sora and Virginia Rails-by annual public hunting permit;

(J) Gallinules-by annual public hunting permit;

(K) Snipe-by annual public hunting permit;

(L) Rabbits and Hares-no closed season; no bag or possession limits; by annual public hunting permit;

(M) Furbearing Animals-during the period from September 1-March 31; by annual public hunting permit;

(N) Coyotes-during the period from September 1-March 31; no bag or possession limit; by annual public hunting permit;

(O) Fishing—no permit required;

(P) Special Regulations.

(i) Camping is by permit only; permits may be obtained at the U.S. Corps of Engineers office at the reservoir site.

(ii) The use of airboats is an offense.

(iii) It is an offense to use any device other than shotguns with non-toxic shot or no larger than size #4 lead shot or bow and arrow for hunting, except that firearms with slugs are the only legal firearms for taking deer or exotic mammals during the general season (Non-toxic shot requirements for hunting waterfowl remain in effect).

(iv) Dogs may be used in hunting coyotes and furbearers.

(10) Designated Units of the Las Palomas Wildlife Management Area:

(A) Chachalaca—on designated days by annual public hunting permit;

(B) Mourning Dove—on designated days by annual public hunting permit;

(C) White-winged Dove—on designated days by regular permit, except on the Ocotillo Unit, where an annual public hunting permit is required;

(D) Fishing—no open season, except on the Ocotillo Unit, where an annual public hunting permit is required.

(E) Special Regulations.

(i) It is an offense to park other than in designated parking areas, except on the Ocotillo Unit, where parking is also permitted immediately adjacent to designated roads and on the shoulder of Farm Road 170 provided that the vehicle is pulled completely off of the road so as not to block traffic or create a safety hazard.

(ii) It is an offense if a person hunting on the Ocotillo Unit fails to perform on-site registration.

(iii) The taking of wildlife resources on the Kiskadee Unit is an offense.

(iv) It is an offense for a person to enter the Kiskadee Unit during the period from May 1-August 31 unless authorized in writing by the Department.

(v) It is an offense for a person to allow a dog, cat, or other animal to enter the Kiskadee Unit unleashed and not under the person's physical control.

(11) Designated Units of the Playa Lakes Wildlife Management Area:

(A) Pheasant—on designated days; by annual public hunting permit;

(B) Quail—on designated days; by annual public hunting permit;

(C) Mourning Dove—on designated days; by annual public hunting permit;

(D) Waterfowl—on designated days during designated shooting hours; by annual public hunting permit;

(E) Sandhill Crane—on designated days during designated shooting hours; by annual public hunting permit;

(F) Snipe—on designated days during designated shooting hours; by annual public hunting permit;

(G) Rabbits and Hares—on designated days; no bag or possession limits; by annual public hunting permit;

(H) Fishing—on designated days; by annual public hunting permit.

(12) Designated Units of the State Park System:

(A) Deer:

(i) Archery—during the period from September 1-January 31; one deer (either sex); by special permit;

(ii) General—during the period from October 1-February 15; two deer as specified on the permit; by special permit;

(B) Exotic Mammals:

(i) Concurrent seasons—to correspond with hunt dates, shooting hours, and means and methods designated for deer; no bag or possession limit; by special permit;

(ii) General—during the period from September 1-August 31; no bag or possession limits; by special permit;

(C) Designated Exotic Mammal—during the period from September 1-August 31; designated exotic mammals of

the type and number as specified on the permit; by special permit;

(D) Javelina—during the period of September 1-March 31; one javelina (either sex); by special permit;

(E) Squirrel—on designated days by regular permit;

(F) Turkey—during the months of April and May; one gobbler; by special permit;

(G) Quail—on designated days during the period from October-February; by regular permit;

(H) Mourning Dove—on designated days by regular permit;

(I) White-winged Dove—on designated days by regular permit;

(J) Waterfowl—on designated days; shooting hours end at noon; by regular permit;

(K) Alligator—one alligator as specified on the permit; means and methods as specified on the permit or attachments; by special permit;

(L) Special Regulations.

(i) The use of airboats is an offense, except that air propelled boats having a motor of no greater than 10 horsepower may be used on Sea Rim State Park.

(ii) The use or possession of dogs is an offense, except one dog per permit-holding hunter is permitted for hunting migratory game birds, quail, or squirrel.

(13) Elephant Mountain Wildlife Management Area:

(A) Deer:

(i) Archery—during the period from September 1-January 31; one deer (buck only); by special permit.

(ii) General—during the period from October 1-February 15; one deer as specified on the permit; by special permit.

(B) Javelina:

(i) Archery: concurrent seasons—to correspond with dates and shooting hours designated for archery only deer hunts; one javelina (either-sex); by special permit;

(ii) General—during the period from September 1-March 31; one javelina (either-sex); by special permit.

(C) Pronghorn Antelope—during the period from September 1-October 31; one antelope as specified on the permit; by special permit;

(D) Desert Bighorn Sheep—during the period from September 1-August 31; one desert bighorn sheep ram as specified on the permit; by special permit;

(E) Quail—on designated days during the period from October-February; by annual public hunting permit;

(F) Mourning Dove—on designated days by annual public hunting permit;

(G) Rabbits and Hares—to correspond with hunt dates and shooting hours designated for quail and mourning dove; no bag or possession limit; by annual public hunting permit;

(H) Fishing—no open season;

(I) Special Regulations.

(i) The possession and use of horses, mules, burros, and other types of riding stock or pack animals during public hunts for desert bighorn sheep may be permitted in accordance with written authorization of the department.

(ii) It is an offense if a public user fails to perform on-site registration.

(14) Gene Howe Wildlife Management Area:

(A) Deer:

(i) Archery—on designated days during the period from September 1-January 31; one deer (either-sex); by annual public hunting permit;

(ii) General—during the period from October 1-February 15; one deer as specified on the permit; by special permit;

(B) Exotic Mammal: concurrent seasons—to correspond with hunt dates, shooting hours, means and methods and permit requirements for deer; no bag or possession limit;

(C) Turkey—during the months of April and May; one gobbler; by special permit;

(D) Quail—on designated days during the period from October-February; by annual public hunting permit;

(E) Mourning Dove—on designated days by annual public hunting permit;

(F) Rabbits and Hares—to correspond with hunt dates and shooting hours designated for quail and mourning dove; no bag or possession limit; by annual public hunting permit;

(G) Fishing—season closed on days when hunts are conducted by special permit; annual public hunting permit required;

(H) Special Regulations—It is an offense if a public user fails to perform on-site registration;

(15) Granger Wildlife Management Area:

(A) Squirrel—by annual public hunting permit;

(B) Quail—by annual public hunting permit;

(C) Mourning Doves—by annual public hunting permit;

(D) Waterfowl—by annual public hunting permit;

(E) Woodcock—by annual public hunting permit;

(F) Gallinules—by annual public hunting permit;

(G) Snipe—by annual public hunting permit;

(H) Rabbits and Hares—no closed season; no bag or possession limits; by annual public hunting permit;

(I) Furbearing Animals—during daylight hours only from September 1-March 31; by annual public hunting permit;

(J) Coyotes—during daylight hours only from September 1-March 31; no bag or possession limit; by annual public hunting permit;

(K) Fishing—no permit required;

(L) Special Regulations.

(i) It is an offense to park other than in designated areas.

(ii) It is a violation to use any type of device other than a shotgun with non-toxic shot or no larger than size #4 lead shot or bow and arrow for hunting (Non-toxic shot requirements for hunting waterfowl remain in effect).

(iii) Dogs may be used in hunting coyotes and furbearers.

(16) Guadalupe Delta Wildlife Management Area:

(A) Waterfowl—on designated days; shooting hours end at noon; by regular permit;

(B) King and Clapper Rails—on dates and shooting hours which correspond to those designated for waterfowl hunts; by regular permit;

(C) Sora and Virginia Rails—on dates and shooting hours which correspond to those designated for waterfowl hunts; by regular permit;

(D) Gallinules—on dates and shooting hours which correspond to those designated for waterfowl hunts; by regular permit;

(E) Snipe—on dates and shooting hours which correspond to those designated for waterfowl hunts; by regular permit;

(F) Alligator—one alligator as specified on the permit; means and methods as specified on the permit or attachments; by special permit.

(17) Gus Engeling Wildlife Management Area.

(A) Deer:

(i) Archery—on designated days during the period from September 1-January 31; one deer (either-sex); by annual public hunting permit;

(ii) General—during the period from October 1-February 15; one deer as specified on the permit; by special permit;

(B) Exotic Mammal:

(i) Archery: concurrent seasons—to correspond with hunt dates and shooting hours designated for archery-only deer hunts; no bag or possession limits; by annual public hunting permit;

(ii) General—during the period from September 1-August 31; no bag or possession limits; by special permit;

(C) Squirrel—on designated days; by annual public hunting permit;

(D) Turkey—during the months of April and May; one gobbler; by special permit;

(E) Waterfowl—on designated days; shooting hours end at noon; by regular permit;

(F) Woodcock—on dates and shooting hours which correspond with those designated for waterfowl hunts; by regular permit;

(G) Gallinules—on dates and shooting hours which correspond to those designated for waterfowl hunts; by regular permit;

(H) Snipe—on dates and shooting hours which correspond to those designated for waterfowl hunts; by regular permit;

(I) Rabbits and Hares—to correspond with dates and shooting hours designated for squirrel hunts; no bag or possession limits; by annual public hunting permit;

(J) Fishing—season is closed on dates designated for hunts by special or regular permit; by annual public hunting permit;

(K) Special Regulations.

(i) It is an offense if a public user fails to perform on-site registration.

(ii) It is an offense to possess a rifle or handgun of greater size than .22 caliber rimfire while hunting during the season designated for squirrel.

(iii) Individuals who participate only in the self-guided driving tour and designated nature trails need not possess a Texas Conservation Passport.

(iv) Horses, mules, burros, and other types of riding stock or pack animals may be possessed and used in accordance with written authorization of the

Department for educational events sanctioned by the Department.

(18) James Daughtrey Wildlife Management Area.

(A) Deer:

(i) Archery—during the period from September 1-January 31; one deer (either-sex); by special permit;

(ii) General—during the period from October 1-February 15; one deer as specified on the permit; by special permit;

(B) Exotic Mammal: concurrent seasons—to correspond with hunt dates, shooting hours, and means and methods established for deer hunts; no bag or possession limit; by special permit;

(C) Javelina:

(i) Archery: concurrent seasons—to correspond with dates and shooting hours designated for archery-only deer hunts; one javelina (either-sex); by special permit;

(ii) General—during the period of September 1-March 31; one javelina (either-sex); by special permit;

(D) Turkey—during the months of April and May; one gobbler; by special permit;

(E) Quail—on designated days during the period from October-February; by annual public hunting permit;

(F) Mourning Dove—on designated days by annual public hunting permit;

(G) Waterfowl—by annual public hunting permit;

(H) Sandhill Crane—by annual public hunting permit;

(I) Snipe—by annual public hunting permit;

(J) Rabbits and Hares—to correspond with hunt dates and shooting hours designated for quail and mourning dove; no bag or possession limit; by annual public hunting permit;

(K) Coyote—on designated days during the period from September 1-August 31; no bag or possession limit; by regular permit;

(L) Fishing—no permit required.

(19) J. D. Murphree Wildlife Management Area:

(A) Waterfowl—on designated days; shooting hours end at noon; by regular permit;

(B) King and Clapper Rails—on dates and shooting hours which correspond to those designated for waterfowl hunts; by regular permit;

(C) Sora and Virginia Rails—on dates and shooting hours which correspond to those designated for waterfowl hunts; by regular permit;

(D) Gallinules—on dates and shooting hours which correspond to those designated for waterfowl hunts; by regular permit;

(E) Snipe—on dates and shooting hours which correspond to those designated for waterfowl hunts; by regular permit;

(F) Fishing—no permit required.

(i) In that portion of Keith Lake which lies within the confines of the J. D. Murphree Wildlife Management Area, fishing is permitted year-round with no daylight restrictions.

(ii) It is an offense to fish in that portion of Big Hill Bayou which lies within the J. D. Murphree Area, except during the period from the Monday following the closing of waterfowl season through October 31, both days inclusive, from 30 minutes before sunrise to 30 minutes after sunset.

(iii) In the remainder of the area, it is an offense to fish except during the period from March 1-August 31, both days inclusive, from 30 minutes before sunrise to 30 minutes after sunset, but when required by the department for the proper management of waterfowl resources, leveed wetland compartments or outside borrow ditches may be temporarily closed to fishing.

(iv) Powered skiffs, powered boats, or powered floating craft of any type with motor not to exceed 35 horsepower shall be permitted within leveed wetland compartments during the period from March 1-August 31.

(v) The use of boats, skiffs, or floating craft of any type in the ditches along the west boundary of Wetland Compartments 5, 6, 7, 8, and 9, and the north boundary of Wetland Compartment 11 is an offense, except for travel by permitted hunters.

(vi) It is an offense to take fish within leveed wetland compartments and borrow ditch areas other than by means of pole and line, except that gar may be taken by means of bowfishing, utilizing an arrow securely attached to the bow with a line.

(vii) It is an offense for a person to leave a fishing line unattended at any time within a leveed compartment or borrow ditch.

(viii) In that portion of Big Hill Bayou and Keith Lake which lies within the J. D. Murphree Area, the use of jug lines, seines, and nets other than 20-foot minnow seines is an offense.

(G) Alligator—one alligator as specified on the permit; means and methods as specified on the permit or attachments; by special permit;

(H) Special Regulations.

(i) The use of airboats is an offense, except in Big Hill Bayou, Blind Bayou, and Keith Lake.

(ii) The use or possession of dogs is an offense except one dog per permit-holding hunter is permitted to retrieve dead or wounded waterfowl.

(20) Keechi Creek Wildlife Management Area:

(A) Deer:

(i) Archery—during the period from September 1-January 31; one deer (either-sex); by special permit;

(ii) General—during the period from October 1-February 15; one deer as specified on the permit; by special permit;

(B) Exotic Mammal:

(i) Concurrent seasons—to correspond with hunt dates, shooting hours, and means and methods designated for deer hunts; no bag or possession limits; by special permit;

(ii) General—during the period from September 1-August 31; no bag or possession limits; by special permit;

(C) Squirrel—on designated days; by regular permit;

(D) Turkey—during the months of April and May; one gobbler; by special permit;

(E) Waterfowl—on designated days; shooting hours end at noon; by regular permit;

(F) Woodcock—on dates and shooting hours which correspond to those designated for waterfowl hunts; by regular permit;

(G) Gallinules—on dates and shooting hours which correspond to those designated for waterfowl hunts; by regular permit;

(H) Snipe—on dates and shooting hours which correspond to those established for waterfowl hunts; by regular permit;

(I) Rabbits and Hares—to correspond with dates and shooting hours designated for squirrel hunts; no bag or possession limits; by regular permit;

(J) Fishing—no open season;

(K) Special Regulations. It is an offense to possess a rifle or handgun of greater size than .22 caliber rimfire while hunting during the season designated for squirrel.

(21) Kerr Wildlife Management Area:

(A) Deer:

(i) Archery—during the period from September 1-January 31; one deer (either-sex); by special permit;

(ii) General—during the period from October 1-February 15; one deer as specified on the permit; by special permit;

(B) Exotic Mammals:

(i) Concurrent seasons—to correspond with hunt dates, shooting hours, and means and methods designated for deer hunts; no bag or possession limit; by special permit;

(ii) General—during the period from September 1-August 31; no bag or possession limit; means and methods as specified on the permit; by special permit;

(C) Javelina: Archery: concurrent seasons—to correspond with dates

and shooting hours designated for archery-only deer hunts; one javelina (either-sex); by special permit;

(D) Turkey—during the months of April and May; one gobbler; by special permit;

(E) Mourning Dove—on designated days; by annual public hunting permit;

(F) Rabbits and Hares—to correspond with hunt dates and shooting hours established for mourning dove; no bag or possession limit; by annual public hunting permit;

(G) Fishing—no permit required; on-site registration required;

(H) Individuals who participate only in the self-guided driving tour need not possess a Texas Conservation Passport or perform on-site registration.

(22) Lands Within a Desert Bighorn Sheep Cooperative Unit:

(A) Desert Bighorn Sheep—during the period from September 1-August 31; one desert bighorn sheep ram as specified on the permit; by special permit;

(B) Special Regulations—the possession and use of horses, mules, burros, and other types of riding stock or pack animals during public hunts for desert bighorn sheep may be permitted on departmental lands in accordance with written authorization of the department.

(23) Lower Neches Wildlife Management Area:

(A) Waterfowl—on designated days; shooting hours end at noon; by annual public hunting permit;

(B) King and Clapper Rails—on dates and shooting hours which correspond to those designated for waterfowl hunts; by annual public hunting permit;

(C) Sora and Virginia Rails—on dates and shooting hours which correspond to those designated for waterfowl hunts; by annual public hunting permit;

(D) Gallinules—on dates and shooting hours which correspond to those

designated for waterfowl hunts; by annual public hunting permit;

(E) Snipe—on dates and shooting hours which correspond to those designated for waterfowl hunts; by annual public hunting permit;

(F) Fishing—no permit required.

(i) It is an offense to take fish within the area other than by means of pole and line, except that gar may be taken by means of bowfishing, utilizing an arrow securely attached to the bow with a line.

(ii) It is an offense for a person to leave a fishing line unattended at any time within the area.

(iii) It is an offense to use trotlines and juglines.

(iv) It is an offense to use crab traps in that portion of the area east of State Highway 87.

(v) In the Nelda Stark Unit and in that portion of the Old River Unit that includes the Old River Cove, the Gulf States Utilities (G.S.U.) intake canal, and 150 feet on either side of Lake Street and State Highway 87, fishing is permitted year-round without daylight restrictions.

(vi) In the remainder of the Old River Unit, it is an offense to fish except during the period from March 1-August 31, both days inclusive, from 30 minutes before sunrise to 30 minutes after sunset, but when required by the Department for the proper management of waterfowl resources, portions of the area may be closed to fishing for temporary periods of time.

(G) Alligator—one alligator as specified on the permit; means and methods as specified on the permit or attachments; by special permit;

(H) Special Regulations. The use of airboats is an offense in the Old River Unit.

(24) Mad Island Wildlife Management Area:

(A) Waterfowl—on designated days; shooting hours end at noon; by regular permit;

(B) King and Clapper Rails—on dates and shooting hours which correspond to those designated for waterfowl hunts; by regular permit;

(C) Sora and Virginia Rails—on dates and shooting hours which

correspond to those designated for waterfowl hunts; by regular permit;

(D) Gallinules—on dates and shooting hours which correspond to those designated for waterfowl hunts; by regular permit;

(E) Snipe—on dates and shooting hours which correspond to those designated for waterfowl hunts; by regular permit;

(F) Alligator—one alligator as specified on the permit; means and methods as specified on the permit or attachments; by special permit;

(25) Matador Wildlife Management Area:

(A) Deer:

(i) Archery—on designated days during the period from September 1-January 31; one deer (buck only); by annual public hunting permit;

(ii) General—during the period from October 1-February 15; one deer as specified on the permit; by special permit;

(B) Exotic Mammals: concurrent seasons—to correspond with hunt dates, shooting hours, means and methods, and permit requirements designated for deer hunts; no bag or possession limit;

(C) Turkey—during the months of April and May; one gobbler; by special permit;

(D) Quail—on designated days; by annual public hunting permit;

(E) Mourning Dove—on designated days; by annual public hunting permit;

(F) Waterfowl—on designated days; by annual public hunting permit;

(G) Rabbits and Hares—to correspond with hunt dates and shooting hours designated for quail and mourning dove; no bag or possession limits; by annual public hunting permit;

(H) Fishing. Fishing is permitted year-round, except on days when hunts are being conducted by special permit; annual public hunting permit required.

(I) Special Regulations. It is an offense if a public user fails to perform on-site registration.

(26) Matagorda Island Wildlife Management Area:

(A) Deer: General—during the period from October 1-February 15; one deer as specified on the permit; by special permit;

(B) Exotic Mammals: concurrent seasons—to correspond with hunt dates, shooting hours, and means and methods established for deer hunts; no bag or possession limit; by special permit;

(C) Quail—on designated days; by regular permit;

(D) Mourning Dove—on designated days; by regular permit;

(E) Waterfowl—on designated days; shooting hours end at noon; by regular permit, except within the designated marsh unit no permit is required, there is no restriction to designated hunt days, and shooting hours do not end at noon;

(F) King and Clapper Rails—on dates and shooting hours and permit requirements which correspond to those designated for waterfowl hunts;

(G) Sora and Virginia Rails—on dates and shooting hours and permit requirements which correspond to those designated for waterfowl hunts;

(H) Gallinules—on dates and shooting hours and permit requirements which correspond to those designated for waterfowl hunts;

(I) Snipe—on dates and shooting hours and permit requirements which correspond to those designated for waterfowl hunts.

(27) M. O. Neasloney Wildlife Management Area:

(A) Fishing—no open season;

(B) Special Regulations—access for non-consumptive use is only through prior arrangement with the Department.

(28) Old Tunnel Wildlife Management Area—Special Regulations.

(A) It is an offense to take wildlife resources.

(B) It is an offense to park or operate motor vehicles in an area other than the designated parking area.

(C) It is an offense to disturb roosting bats.

(D) It is an offense for a person to allow a dog, cat, or any animal to enter the area unleashed and not under the person's physical control.

(E) It is an offense for a person to enter that portion of the railroad bed located between the steep excavated walls of the former railroad right-of-way or into the excavated tunnel.

(29) Pat Mayse Wildlife Management Area:

(A) Deer:

(i) Archery—one deer (either-sex); no annual public hunting permit required;

(ii) General—during the period from October 1-February 15; one deer as specified on the permit; by special permit;

(B) Exotic Mammal: concurrent seasons—to correspond with hunt dates, shooting hours, means and methods, and permit requirements designated for deer; no bag or possession limit;

(C) Squirrel—closed on days designated for hunts by special permit; no annual public hunting permit required;

(D) Quail—closed on days designated for hunts by special permit; no annual public hunting permit required;

(E) Mourning Dove—closed on days designated for hunts by special permit; no annual public hunting permit required;

(F) Waterfowl—no annual public hunting permit required;

(G) Woodcock—closed on days designated for hunts by special permit; no annual public hunting permit required;

(H) Gallinules—no annual public hunting permit required;

(I) Snipe—no annual public hunting permit required;

(J) Rabbits and Hares—no closed season, except no hunting for rabbits or hares on days designated for hunts by special permit; no bag or possession limit; no annual public hunting permit required;

(K) Furbearing Animals—during the period from September 1-March 31, except season closed on days designated for hunts by special permit; no annual public hunting permit required;

(L) Coyote—during the period from September 1-March 31, except season closed on days designated for hunts by special permit; no bag or possession limit; no annual public hunting permit required;

(M) Fishing—no permit required;

(N) Special Regulations.

(i) It is an offense to use any device other than shotguns with non-toxic shot or no larger than size #4 lead shot or bow and arrow for hunting, except that firearms with slugs are the only legal firearms for taking deer or exotic mammals during the general season (Non-toxic shot requirements for hunting waterfowl remain in effect).

(ii) Dogs may be used in hunting coyotes and furbearers.

(iii) It is an offense if a public user fails to perform on-site registration.

(30) Peach Point Wildlife Management Area:

(A) Waterfowl—on designated days; shooting hours end at noon; by regular permit;

(B) Exotic Mammal: General—during the period from September 1-August 31; no bag or possession limit; by special permit;

(C) King and Clapper Rails—on dates and shooting hours which correspond to those designated for waterfowl hunts; by regular permit;

(D) Sora and Virginia Rails—on dates and shooting hours which correspond to those designated for waterfowl hunts; by regular permit;

(E) Gallinules—on dates and shooting hours which correspond to those

designated for waterfowl hunts; by regular permit;

(F) Snipe—on dates and shooting hours which correspond to those designated for waterfowl hunts; by regular permit;

(31) Richland Creek Wildlife Management Area:

(A) Deer:

(i) Archery—on designated days during the period from September 1-January 31; one deer (either-sex); by annual public hunting permit;

(ii) General—during the period from October 1-February 15; one deer as specified on the permit; by special permit;

(B) Exotic Mammal: concurrent seasons—to correspond with hunt dates, shooting hours, means and methods, and permit requirements designated for deer; no bag or possession limit;

(C) Squirrel—on designated days; by annual public hunting permit;

(D) Quail—on designated days; by annual public hunting permit;

(E) Mourning Dove—on designated days; by annual public hunting permit;

(F) Waterfowl—on designated days; shooting hours end at noon; by annual public hunting permit;

(G) Woodcock—on dates and shooting hours which correspond with those designated for waterfowl hunts; by annual public hunting permit;

(H) Gallinules—on dates and shooting hours which correspond to those designated for waterfowl hunts; by annual public hunting permit;

(I) Snipe—on dates and shooting hours which correspond to those designated for waterfowl hunts; by annual public hunting permit;

(J) Rabbits and Hares—on designated days; no bag or possession limits; by annual public hunting permit;

(K) Fishing—closed on dates designated for hunts by special permit; by

annual public hunting permit, except that fishermen who enter and exit the area by boat are not required to possess an annual public hunting permit;

(L) Special Regulations.

(i) It is an offense to possess any device other than a shotgun or bow and arrow for hunting on that portion of the area located north of U.S. Highway 287.

(ii) It is an offense to possess a rifle or handgun of greater size than .22 caliber rimfire while hunting during the season designated for squirrel.

(32) Sheldon Wildlife Management Area. Fishing—no permit required.

(A) It is an offense to fish except during the period from 5 a.m. to 9:30 p.m. each day.

(B) It is an offense to use handlines and trotlines.

(C) It is an offense to wade fish and use boats during the period November 1-February 28, both days inclusive.

(D) It is an offense to use boat motors over 10 horsepower.

(33) Sierra Diablo Wildlife Management Area:

(A) Deer:

(i) Archery—during the period from September 1-January 31; one deer (buck only); by special permit;

(ii) General—during the period from October 1-February 15; one deer as specified on the permit; by special permit;

(B) Javelina: Archery: concurrent seasons—to correspond with dates and shooting hours designated for archery-only deer hunts; one javelina (either-sex); by special permit;

(C) Desert Bighorn Sheep—during the period from September 1-August 31; one desert bighorn sheep ram as specified on the permit; by special permit;

(D) Fishing—no open season;

(E) Special Regulation. The possession and use of horses, mules, burros and other types of riding stock or pack animals during public hunts for desert bighorn sheep may be permitted in accordance

with written authorization of the Department.

(34) Somerville Wildlife Management Area:

(A) Deer:

(i) Archery—one deer (either-sex); by annual public hunting permit;

(ii) General—during the period from October 1-February 15; one deer as specified on the permit; by special permit;

(B) Exotic Mammal:

(i) Concurrent seasons—to correspond with hunt dates, shooting hours, means and methods, and permit requirements designated for deer; no bag or possession limit;

(ii) Archery—during the period from January 15-March 15; no bag or possession limit; by annual public hunting permit;

(C) Squirrel—closed on days designated for hunts by special permit; by annual public hunting permit;

(D) Quail—closed on days designated for hunts by special permit; by annual public hunting permit;

(E) Mourning Dove—closed on days designated for hunts by special permit; by annual public hunting permit;

(F) Waterfowl—closed on days designated for hunts by special permit; by annual public hunting permit;

(G) Woodcock—closed on days designated for hunts by special permit; by annual public hunting permit;

(H) Gallinules—closed on days designated for hunts by special permit; by annual public hunting permit;

(I) Snipe—closed on days designated for hunts by special permit; by annual public hunting permit;

(J) Rabbits and Hares—no closed season, except no hunting for rabbits or hares on days designated for hunts by special permit; no bag or possession limit; by annual public hunting permit;

(K) Fishing—no permit required;

(L) Special Regulations.

(i) It is an offense to park other than in designated areas.

(ii) It is an offense to use any device other than shotguns with non-toxic shot or no larger than size #4 lead shot or bow and arrow for hunting, except that firearms with slugs are the only legal firearms for taking deer or exotic mammals during the general season (Non-toxic shot requirements for hunting waterfowl remain in effect).

(35) Walter Buck Wildlife Management Area:

(A) Deer:

(i) Archery—during the period from September 1-January 31; one deer (either-sex); by special permit;

(ii) General—during the period from October 1-February 15; one deer as specified on the permit; by special permit;

(B) Exotic Mammal: concurrent seasons—to correspond with hunt dates, shooting hours, and means and methods designated for deer; no bag or possession limit; by special permit;

(C) Javelina: Archery: concurrent seasons—to correspond with dates and shooting hours designated for archery-only deer hunts; one javelina (either-sex); by special permit;

(D) Turkey—during the months of April and May; one gobbler; by special permit;

(E) Fishing—no open season.

(36) White Oak Creek Wildlife Management Area:

(A) Deer:

(i) Archery—one deer (either sex); by annual public hunting permit;

(ii) General—during the period from October 1-February 15; one deer as specified on the permit; by special permit;

(B) Exotic Mammal:

(i) Concurrent seasons—to correspond with hunt dates, shooting hours, means and methods, and permit requirements designated for taking deer; no bag or possession limits;

(ii) General—during the period from September 1-August 31; no bag or possession limit; by special permit;

(C) Squirrel—closed on days designated for hunts by special permit; by annual public hunting permit;

(D) Quail—closed on days designated for hunts by special permit; by annual public hunting permit;

(E) Mourning Dove—closed on days designated for hunts by special permit; by annual public hunting permit;

(F) Waterfowl—on Mondays, Wednesdays, and Sundays during the waterfowl seasons established for Bowie, Cass, Morris, and Titus Counties; shooting hours end at noon; by annual public hunting permit;

(G) Woodcock—closed on days designated for hunts by special permit; by annual public hunting permit;

(H) Snipe—on dates and shooting hours which correspond to those designated for waterfowl hunts; by annual public hunting permit;

(I) Rabbits and Hares—closed on days designated for hunts by special permit; no bag or possession limits; by annual public hunting permit;

(J) Fishing—no permit required;

(K) Special Regulations. It is an offense to use any device other than shotguns with non-toxic shot or no larger than size #4 lead shot or bow and arrow for hunting, except that firearms with slugs are the only legal firearm for taking deer or exotic mammals during the general season (Non-toxic shot requirements for hunting waterfowl remain in effect).

(37) Units 102, 103, 104, 106, 136, 137, 142, 152, 154, 155, 159, 902 (Moore Plantation Wildlife Management Area) and 903 (Bannister Wildlife Management Area):

(A) Deer:

(i) Archery—either sex; by annual public hunting permit;

(ii) General—either sex during the first two days of the general season and buck only thereafter; by annual public hunting permit;

(B) Exotic Mammal: concurrent seasons—to correspond with hunt dates, shooting hours, and means and methods designated for deer; no bag or possession limit; by annual public hunting permit;

(C) Squirrel—by annual public hunting permit;

(D) Game Birds (other than turkey)—by annual public hunting permit;

(E) Furbearers—by annual public hunting permit;

(F) Predatory Animals—no closed season and no bag or possession limit; by annual public hunting permit;

(G) Rabbits and Hares—no closed season and no bag or possession limit; by annual public hunting permit;

(H) Fishing, Frogs and Crayfish—by annual public hunting permit;

(I) Special Regulations—On Units 902 and 903, during seasons other than the early teal season, it is an offense to hunt waterfowl at any time except on Wednesday, Saturday, and Sunday and only during legal shooting hours in the a.m. until noon each day during the regular seasons.

(38) Units 108, 109, 112, 113, 114, 115, 116, 117, 119, 120, 121, 122, 125, 129, 130, 133, 134, 143, 144, 145, 146, 147, 150, 151, 156, 157, 158, 160, 203, 204, 210, 211, 213, 217, 218, 222, 223, 301, 615 (North Toledo Bend Wildlife Management Area), 616, 630, 801, 803, 904 (Alabama Creek Wildlife Management Area), and 905 (Sam Houston National Forest):

(A) Deer:

(i) Archery—either sex; by annual public hunting permit;

(ii) General—buck only; by annual public hunting permit;

(B) Exotic Mammal: concurrent seasons—to correspond with hunt dates, shooting hours, and means and methods designated for deer; no bag or possession limit; by annual public hunting permit;

(C) Squirrel—by annual public hunting permit;

(D) Game Birds (other than turkey)—by annual public hunting permit;

(E) Furbearer—by annual public hunting permit;

(F) Predatory Animals—no closed season and no bag or possession limit; by annual public hunting permit;

(G) Rabbits and Hares—no closed season and no bag or possession limit; by annual public hunting permit;

(H) Fishing, Frogs and Crayfish—by annual public hunting permit;

(I) Special Regulations—On Units 615 and 904, during seasons other than the early teal season, it is an offense to hunt waterfowl at any time except on Wednesday, Saturday, and Sunday and only during legal shooting hours of 30 minutes before sunrise until noon each day during the regular season.

(39) Units 135, 224, 607, and 901 (Caddo Wildlife Management Area):

(A) Deer:

(i) Archery—buck only; by annual public hunting permit;

(ii) General—buck only; by annual public hunting permit;

(B) Exotic Mammal: concurrent seasons—to correspond with hunt dates, shooting hours, and means and methods designated for deer; no bag or possession limit; by annual public hunting permit;

(C) Squirrel—by annual public hunting permit;

(D) Game Birds (other than turkey)—by annual public hunting permit;

(E) Furbearers—by annual public hunting permit;

(F) Predatory Animals—no closed season and no bag or possession limit; by annual public hunting permit;

(G) Rabbits and Hares—no closed season and no bag or possession limit; by annual public hunting permit;

(H) Fishing, Frogs, and Crayfish—by annual public hunting permit;

(I) Special Regulations. On Unit 901, during seasons other than the

early teal season, it is an offense to hunt waterfowl at any time except on Wednesday, Saturday, and Sunday and only during legal shooting hours of 30 minutes before sunrise until noon each day during the regular seasons.

(40) Unit 501 (Lake Ray Roberts Wildlife Management Area):

(A) Squirrel—by annual public hunting permit;

(B) Game Birds (other than turkey)—by annual public hunting permit;

(C) Rabbits and Hares—no bag or possession limit; by annual public hunting permit;

(D) Frogs—by annual public hunting permit;

(E) Fishing—no permit required;

(F) Special Regulations.

(i) It is an offense to possess firearms and ammunition other than shotguns with shotshells containing non-toxic shot or no larger than size #4 lead shot. (Non-toxic shot requirements for hunting waterfowl remain in effect.)

(ii) It is an offense to discharge firearms except while hunting.

(iii) It is an offense to camp overnight.

(iv) It is an offense to hunt waterfowl in that portion of the unit located north of FM Road 3002, which is designated as a waterfowl sanctuary.

(v) It is an offense to hunt on the land or water within 100 yards of state park boundaries.

(41) Unit 608 (Wall Tract):

(A) Pheasant—by annual public hunting permit;

(B) Waterfowl—by annual public hunting permit;

(C) Rabbits and Hares—concurrent with shooting hours and seasons for taking pheasant or waterfowl; no bag or possession limit; by annual public hunting permit.

(42) Unit 617 (Cleavinger Tract):

(A) Pheasant—by annual public hunting permit;

(B) Rabbits and Hares—concurrent with shooting hours and seasons for taking pheasant; no bag or possession limit; by annual public hunting permit.

§65.194. Permit Required and Fees.

(a) A Texas Conservation Passport is required of each individual, seventeen years of age or older, to obtain access to public hunting lands for participation in scheduled non-consumptive events conducted under the Texas Conservation Passport Program. The fee for the Texas Conservation Passport is \$25 and there is no charge for a duplicate (lost) Texas Conservation Passport. The Texas Conservation Passport is not required of individuals participating in hunting and fishing activities or educational programs and management demonstrations sponsored by the Department.

(b) It is an offense for a person without a valid permit to be afield during hunts on public hunting lands, except:

(1) on areas or for activities where no permit is required; or

(2) for a non-hunting adult who is assisting a permitted disabled person; or

(3) for minor age participants under the supervision of an authorized supervising adult possessing an annual public hunting permit or a limited public use permit.

(c) Annual Public Hunting Permit and Limited Public Use Permit.

(1) Except as provided in paragraphs (2), (3), and (4) of this subsection, it is an offense for a person 17 years of age or older to enter or hunt on public hunting lands requiring an Annual Public Hunting Permit without having in his or her possession an Annual Public hunting permit.

(2) Persons possessing a Limited Public Use Permit may enter public hunting lands at times that access is allowed under the Annual Public Hunting Permit but may not hunt or fish except as provided in paragraph (3) of this subsection.

(3) The Annual Public Hunting Permit is required of each person 17 years of age or older who enters Units 901, 902, 903, 904, or 905 and possesses a centerfire firearm, a shotgun with shot larger than #2 steel or #4 lead, a muzzleloading firearm, or bow and arrow with broadhead hunting point; however, a person 17 years of age or older may enter these units with other legal devices for hunting as defined in these rules and take specified legal small game provided the person possesses a Limited Public Use Permit.

(4) The permits required under paragraphs (1) and (2) of this subsection are not required for:

(A) persons who enter on United States Forest Service System lands designated as a public hunting area (Units 901, 902, 903, 904, and 905), including Caddo National Grassland, or any portion of Units 902 and 903 in Sabine and San Augustine Counties for any purpose other than hunting;

(B) persons who enter on U.S. Army Corps of Engineers lands (Aquilla, Cooper, Dam B, Granger, Pat Mayse, Ray Roberts (Unit 501), Somerville, White Oak Creek) designated as public hunting lands for purposes other than hunting;

(C) persons who are authorized by, and acting in an official capacity for the department or the landowners of the public hunting lands;

(D) persons participating in scheduled activities sponsored or sanctioned by the department with written approval;

(E) persons owning or leasing land within the boundaries of public hunting lands while traveling directly to or from their property;

(F) a non-hunting and non-fishing adult who accompanies and assists a duly permitted disabled person.

(5) The permit required by paragraphs (1) and (2) of this subsection is not valid unless the signature of the holder appears on the front of the permit.

(6) A person, by signature of the permit required by paragraphs (1) and (2) of this subsection, waives all liability towards the landowner (licensor) and Texas Parks and Wildlife Department (licensee). The text of the Disclaimer of Liability being:

"This Permit allows entry upon lands owned by Licensor and licensed to Texas Parks and Wildlife Department. Neither licensor nor the Texas Parks and Wildlife Department know what type of conditions exist upon any of such lands, nor the number or proficiency of other participating hunters, and they specifically do not make any warranty or representation of any type, kind or character, whatsoever, as to existing conditions upon said lands or as to the suitability or nonsuitability of such lands for hunting purposes. Any persons entering upon such lands enters at his or her own risk, impliedly accepts such lands in the existing conditions, and recognize that all hunting is potentially dangerous because of the use of firearms by hunters of varying degrees of proficiency, and in consideration of being permitted to participate in this public hunting program, I, and as the authorized supervising adult of any accompanying minor, unconditionally release and holds harmless Licensor and Licensee against

and for all liability, cost, expenses, claims and damages for which Licensor and Licensee might otherwise become liable by reason of any accidents, or injuries to or death of any persons, or damage to property, or both, in any manner arising or resulting from, caused by, connected with or related to the presence of any such person upon such land and premises, regardless of how, where, or when such injury, death or damage occurs even if caused by the negligence of Licensor and Licensee, its agents, servants or employees, or due to conditions on or defects in the premises. I, the Permittee, have read this release and understand all its terms. I execute it voluntarily with full knowledge of its significance."

(7) The fee for the Annual Public Hunting Permit is \$35 and entitles the possessor to enter, hunt, fish, and take all wildlife resources during open seasons as provided by Commission adopted regulations and engage in other authorized activities. The fee for a duplicate (lost) permit is \$10.

(8) The fee for the Limited Public Use Permit is \$10 and entitles the possessor to enter designated public hunting lands and engage in authorized activities as provided by Commission adopted regulations. The Limited Public Use Permit does not authorize a person to hunt, fish, or possess firearms or archery equipment, except as provided in paragraph (3) of this subsection. The fee for a duplicate (lost) Limited Public Use Permit is \$5.00.

(d) Other than on areas and for species for which no permit is required, none of the wildlife resources of the public hunting lands may be taken except by holders of permits that have been issued by the Parks and Wildlife Department.

(e) Permits for hunting wildlife resources on public hunting lands shall be issued by the department to applicants by means of a fair method of distribution subject to limitations on the maximum number of permits to be issued.

(f) The department may implement a system of issuing special permits that gives preference to those applicants who have applied previously but were not selected to receive a permit, in compliance with Texas Parks and Wildlife Code, §81.403(b).

(g) Application Fee.

(1) The department may charge a non-refundable fee which may be required to accompany and validate an individual's application for a special permit as authorized by Texas Parks and Wildlife Code, §11.027(b), provided that appropriate legislative authority is granted.

(2) The application fee for each person 17 years of age or older listed on an application for a special permit shall be in the amount of \$2.00 or as otherwise established by the commission for a specific hunt.

(3) The application fee for a special permit is waived for a person under 17 years of age; however, the minor must apply in conjunction with an authorized supervising adult to whom an application fee is assessed.

(4) In the event an application for a special permit is received and is determined to be invalid due to duplicate application by an individual, incomplete or invalid required information, insufficient application fees, receipt after the application deadline, or other reasons, then:

(A) the application card and related application fees will be returned to the applicant for correction and resubmission, provided the error is detected prior to the time that the application information is entered into the public hunting computer; or

(B) the error will be detected by the public hunting computer program resulting in disqualification of applicant(s) as appropriate and all application fees will be retained by the department.

(h) Legal animals to be taken by special or regular permit shall be stipulated on the permit issued by the department to the hunter.

(i) The department shall charge a permit fee in the amount set by the commission as authorized by Texas Parks and Wildlife Code, §81.403(c).

(j) The fees for special and regular permits are:

- (1) deer-\$50;
- (2) deer-extended period-\$100;
- (3) exotic mammal-\$50;
- (4) designated exotic mammal-no charge;
- (5) desert bighorn sheep-no charge;
- (6) pronghorn antelope-\$50;
- (7) alligator-\$50;
- (8) javelina-\$25;
- (9) turkey-\$25;
- (10) coyote-\$25;
- (11) white-winged dove-\$12;
- (12) squirrel-\$6;
- (13) quail-\$6;
- (14) mourning dove-\$6;
- (15) woodcock-\$6;
- (16) waterfowl-\$6;
- (17) rails-\$6;
- (18) gallinules-\$6;

(19) snipe-\$6.

(k) Only one permit fee will be assessed in the event of concurrent hunts for multiple species, and the fee for the legal species having the most expensive permit will prevail.

(l) Any applicable regular permit fees will be waived for persons possessing an annual public hunting permit and for minor age participants under the supervision of a duly permitted authorized supervising adult.

(m) A permit is issued to a specific person, and neither the permit nor the rights granted thereunder are transferrable to another person.

§65.195. *Permit Revocation.* Any person violating this subchapter (relating to Public Hunting Lands) is subject to having their permit revoked under the authority of Texas Parks and Wildlife Code, Chapter 12, Subchapter F.

§65.196. *Refund of Permit Fees.*

(a) There is a standard no refund policy concerning permit fees, however the department will upon request refund permit fees in the event:

(1) of death of the permittee prior to the hunt;

(2) a scheduled hunt is canceled at the discretion of the department; or

(3) a duly issued permit is voided at the discretion of the department.

(b) The department will consider on a case-by-case basis other requests for refund of permit fees based on extenuating circumstances.

§65.197. *Reinstatement of Preference Points.*

(a) Accrued preference points will be reinstated in the concerned hunt category for a selected applicant who has made payment of special permit fees only if:

(1) the scheduled hunt is unable to be conducted in its entirety or is canceled at the discretion of the department;

(2) the selected applicant was assigned a hunt area for which he/she did not apply and found to be unacceptable; or

(3) the selected applicant was assigned a hunt period which was not indicated as acceptable on the application.

(b) No other reinstatement of preference points will be made.

§65.198. *Penalties.* The penalties for violation of this subchapter are prescribed by

Texas Parks and Wildlife Code, §81.007. With respect to violations in designated state parks, the penalties are prescribed by Texas Parks and Wildlife Code, §62.069.

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

Issued in Austin, Texas, on April 9, 1993.

TRD-9321432

Paul M. Shinkawa
Director, Legal Services
Texas Parks and Wildlife
Department

Earliest possible date of adoption: May 21, 1993

For further information, please call: 1 (800) 792-1112, Ext. 4433 or (512) 389-4433

Subchapter U. Type II Wildlife Management Area-Public Hunting Lands

• 31 TAC §§65.701-65.707

(Editor's note: The text of the following sections proposed for repeal will not be published. The sections may be examined in the offices of the Texas Parks and Wildlife Department or in the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)

The Texas Parks and Wildlife Commission proposes the repeal of §§65.701-65.707, concerning the Type II Wildlife Management Areas Proclamation. The repeals will permit merging of Type II and Type I Wildlife Management Areas Proclamations into one document. The intent of merging the two documents simplifies administration of the public lands available for public hunting.

Robin Riechers, staff economist, has determined that the first five-years the rules are in effect there will be no fiscal implications to state or local governments or small businesses as a result of enforcing or administering the rules.

Mr. Riechers, has determined that for each of the first five-years the rules as proposed are in effect the public benefit anticipated as a result of enforcing the rules as proposed will be simplification of the administering of wildlife management areas. There will be no effect on small business. It is anticipated there will be no fiscal implications to persons who are required to comply with the rules as proposed. The department has not filed a local employment impact statement with the Texas Employment Commission in compliance with the Administrative Procedure and Texas Register Act, §4A, as this agency has determined that the rules as proposed will not impact local economics.

Comments on the rules as proposed may be submitted to Herb Kothmann, Public Hunt Coordinator, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Texas 78744; (512) 389-4770 or 1 (800) 792-1112, extension 4770.

The repeals are proposed under the Texas Parks and Wildlife Code, Chapter 81,

Subchapter E, which provides the Texas Parks and Wildlife Commission with authority to regulate seasons, numbers, means, methods, and conditions for taking wildlife resources on wildlife management areas.

§65.701. Application.

§65.702. Definitions.

§65.703. Open Seasons, Bag and Possession Limits, and Means and Methods.

§65.704. Exceptions.

§65.705. Permit Required and Fees.

§65.706. Permit Revocation.

§65.707. Penalties.

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

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Paul M. Shinkawa
Director, Legal Services
Texas Parks and Wildlife
Department

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For further information, please call: 1 (800) 792-1112, Ext. 4433 or (512) 389-4433

Part IX. Texas Water Commission

Chapter 330. Municipal Solid Waste

Subchapter E. Permit Procedures and Design Criteria

• 31 TAC §330.68

The Texas Water Commission (TWC) proposes new §330.68, concerning municipal solid waste. The new section is proposed to provide a viable method for small and moderate sized communities to manage their municipal solid waste after their landfill has closed. The Environmental Protection Agency's implementation of the regulations found in the Resource Conservation and Recovery Act of 1976, Subtitle D, as amended, will force the closing of many municipal solid waste landfills in Texas. Many of these communities are looking at other options for managing their municipal solid waste, such as transfer stations. Although municipal solid waste cannot be disposed at a transfer station, a transfer station does provide a managed location for the community to consolidate its municipal solid waste stream for ultimate recycling and disposal. Currently, the TWC's municipal solid waste regulations

require a permit for municipal solid waste transfer stations serving populations of 5,000 persons or more. However, obtaining a permit for these small and moderate sized communities will be a time consuming and costly process. The permitting process will cause hardships regarding the management of solid waste in these communities. Therefore, in order to assist these communities with their municipal solid waste management needs, the TWC proposes a new rule which allows communities with a population equivalent of 50,000 persons or less to obtain a registration to operate a transfer station.

Additionally, this section will allow the community to begin constructing the transfer station while the registration of the facility is being processed. The TWC believes a transfer station provides a safe vehicle for the proper management of municipal solid waste by such community and that this section is necessary in order to provide assistance to the small and moderate sized communities affected by the Resource Conservation and Recovery Act, Subtitle D.

Stephen Minick, Division of Budget and Planning, has determined that for the first five-year period the section is in effect there will be fiscal implications as a result of administration and enforcement of the section. The costs to the state of processing municipal solid waste permits will be reduced. The actual savings are prospective and cannot be determined at this time, but will be reflected by the number of registrations for transfer stations sought by local governments. Cost savings will potentially be realized by local governments of between 5,000 and 50,000 in population. These savings also cannot be estimated, but will depend on the individual circumstances in each jurisdiction and the potential savings from avoiding the costs of permit application and approval.

Mr. Minick also has determined that for the first five years that the section is in effect the public benefit anticipated as a result of enforcement of and compliance with the section will be improvements in the management and control of municipal solid waste, the processing of municipal solid waste permits and compliance with Commission regulations relating to municipal solid waste. There will be no effect on small businesses. There are no known costs to persons required to comply with this section as proposed.

Comments on the proposal may be submitted to Michael D. Graeber, P.E., Permits Section, Municipal Solid Waste Division, Texas Water Commission, P.O. Box 13087, Austin, Texas, 78711-3087. Comments will be accepted for a period of 30 days following the date of this publication.

A Public Hearing for comments has also been scheduled for 1:30 p.m., May 13, 1993, in Room 563 of the Colonnade Building, 12015 IH-35 North, Austin.

The new section is proposed under the authority of the Texas Water Code, §5.103, which provides the Texas Water Commission with the authority to adopt any rules necessary to carry out the powers and duties under the provisions of the Texas Water Code and other laws of this state. Additionally, they are

promulgated pursuant to the Texas Solid Waste Disposal Act, §§361. 024, Texas Health and Safety Code (Texas Civil Statutes 1992), which provides the Texas Water Commission with the authority to regulate municipal solid waste and adopt rules as necessary to regulate the operation, management, and control of solid waste under its jurisdiction.

§330.68. Permit By Rule Registration For Transfer Stations.

(a) Applicability. This section shall apply to a municipal solid waste Type V transfer station which serves an area with a population or population equivalent of 50,000 persons or less; or the transfer station will handle 125 tons of municipal solid waste per day or less. The facility must also provide storage for curb separated recyclable materials.

(b) Construction and Operation. Owners/operators may proceed with construction of a transfer station meeting all the requirements of this section without prior approval, but must concurrently submit an application complete with all information demonstrating compliance with these regulations. The operation of the transfer station shall not begin until after a pre-opening inspection has been conducted and authorization to accept waste has been given by the executive director. Owners/operators must comply with all applicable regulations, and shall remain responsible for making corrections and/or other changes that are necessary to meet the requirements, prior to beginning operation at the facility.

(c) Number of Copies. Registrants shall submit three copies of the completed application for registration.

(d) Application. The complete registration application shall include Part A of a permit application as required by §330.63 of this title (relating to General Information Required for All Sites-Permit/Registration Application, Part A), documentation of population or incoming waste rate, site plan, land use narrative, site operating plan, legal description, evidence of competency, evidence of financial assurance, and an applicant's statement, and shall be submitted as follows.

(1) Part A. Part A of the application shall be completed and the required area map prepared. The area map shall include the area within one-half mile of the site boundary, and shall locate all features identified in subsection (e)(1) of this title (relating to Site Location).

(2) Evidence of Population or Evidence of Incoming Waste Rate.

(A) Documentation of the population to be served shall be submitted with the application. The population information shall be consistent with the latest

population data from the last decennial census.

(B) Documentation of the incoming waste rate shall be submitted with the application. The incoming municipal solid waste rate shall be supported by the reports submitted for calculation of the municipal solid waste disposal fee for the previous six reporting quarters, documentation of new or existing programs that recycle and would reduce the waste loading for the facility, existing data of the municipal solid waste generated by the area to be served, or other data acceptable to the executive director.

(3) Site Plan. The Site Plan shall include all the general design criteria which could be incorporated in a set of construction plans and specifications. A Site Layout Plan, signed and sealed by a registered professional engineer, and a location map shall be included in the plans.

(4) Land Use Narrative.

(A) The land use narrative shall include a description of the surrounding land use within one-half mile of the site and it shall be shown on a topographic map.

(B) The applicant shall attach documentation of local government approval/acceptance of the site location, e.g., conformity with local zoning restrictions, a building permit, license, nonconforming use authorization, etc. These regulations do not grant authorization for development/operation of the facility in noncompliance with local government ordinances and regulations.

(C) The applicant shall provide a public notice of the proposed action to the general public by publishing a notice, not less than 30 days prior to the beginning of construction, in a newspaper with general circulation in the area in which the transfer station is located. The applicant shall submit a certified copy of the notice with the application submittal or within 15 days after publication.

(D) The applicant shall conduct a public meeting in the local area, prior to the beginning of construction of the transfer station, to describe the proposed action to the general public and provide a summary of the meeting to the executive director within 15 days after the meeting is held.

(5) Site Operating Plan.

(A) The Site Operating Plan shall include, as a minimum, a description

of the solid waste data, the facility operation, operational characteristics of the equipment, facility maintenance, safety provisions, emergency procedures, fire protection, sanitation, facility rules, operating hours, litter control procedures, and vector control procedures.

(B) The plan shall also address alternate processing or disposal procedures of the solid waste in the event that the transfer station becomes inoperable for periods longer than 24 hours.

(C) The solid waste data shall include an estimate of the amount of solid waste to be received daily, the maximum amount of solid waste to be stored, the maximum and average lengths of time that solid waste is to remain on the site, and the intended destination of the solid waste received at this site.

(6) Legal Description. A legal description of the property, including the book and page number of the county deed records, of the current property owner shall be submitted. The legal description shall be a metes and bounds description of the site, signed and sealed by a registered professional land surveyor. A drawing of the description, signed and sealed by the surveyor, shall also be submitted. If the property is platted, the book and page number of the final plat record and a copy of the final plat shall be submitted.

(7) Evidence of Competency.

(A) The applicant shall submit a list of all Texas solid waste sites which the applicant has owned or operated within the past ten years. The site name, site type, permit or registration number, county, and dates of operation shall be also submitted.

(B) The names of the principals and supervisors of the applicant's organization shall be provided, together with previous affiliations with other organizations engaged in solid waste activities.

(8) Evidence of financial assurance. Evidence of financial assurance shall be provided by submitting an estimate of the cost of closure of the facility and financial assurance in that amount in the form of a performance bond, letter of credit, trust fund, or insurance. The financial assurance document shall be submitted within 30 days after the cost estimate has been approved.

(9) Statement of Applicant. The following document shall be signed, notarized, and submitted with the application:

(A) I, _____, state that I have knowledge of the facts set forth herein and that these facts are true and correct, to the best of my knowledge and belief. I further state that, to my knowledge and belief, the project for which application is now being made will not in any way violate any law, rule, ordinance, or decree of the duly authorized governmental entity having jurisdiction. I further state that I am the applicant or am authorized to act for the city/county/applicant.

(Signature)

(Type Name and Title)

(Date)

(B) Notary Public's Certificate: Subscribed and sworn to before me, by the said _____, this _____ day of _____ 19____, to certify which witness my hand and seal of office.

Notary Public in and for _____ County, Texas. My commission expires on _____.

(C) The applicant shall provide documentation that the person signing the application meets the requirements of §305.44 of this title (relating to Signatories to Applications).

(e) Design Criteria.

(1) Site Location. The transfer station site shall be located more than one-half mile from any residence, school, church, cemetery, and recreational area. It shall not be located in a 100-year floodplain.

(2) Site Access. The site access road from a publicly owned roadway shall be at least a two-lane gravel or paved road, designed for the expected traffic flow. Separate on-site access for commercial collection vehicles and for residents shall be provided. The access road design shall include adequate turning radii according to the vehicles that will utilize the site and shall avoid disruption of normal traffic patterns. A positive means to control dust and mud shall be provided.

(3) Access Control. Access to the site shall be controlled by a perimeter fence, four-foot barbed wire or six-foot chain-link, with lockable gates. An attendant shall be on-site during operating hours. A sign shall be provided that gives the site name, registrant name, registration number, operating hours, and site rules.

(4) Miscellaneous Design Details. The facility shall be designed in accordance with all local building code and land development code requirements. Building setback lines shall be followed, if applicable. Vehicle parking shall be provided for

equipment, employees, and visitors. Safety bumpers at hoppers shall be provided for vehicles. Necessary connections for facility cleaning shall be provided. The operating area shall be covered and all sides shall be enclosed by walls, chain-link fencing, and/or gates.

(5) Water Pollution Control. Provisions for the treatment of wastewaters from the facility shall be provided. A connection into a public sewer system, a septic system, or a small wastewater treatment plant are acceptable. The applicant shall obtain any permit or other approval required by state or local code for the system installed. The entire area beneath the operating area shall be concrete, and the walls of the operating areas shall be smooth masonry or concrete. A sump drain shall be provided to collect all wastewaters generated by the facility, and transport them to the treatment facility.

(6) Air Pollution and Ventilation. Ventilation of structures designed in accordance with applicable codes shall be provided. The applicant shall consult with the Texas Air Control Board for assistance and any permit requirements.

(7) Storage Requirements. On-site storage of source-separated recyclable materials should be provided and this area shall be separate from the transfer area. Control of odors, vectors, and windblown waste from the storage area shall be maintained.

(8) Fire Protection. A fire protection plan shall be prepared. This fire protection plan shall describe the source of fire protection (a local fire department, fire hydrants, fire extinguishers, water tanks, water well, etc.), procedures for using the fire protection source, and employee training and safety procedures. The fire protection plan shall comply with local fire codes.

(9) Noise Pollution and Screening. Screening or other measures to minimize the noise pollution and adverse visual impacts shall be provided.

(10) Site Drainage. Drainage provisions for controlling surface water on or near the site shall be provided. The locations of any proposed dikes, berms, storm sewers, levees, detention ponds, and the outfall point shall be identified. Drainage calculations shall be based upon a 25-year rainfall intensity for the area and in accordance with §§330.65(b)(5)(F)(iii)-(v) of this title (relating to Technical Information Required for Landfill Sites Serving 5,000 Persons or More-Site Development Plan).

(11) Site Facilities. The site shall provide facilities for potable water, sanitary purposes, office, maintenance, recyclable materials collection, and solid waste transfer. Concrete pads with raised

curbs around the perimeter or asphalt paved areas with berms shall be utilized to control spills and contaminated water.

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

Issued in Austin, Texas, on April 12, 1993.

TRD-9321511

Mery Ruth Holder
Director, Legal Division
Texas Water Commission

Earliest possible date of adoption: May 21, 1993

For further information, please call: (512) 463-8069

◆ ◆ ◆
TITLE 40. SOCIAL SERVICES AND ASSISTANCE

**Part III. Texas
Commission on Alcohol
and Drug Abuse
Chapter 147. Approved Drug
Offender Education Program**

General Provisions

• **40 TAC §§147.1-147.9**

The Texas Commission on Alcohol and Drug Abuse proposes new §§147.1-147.9, concerning approved drug offender education program. The new sections define terms used and establish minimum standards and criteria for the operation of approved drug offender education programs for persons convicted of certain drug offenses and are required to complete an approved drug offender education program in order to have their driver's license reinstated. The new sections are proposed to define what programs must do to become a drug offender education program, approved by the Texas Commission on Alcohol and Drug Abuse.

Denise Hudson, director, fiscal services, has determined that there will be fiscal implications as a result of enforcing or administering the sections. For state and local government there is no known basis for calculating costs for each program. Cost will vary depending on the fees each program chooses to assess each participant.

Ms. Hudson also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the section will be the establishment of quality programming in drug offender education programs approved by the Texas Commission on Alcohol and Drug Abuse. The cost of compliance with the sections for small businesses will be unknown. No known basis for calculating costs. Costs will vary with each program depending on whether they raise the fee per participant to cover any additional costs incurred for complying. Cost for persons will vary depending on the fees each program chooses to assess

each drug offender education program participant. Approximate costs to persons will be \$0-\$125 for fiscal years 1993-1997.

Comments on the proposal may be submitted to Denise F. Mosel, Division Assistant, Texas Commission on Alcohol and Drug Abuse, 720 Brazos Street, Suite 403, Austin, Texas 78701-2576.

The new sections are proposed under Texas Civil Statutes, Article 6687b, which provide the Texas Commission on Alcohol and Drug Abuse with the authority to promulgate written rules and regulations setting forth minimum standards for the operation of approved drug offender education programs for persons who are convicted of drug offenses and must complete an approved drug offender education program in order to have their driver's license reinstated.

§147.1. Definitions. The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly states otherwise:

Act-Texas Civil Statutes, Article 6687b, Section 24B.

Approved drug offender education program-An educational program for convicted drug offenders approved by the Texas Commission on Alcohol and Drug Abuse pursuant to this chapter, and authorized under Texas Civil Statutes, Article 6687b, Section 24B.

Approval period-That period of time beginning with the date the approval was granted and is valid for two years from the date of issuance;

Certificates of course completion-Uniform certificates of completion issued by the Texas Commission on Alcohol and Drug Abuse which are serially numbered and provided to approved programs for dissemination to program participants.

Class records-Personal data forms, pre- and post-tests, screening instrument(s) and any other written material required or utilized in the class instruction.

Class roster-A form which shall include information on those participants officially enrolled and in attendance at the first class session and is used to collect data on those participants throughout the course.

Class size-The number of participants officially enrolled and in attendance at each class session.

Commission-The Texas Commission on Alcohol and Drug Abuse.

Continuing education-The variety of forms of learning experiences, including, but not limited to, lectures, conferences, academic studies, in-service education, institutes, seminars, and workshops undertaken by instructors for certification renewal.

Continuing education hour-At least 50 minutes of participation in an organized, systematic learning experience which deals with and is designed for the acquisition of knowledge, skills, and information on drug-related topics.

Department-The Texas Department of Public Safety, which with the Texas Commission on Alcohol and Drug Abuse will jointly adopt rules for the qualification and approval of providers of educational programs under this chapter.

Drug offender-A person convicted of a felony offense under the Controlled Substances Act (21 United States Code, Section 21 et seq), felony offense as assigned by 23 United States Code, §104, as amended by Public Law Number 101-516, §333, or a felony under the Texas Health and Safety Code, Chapter 481.

Reporting period-That period of time beginning with the date the approval of the drug offender education program was granted by the commission and ending August 31 of each year.

Texas Drug Offender Education Program-An educational course for drug offenders which consists of prescribed registration and screening procedures, administrative records, classroom instruction, written coursework, and post-course record keeping.

Screening instrument-A written device approved by the commission and administered to each program participant for the purpose of:

(A) identification of the existence of a significant drug abuse problem; and

(B) making recommendations for further evaluation, counseling or treatment where indicated.

§147.2. Objective. The intent of the commission by adoption of this chapter and in cooperation with the Department of Public Safety is to promulgate written rules, regulations, and standards reflecting minimum standards for the uniform operation of programs designed to educate persons on the dangers of drug abuse. Adoption of these rules is authorized by Texas Civil Statutes, Article 6687b, §24B, which provide that persons convicted of felony drug offenses must attend and successfully complete an educational program approved by the commission designed to educate persons on the dangers of drug abuse prior to having their driver's licenses reinstated.

§147.3. Scope of Rules, Regulations, and Standards. Any entity or individual seeking to operate an approved drug offender education program shall be required to obtain written approval by the commission pursuant to this chapter. Any individual or entity operating, employed by, or providing instruction in the curriculum of an approved drug offender education program shall be required to comply with this chapter.

§147.4. Fees.

(a) The commission shall assess initial application for approval, application renewal, instructor recertification, and participant certificate of completion fees in order to defray partial costs of administering this chapter.

(b) The schedules of fees shall be as follows:

(1) initial application fee-\$250;

(2) application renewal fee-\$125;

(3) instructor recertification fee-\$15;

(4) participant certificates of completion-\$200/batch (in batches of 100 at \$2.00 per certificate);

(5) program approval certificate duplication or replacement fee-\$5.00;

(6) instructor recertification certificate duplication or replacement fee-\$5.00;

(c) Fees paid to the commission by applicants are not refundable.

(d) Remittances submitted to the commission in payment of fees may be in the form of cashier's check or money order.

§147.5. Program Approval: Application and Issuance of Certificate of Approval.

(a) Applications for initial program approval must be made by the entity or person who will administer and supervise the actual Texas Drug Offender Education Program.

(b) Application for program approval shall be made on a form prescribed and furnished by the commission.

(c) Each application for initial program approval shall be accompanied by the application fee.

(d) Upon successful completion of all requirements to obtain a certificate of approval under this chapter, the commission will issue a certificate.

(e) A certificate of approval will become effective on the first day of the following month after approval and will expire on August 31 of every odd-numbered year.

§147.6. Program Approval Expiration: Renewal.

(a) Prior to the expiration of approval which is set forth on the certificate of approval, a drug offender education program seeking renewal of approval by the commission shall be required to make application to the commission on a prescribed application form.

(b) Each application for program renewal of approval must be accompanied by the application renewal fee.

(c) Application for renewal of program approval must be made by the entity or person who has administered and supervised the actual Texas Drug Offender Education Program originally approved.

(d) Applicants for renewal must demonstrate to the commission that the applicant continues to meet the program and instructor requirements set forth in §147.35 and §147.40 of this title (relating to Program Operation Requirements and Instructor Recertification).

(e) Upon successful completion of all requirements to obtain a certificate indicating program approval renewal under this chapter, the commission will issue a certificate of approval. Certificates issued under this chapter shall be valid for two years from the date of issuance. The expiration date shall be set forth on the certificate.

(f) Approved drug offender education programs which fail to obtain renewal of approval prior to their expiration date shall be required to make application to the commission pursuant to §147.5 of this title (relating to Program Approval, Application, and Issuance of Certificate of Approval).

§147.7. Uniform Certificates of Course Completion.

(a) All approved drug offender education programs must purchase serially numbered uniform certificates of course completion from the commission by submitting an order form provided by the commission stating the number of certificates to be purchased and including payment of all appropriate fees.

(b) All approved drug offender education programs shall maintain an ascending numerical accounting record of the participants receiving the certificates. All approved programs must submit a copy to the commission of each certificate issued with the required annual report. In addition, the original certificate shall be issued to participants successfully completing the course. The remaining copy is to be retained by the approved drug offender education program.

(c) Failure to provide numerical accounting of issued and unissued certificates or any other violations of this chapter shall be considered sufficient cause for revocation or denial of program approval.

(d) Procedures for issuing duplicate certificates shall be developed by each approved drug offender education program. The procedures shall ensure that the duplicate certificate is clearly identified as being a duplicate of a previously issued certificate and shall indicate the control number of the previously issued certificate.

§147.8. Denial, Revocation, or Non-renewal of Approval.

(a) Grounds. The commission may deny, revoke, or refuse to issue or renew a program approval if the program or any person connected with the program fails to comply with rules, regulations, and standards of the commission as set forth in this chapter, or with any other requirement of the law.

(b) Notice of intent to deny, revoke, or refuse to renew program approval. Whenever the commission proposes to deny, revoke, or refuse to renew program approval, the program shall be given written notification by the issuance of a notice of intent to deny, revoke, or refuse to renew program approval, which shall be mailed to the program by registered or certified mail at the address on file with the commission.

(c) Show cause hearing before the executive director. Any program which has been issued a notice of intent to deny, revoke, or refuse to renew program approval shall be entitled to submit, within 30 days of mailing of such notice, a request for hearing before the executive director and shall be given the opportunity to show cause why such action should not be taken by the commission. At the show cause hearing the program shall have the right to introduce evidence, to call witnesses, and to cross-examine witnesses who testify in support of the commission's proposed action. The commission shall be entitled to submit evidence through affidavits and documentation, or through the testimony of witnesses. The rules of evidence shall not apply. The executive director shall decide whether or not the show cause shall be recorded.

(d) Notice of denial, revocation, or refusal to renew program approval. After a show cause hearing under subsection (c) of this section, or after 30 days from the mailing of the notice of intent to deny, revoke, or refuse to renew program approval if a show cause hearing was not requested, the program shall be given notification of the decision of the commission. If the commission decides to deny, revoke, or refuse to renew program approval, a notice of denial, revocation, or refusal to renew program approval shall be issued to the program, which shall include written notification of the grounds upon which such action was taken, and the procedure for seeking an appeal.

(e) Contested cases; administrative review. A program which has been issued a notice of denial, revocation or refusal to renew program approval shall have the right to contest such action by the commission pursuant to the procedures set forth for administrative review of contested cases in the Administrative Procedure and Texas Register Act (Texas Civil Statutes, Article

6252-13a); provided, however, within 30 days from the registered or certified mailing of the notice of denial, revocation, or refusal to renew program approval, the program shall be required to give notice to the commission of the program's intent to contest the commission's action.

(f) Final Action. Unless contested pursuant to the procedures set forth in subsection (e) of this section or as otherwise required by law, the commission's action shall become final 30 days after the registered or certified mailing of the notice of denial, revocation, or refusal to renew program approval and shall not thereafter be subject to appeal or review.

§147.9. Invalidity of Provisions. If any part of this chapter is found invalid by a court of competent jurisdiction, this shall not affect any other part of this chapter which is not dependent upon the invalid part. For this purpose, all parts of this chapter are declared to be severable.

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

Issued in Austin, Texas, on April 12, 1993.

TRC-9321518

Bob Dickson
Executive Director
Texas Commission on
Alcohol and Drug
Abuse

Earliest possible date of adoption: May 21, 1993

For further information, please call: (512) 867-8720

◆ ◆ ◆ Drug Offender Education Program Standards

• 40 TAC §§147.31-147.44

The Texas Commission on Alcohol and Drug Abuse proposes new §§147.31-147.44, concerning approved drug offender education programs. The new sections establish minimum standards and criteria for the operation of approved drug offender education programs for persons convicted of certain drug offenses and are required to complete an approved drug offender education program in order to have their driver's license reinstated. The new sections are proposed to define what programs must do to become a drug offender education program approved by the Texas Commission on Alcohol and Drug Abuse.

Denise Hudson, director, fiscal services, has determined that there will be fiscal implications as a result of enforcing or administering the sections. For state and local government there is no known basis for calculating costs for each program. Costs will vary depending on the fees each program chooses to assess each participant.

Ms. Hudson also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the section will be the establishment of quality programming in drug offender education programs approved by the Texas Commission on Alcohol and Drug Abuse. The cost of compliance with the sections for small businesses will be unknown. There is no known basis for calculating costs. Cost will vary with each program depending on whether they raise the fee per participant to cover any additional costs incurred for complying. Cost for persons will vary depending on the fees each program chooses to assess each drug offender education program participant. Approximate costs to persons will be \$0-\$125 for fiscal years 1993-1997.

Comments on the proposal may be submitted to Denise F. Mosel, Division Assistant, Texas Commission on Alcohol and Drug Abuse, 720 Brazos Street, Suite 403, Austin, Texas 78701-2576.

The new sections are proposed under Texas Civil Statutes, Article 6687b, which provide the Texas Commission on Alcohol and Drug Abuse with the authority to promulgate written rules and regulations setting forth minimum standards for the operation of approved drug offender education programs for persons convicted of certain drug offenses and who must complete an approved drug offender education program in order to have their driver's license reinstated.

§147.31. Program Purpose. The purpose of an approved drug offender education program shall be to educate participants on the dangers of drug use/abuse and associated illegal activities; to provide information on the effects of drug use/abuse and related illegal activities on personal, family, social, economic and community life; to assist participants in evaluating their own abusive patterns connected with their use of drugs or associated illegal activities; and to assist participants in developing a plan for positive lifestyle changes to reduce chances of being involved in future drug use/abuse and related illegal behaviors.

§147.32. Program Content. The content of an approved drug offender education program course shall be uniform, and shall consist of the curriculum contained in the Texas Drug Offender Education Program. The Texas Drug Offender Education Program is a state-approved curriculum which is hereby adopted by the commission and incorporated by reference herein. The Texas Drug Offender Education Program has been approved by the commission, and is available for review free of charge, at the Texas Commission on Alcohol and Drug Abuse, 720 Brazos, Suite 403, Austin, Texas 78701-2576, (512) 867-8700.

§147.33. Program Admission. The following persons are eligible for admission to an approved drug offender education program:

(1) any person convicted of a felony drug offense under the Controlled Substances Act (21 United States Code, §321 et seq); a felony drug offense as assigned by 23 United States Code, §104, as amended; or a felony under the Texas Health and Safety Code, Chapter 481; and

(2) any other person the program administrator allows to attend.

§147.34. Confidentiality. Approved drug offender education programs shall abide by all applicable federal and state laws relating to confidentiality of patient/client records including, without limitation, 42 United States Code §290dd-3 and *§290ee-3; 42 Code of Federal Regulations, Part 2; and the Texas Health and Safety Code Annotated, Chapters 461-467.

§147.35. Program Operation Requirements. All approved drug offender education programs shall be required to:

(1) utilize in the instruction the state-approved curriculum entitled the "Texas Drug Offender Education Program and present the curriculum in the manner and sequence prescribed therein;

(2) insure that all program instructors have attended and successfully completed the Administrator/Instructor Texas Drug Offender Education Training Program approved by the commission;

(3) insure that all classes are conducted by certified instructors;

(4) provide a minimum of 15 hours of instruction per course;

(5) insure that instruction does not exceed three hours per class session;

(6) conduct no more than one class session per day;

(7) conduct the program a minimum of two times during each reporting period;

(8) conduct classes no larger than 30 participants;

(9) insure that participants attend the class sessions in the sequence prescribed in the Texas Drug Offender Education Program;

(10) make provisions for persons unable to read and/or speak English;

(11) complete all registration, data collection, and screening procedures as outlined in the Texas Drug Offender Education Program prior to the first class;

(12) maintain attendance records, class rosters, and other administrative records as outlined in the Texas Drug Offender Education Program;

(13) insure that class rosters contain the following information for each participant:

(A) date of enrollment in course;

(B) date of completion of course;

(C) participant's name;

(D) participant's driver's license number (or if participant does not possess a driver's license, the date of birth and social security number);

(E) individual pre- and post-test scores;

(F) pre- and post-test class averages;

(G) percent of knowledge increase;

(H) screening instrument indicator;

(I) screening instrument utilized;

(J) participants attendance record; and

(K) certificate of completion number for each participant;

(14) administer and evaluate pre- and post-test instruments;

(15) administer and evaluate a screening instrument which has been approved by the commission for the purpose of identifying the existence of a drug abuse program, which screening shall be performed by program administrators and instructors, or if performed by support staff, under the direct supervision of program personnel. The purpose of the testing is to make recommendations for further evaluation where indicated;

(16) utilize all required videos, transparencies, participant workbooks, booklets, and any other resources or written materials required in the Texas Drug Offender Education Program;

(17) display transparencies and videos in a manner which:

(A) produces a clear image when projected on a surface;

(B) utilizes a television monitor which should be at least 25 inches in diameter;

(C) utilizes high quality videotapes; and

(D) allows all participants to have an unobstructed view;

(18) insure that any supplemental videotapes used in the program have received prior approval from the commission according to the following criteria:

(A) the program uses the required videotapes in the appropriate modules; and

(B) the program exceeds the minimum of 15 hours of instruction; and

(C) the videotapes relate directly to the objectives of the curriculum module in which it is used;

(19) administer a participant course-evaluation at the end of each course;

(20) conduct an exit interview with participants as outlined in the Texas Drug Offender Education Program;

(21) insure that a commission issued certificate of completion is provided to all participants successfully completing the course for use by the participant to document to the convicting court clerk successful completion;

(22) provide appropriate facilities for class instruction which are in compliance with the Americans with Disabilities Act-1990;

(23) set definite and reasonable course fees;

(24) course fees should be utilized to maintain and enhance the programs operations; and

(25) prominently display the certificate of program approval at the principal location where services are provided.

§147.36. Discrimination Prohibited. Any action taken or function performed by an approved drug offender education program pursuant to this chapter or otherwise shall be done without regard to the sex, race, religion, age, national origin, or disability of the person affected.

§147.37. Participant Complaints. Approved drug offender education programs shall prominently display at each site where coursework is conducted a sign containing the name, mailing address, and telephone

number of the commission and a statement notifying all persons that any complaints against the program may be directed to the commission. Upon verbal or written request, approved drug offender education programs and any person associated therewith, including, without limitation, staff, volunteers, administrators, officers and directors, shall be required to expeditiously provide complete and concise information about complaint procedures, including procedures for complaining directly to the commission.

§147.38. Program Administrators.

(a) Each approved drug offender education program shall designate a program administrator who shall be responsible for and insure the proper operation of the program in compliance with this chapter.

(b) Program administrators shall successfully complete the Administrator/Instructor Drug Offender Education Training Program approved by the commission.

(c) Program administrators must have completed training in the administration of the approved screening instrument utilized by the program.

(d) Program administrators shall maintain written class schedules for distribution to potential participants, which shall include the dates, times, and locations where classes will be held, and the fees charged by the program for course attendance.

(e) Program administrators shall select instructors and develop written job descriptions that specifically outline the qualifications, duties, and responsibilities of the administrator and instructors.

(f) Program administrators shall maintain and monitor fiscal records.

(g) Program administrators shall monitor and critique all class instructors during the programs approval period on a form prescribed by the commission.

(h) Program administrators shall maintain ongoing contact with appropriate community resources for possible referral of participants when indicated.

(i) Program administrators should meet all of the requirements of program instructors, including the ability to teach the course.

§147.39. Program Instructors. Program instructors must:

(1) possess knowledge of substance use/abuse and the criminal justice population;

(2) have successfully completed the Administrator/Instructor Drug Offender Education Training Program approved by the commission;

(3) have completed training in the administration of the approved screening instrument utilized by the program;

(4) possess good communication skills and have demonstrated instructional ability;

(5) have the ability to use a variety of teaching strategies;

(6) serve as a resource manager by referring participants to a full range of community services as needed; and

(7) keep the commission informed of their current mailing address at all times.

§147.40. Instructor Recertification.

(a) Instructors certified prior to September 1, 1993 shall have a recertification period of two years to expire on August 31 of odd-numbered years.

(b) Instructors certified after September 1, 1993, shall have an initial certification period of no less than two years to expire on the last day of August or February, whichever occurs first, following initial certification.

(c) Instructors shall be required to teach a minimum of two complete courses (30 hours) and shall have completed 20 hours of continuing education provided by a Texas Association of Alcohol and Drug Abuse counselor or commission-approved provider in the area of drug use/abuse during the instructor's certification period in order to retain certification.

(d) Application for instructor recertification shall be made by the person recertified in such a manner as directed by the commission upon forms prescribed by the commission.

(e) Each application for instructor recertification shall be accompanied by applicable fee.

(f) Each application for instructor recertification shall submit documentation showing that all applicable course and continuing education requirements have been met.

(g) Instructors found to be eligible for recertification under this chapter shall be approved in writing by the commission on such form as deemed appropriate.

(h) Approval for instructor recertification shall be valid for no less than two years as outlined in subsections (a) and (b) of this section.

§147.41. Classroom Facilities.

(a) Appropriate classroom facilities which are conducive to study and encourage good educational practices shall be provided

for the participants in an approved drug offender education program, and shall have:

- (1) a sufficient number of tables or desks;
- (2) adequate seating;
- (3) sufficient lighting; and
- (4) appropriate acoustics and climate control.

(b) Classroom facilities should be easily accessible to all class participants.

(c) Audiovisual equipment shall be in good working order and in good condition for use in class instruction.

§147.42. Record Keeping and Reporting.

(a) Data Collection.

(1) The program administrator shall be responsible for collecting and maintaining data on each class participant as required in §147.35 of this title (relating to Program Operation Requirements).

(2) Class rosters and copies of the issued certificates of completion shall be retained by the program administrator for at least three years from the date of course completion. All other records shall be retained for a period of one year from the date of course completion.

(b) The following items shall be submitted to the commission by September 15 of each year:

- (1) total number of participants entering the course;
- (2) total number of participants successfully completing the program;
- (3) total number of courses held annually;
- (4) drivers license numbers of all participants, or, in the absence of a driver's license number, the social security number and date of birth of each participant completing the course;
- (5) average percent of knowledge increase from pre-test to post-test for all courses conducted during the reporting period;
- (6) percent of total participants indicating evident drug problem as defined in the required screening procedure;
- (7) names of all certified instructors employed by the program and number of courses each conducted during each year of the instructors certification period; and
- (8) completed critiques on instructors observed during the reporting period.

(c) The program administrator shall notify the commission within 30 days of

any change in address, telephone number, or change of program administrator or instructors.

§147.43. Program Listing. A directory of approved Drug Offender Education Programs will be maintained by the commission.

§147.44. Program Monitoring. The commission shall have the right to monitor all approved Drug Offender Education Programs for verification of compliance with this chapter.

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

Issued in Austin, Texas, on April 12, 1993.

TRD-9321519

Bob Dickson
Executive Director
Texas Commission on
Alcohol and Drug
Abuse

Earliest possible date of adoption: May 21, 1993

For further information, please call: (512) 867-8720

Part IX. Texas Department on Aging

Chapter 255. State Delivery Systems

Designation

• 40 TAC §255.35

The Texas Department on Aging proposes an amendment to §255.35, concerning establishing a requirement for area agencies on aging to display a sign outside the physical location of the office of Area Agencies on Aging.

Bob Wilson, director of fiscal operations, has determined that for the first five-year period the section is in effect there will be no fiscal implications as a result of enforcing or administering the section.

James Grabbs, director of public information, has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be to provide increased public access and awareness of the location of area agencies on aging and the services they provide under the Older Americans Act. There will be no effect on small business. There is no anticipated significant economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to James Grabbs, Texas Department on Aging, P.O. Box 12786, Austin, Texas 78711.

The amendment is proposed under Human Resources Code, Chapter 101, which provides the Texas Department on Aging the

authority to promulgate rules governing the operations of this department.

§255.35. Operating an Area Agency on Aging.

(a)-(h) (No change.)

(i) Identification of Area Agencies on Aging facilities. Language will be prominently displayed on a sign outside the location utilized as an area agency on aging indicating the name of the area agency on aging to assure clearly visible access to persons wishing to visit the physical location of the area agency on aging.

(1) This signage will adhere to local ordinances concerning signage.

(2) The signage will also conform to the uniform logo requirements for Area Agencies on Aging prescribed in subsection (f) of this section.

(3) The signage will also conform to the citation requirements of the Texas Department on Aging as the primary funding source as prescribed in subsection (h) of this section.

(4) Failure to physically demonstrate adherence to this policy will be considered noncompliance with this rule.

(5) The effective date for implementation of this standard on signage will be effective no later than December 1993.

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

Issued in Austin, Texas, on April 9, 1993.

TRD-9321460

Mary Sapp
Executive Director
Texas Department on
Aging

Earliest possible date of adoption: May 21, 1993

For further information, please call: (512) 444-2727

Part I. Texas Department of Protective and Regulatory Services

Chapter 736. Memoranda of Understanding

Memorandum of Understanding for Services to Multiproblem Children and Youth

• 40 TAC §736.701

The Texas Department of Protective and Regulatory Services (TDPRS) proposes an amendment to §736.701, concerning coordi-

nated services for multiproblem children and youth, in its Memoranda of Understanding with Other State Agencies chapter. The purpose of the amendment is to comply with House Bill (H.B.) 7, Article 1, §1.06, as passed by the 72nd Texas Legislature, and to comply with the Human Resources Code (HRC), §41.0011, as passed by the 71st Texas Legislature.

H.B. 7 transfers all functions, programs, and activities related to the Texas Department of Human Services' (TDHS's) child protective services program from TDHS to TDPRS. The HRC requires TDHS, the Texas Commission for the Blind (TCB), the Texas Department of Health (TDH), the Texas Department of Mental Health and Mental Retardation (TXMHMR), the Texas Education Agency (TEA), the Texas Juvenile Probation Commission (TJPC), the Texas Rehabilitation Commission (TRC), and the Texas Youth Commission (TYC) to adopt a memorandum of understanding (MOU) to coordinate services for multiproblem children and youth.

The proposed amendment, accordingly, includes three substantive changes to §736.901. First, in compliance with H.B. 7, the amendment revises the list of participating agencies by substituting TDPRS for TDHS. Second, it incorporates references to the Health and Human Services Commission established under H.B. 7. And third, by agreement of all the participating agencies, as specified in §41.0011 of the HRC, the amendment incorporates the Model of Community Resource Coordination Groups approved by the Commission on Children, Youth, and Family Services in April 1990. The amendment also includes editorial changes to improve the clarity and directness of the section.

Jerry Abel, chief fiscal officer, has determined that for the first five-year period the proposed section will be in effect there will be no fiscal implications for state or local governments as a result of enforcing or administering the section.

Mr. Abel also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be assurance that multiproblem children and youth continue to receive coordinated services from TDPRS, TCB, TDH, TXMHMR, TEA, TJPC, TRC, and TYC. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the proposed section.

Questions about the content of the proposal may be directed to Carol Martin at (512) 450-3134 in TDPRS's Protective Services for Families and Children Department. Comments on the proposal may be submitted to Nancy Murphy, Agency Liaison, Policy and Document Support-088, Texas Department of Protective and Regulatory Services MC E-503, P.O. Box 149030, Austin, Texas 78714-9030, within 30 days of publication in the *Texas Register*.

The amendment is proposed under the Human Resources Code, Title 2, Chapter 41, which authorizes TDHS to enter into a memorandum of understanding with the TCB, TDH,

TXMHMR, TEA, TJPC, TRC, and TYC regarding the coordination of services to multiproblem children and youth; and under Texas Civil Statutes, Article 4413 (503) historical note (Vernon Supplement 1993), 72nd Legislature, which transferred all functions, programs, and activities related to the child protective services program from TDHS to TDPRS.

§736.701. *Coordinated Services for Multiproblem Children and Youth.*

(a) Overview.

(1) Pursuant to the Texas Human Resources Code, §41.0011, [Senate Bill 298 enacted by the Seventieth Texas Legislature.] this memorandum of understanding has been developed by the Texas Department of Protective and Regulatory Services (TDPRS), Texas Commission for the Blind (TCB), Texas Department of Health (TDH), Texas Department of Mental Health and Mental Retardation (TXMHMR), Texas Education Agency (TEA), Texas Juvenile Probation Commission (TJPC), Texas Rehabilitation Commission (TRC), and Texas Youth Commission (TYC), hereinafter referred to as "the agencies," in consultation with advocacy and consumer groups.

(2) The memorandum, as adopted by rule by each agency, provides for the implementation of a system of community resource coordination groups, hereinafter referred to as coordination groups, to coordinate services for [all] multiproblem children and youth.

(3) All [community resource] coordination groups established pursuant to this memorandum must [shall] conform to the Model of Community Resource Coordination Groups (CRCG model) approved by the Commission on Children, Youth, and Family Services on April 27, 1990 [model developed by the Children and Youth Services State Coordinating Committee]. This model is adopted by reference and may be obtained from:

(A) TDPRS, 701 West 51st Street, Austin, Texas 78751;

(B) TCB, 4800 North Lamar Boulevard, Austin, Texas 78756;

(C) TDH, 1100 West 49th Street, Austin, Texas 78756;

(D) TXMHMR, 909 West 45th Street, Austin, Texas 78756;

(E) TEA, 1701 North Congress, Austin, Texas 78701;

(F) TJPC, 2015 South I.H. 35, Austin, Texas 78741;

(G) TRC, 4900 North Lamar Boulevard, Austin, Texas 78751; or

(H) TYC, 4900 North Lamar Boulevard, Austin, Texas 78751.

(b) Role of the family. Although the primary purpose of this memorandum is to establish a system for interagency [which ensures the] coordination of services to [between agencies for] multiproblem children and youth, the agencies:

(1) recognize the importance of the family in the life of each child and youth whom the agencies serve; and [the importance of the family is recognized as an integral part of each child's or youth's support system.]

(2) are committed to providing services pursuant to this memorandum in the most normal and least restrictive environments possible [It is the commitment of the agencies that services provided to multiproblem children and youth pursuant to this memorandum shall be in the most normal and least restrictive environment possible].

(c) Each agency's financial and statutory responsibilities. [Financial and Statutory Responsibilities of Each Agency.]

(1) Each agency's financial and statutory responsibilities for multiproblem children and youth are described in *Health and Human Services in Texas: A Reference Guide*, published by the Health and Human Services Commission [Each agency's financial and statutory responsibilities in relation to multiproblem children and youth are described in the Texas Health and Human Services Coordinating Council's publication, *Health and Human Services in Texas: A Reference Guide*].

(2) Each agency agrees [also] to provide all coordination groups with relevant additional information about its [concerning] financial and statutory responsibilities. The additional information may include, but is not limited to, descriptions of subcategories of funding for different types of service such as investigation, risk prevention, family preservation, emergency shelter, diagnosis and evaluation, residential care, after-care, and information and referral assistance [including, but not limited to, subcategories of funding for different services such as prevention, family preservation and strengthening, emergency shelter, diagnosis and evaluation, residential care, after-care, information and referral, and investigation services].

(3) The coordination groups are responsible for further clarifying the agencies' financial and service responsibilities in individual cases [Each coordination group shall be responsible for clarifying further, on an individual case basis, each agency's financial and service responsibilities].

(4) The agencies agree to seek the resources needed to comply with this memorandum.

(d) Multiproblem children and youth. For the purpose of this memorandum, a ["] multiproblem child or youth ["] is a person who:

(1) is less than 22 years old;

(2) meets an agency's statutory age-limitations for eligibility; [within an agency's statutory age limitations and under the age of 22 years with multiagency needs who]

(3) is now receiving services or has received them [services] in the past; and

(4) has multiagency [whose] needs that cannot be met without interagency coordination.

(e) Interagency cost-sharing.

(1) The agencies agree to [will] share [in] the cost of providing needed services when:

(A) a [the] coordination group confirms that a [the] referring agency cannot provide all of the [needed] services needed; and

(B) the needed services are within the financial capabilities and statutory responsibilities of one or more of the other agencies [when the needed services are within the financial capability and statutory responsibility of the other agencies for the designated service(s)].

(2) Cost-sharing includes, but is not limited to: [,]

(A) provision of services by more than one agency; and

(B) provision of services by:

(i) one or more agencies; and

(ii) one or more third parties under purchase-of-service contracts with one or more agencies [an agency or agencies together with purchase of service from third parties by an agency or agencies. The agencies and the coordination groups shall use the guidelines for cost-sharing developed by the Children and

Youth Services State Coordinating Committee in making such determinations].

(f) Eliminating duplication of services. Within the limits of existing legal authority, each coordination group must make reasonable efforts to eliminate duplication of services relating to the assessment and diagnosis, treatment, residential placement and care, and case management of multiproblem children and youth. Each agency agrees to notify the governor's office about federal laws and regulations that cause duplication of services. Each agency also agrees to notify its board about rules that cause duplication of services, and to pursue amendments to state laws, rules, and policies when necessary to eliminate such duplication. [Each coordination group shall implement procedures within the boundaries of existing legal authority for the purpose of eliminating duplication of services relating to assessment and diagnosis, treatment, residential placement and care, and case management of multiproblem children and youth. Each state agency agrees to pursue amendments to state law, rules, or policies necessary to facilitate the elimination of duplication of services.]

(g) Interagency dispute resolution.

(1) Each agency must designate a representative who is not a member of any coordination group to resolve disputes. [For the purpose of interagency dispute resolution, each agency shall designate a representative who is not a member of any coordination group.] The representative must [shall] have:

(A) decision-making authority over the agency's liaison to the coordination group; and

(B) the ability to interpret policy and commit funds.

(2) When an interagency dispute arises about the agencies' respective service responsibilities, the representatives of the agencies involved in the dispute must collectively review and resolve it within 45 days of receiving written notification from the coordination group that the dispute exists [When interagency disputes arise over the agencies' areas of service responsibilities, the representatives of the agencies involved in the dispute shall review and make a final decision collectively regarding the resolution of the dispute. The interagency dispute shall be reviewed within 45 days of written notification from the coordination group that a dispute exists].

(3)[(2)] When an interagency dispute cannot be resolved in the manner described in paragraph (2) of this subsec-

tion, the aggrieved party may refer the dispute to the Health and Human Services commissioner. [Interagency disputes that cannot be resolved due to legal or resource limitations will be reported in writing by the agencies involved to the Texas Health and Human Services Coordinating Council. The Council shall conduct a review and provide written recommendation(s) for resolution to the agencies involved within 30 days of request.]

(h) Composition of coordination groups. Each coordination group must include one appointed representative from each participating state agency, and as many as five local representatives from the private sector. The private-sector representatives must be selected by their peers from private-sector agencies serving youth in the area that the coordination group serves. The private-sector representatives are recognized as representatives of member agencies of the coordination group, and are encouraged to present cases from the private sector. [Composition of the Community Resource Coordination Group. Each of the state agencies will designate the local representatives to serve on the coordination group. Private sector youth agencies in the geographical area served by the coordination group shall designate their representatives which shall not exceed five. The private sector liaisons are recognized as "member agencies" of the coordination group.]

(i) Case identification and referral. Each coordination group must implement the procedures for case identification and referral specified in the CRCG model. Any coordination group member may refer any eligible child or youth when the referring member's agency cannot otherwise provide or arrange all the services the child or youth needs. [Each coordination group shall implement the procedures for case identification and referral as set forth in the model for coordination groups developed by the Children and Youth Services State Coordinating Committee. Individual referrals for consideration shall meet the definition for multiproblem children and youth pursuant to subsection (d) of this section and shall include only those children or youth for whom the referring agency has determined that it is not able to provide all of the needed services after exhausting all existing resources within the agency's purview and existing interagency linkages.]

(j) Convening coordination group meetings. Any member of a coordination group may convene a coordination group meeting pursuant to subsection (h) of this section. Each coordination group must establish procedures for scheduling meetings. [Convening A Community Resource Coordination Group. A coordination group meeting may be convened by a repre-

sentative of any member agency pursuant to subsection (h) of this section. Each coordination group shall establish procedures for scheduling meetings.]

(k) **Permissible nonattendance.** A member agency may be excused from attending a coordination group meeting if the coordination group determines that the member agency's service responsibilities do not apply to the child or youth whose services will be discussed at the meeting, as specified in Item 7b of the "Guiding Principles" in the CRCG model. [Agency Participation in Community Resource Coordination Group. A member agency may be excused from a coordination group meeting if the coordination group determines that the age or needs of the child or youth to be considered are clearly not within a member agency's service responsibilities.]

(l) **Sharing [of] confidential [records and] information.** The members of each coordination group must treat all information about children and youth discussed at the group's meetings as con-

fidential. Each member agency must ensure that the coordination group complies with the agency's legal requirements concerning disclosure of confidential records and information. When necessary, compliance may include case-by-case documentation of all parties reviewing a child's or youth's records. [All members of a coordination group shall consider the records and information of a child or youth for whom the meeting is convened as confidential. Each member agency shall ensure compliance with its legal requirements concerning disclosure of confidential records and information: including, if applicable, case-by-case documentation of all parties reviewing the records.]

(m) **Implementing this [Implementation of the] memorandum [of understanding].** The state CRCG advisory committee, which includes private sector representatives and one representative from each participating state agency, must [Children and Youth Services State Coordinating Committee shall] develop and recommend to the commissioners and exec-

utive directors of the agencies a comprehensive plan to implement this memorandum.

(n) **Adoption by rule and revision by unanimous consent.** Pursuant to §41.0011 [Chapter 131, Section 131.009] of the Human Resources Code, each agency must [shall] adopt this memorandum by rule. The [This] memorandum [of understanding] may be expanded, modified, or amended at any time by the unanimous written consent of the [named] agencies.

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

Issued in Austin, Texas, on April 8, 1993.

TRD-9321420

Nancy Murphy
Agency Liaison, Policy and
Document Support
Texas Department of
Protective and
Regulatory Services

Proposed date of adoption: July 1, 1993

For further information, please call: (512) 450-3765

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Withdrawn Sections

An agency may withdraw proposed action or the remaining effectiveness of emergency action on a section by filing a notice of withdrawal with the *Texas Register*. The notice is effective immediately upon filing or 20 days after filing. If a proposal is not adopted or withdrawn six months after the date of publication in the *Texas Register*, it will automatically be withdrawn by the office of the Texas Register and a notice of the withdrawal will appear in the *Texas Register*.

TITLE 7. BANKING AND SECURITIES

Part I. State Finance Commission

Chapter 1. Consumer Credit Commissioner

Subchapter B. Miscellaneous

• 7 TAC §1.301

The State Finance Commission has withdrawn from consideration for permanent adoption a proposed amendment to §1.301 which appeared in the January 26, 1993, issue of the *Texas Register* (18 TexReg 401). The effective date of this withdrawal is April 8, 1993.

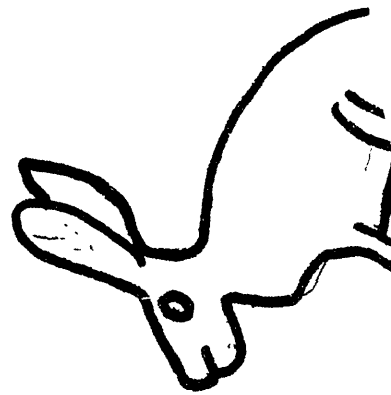
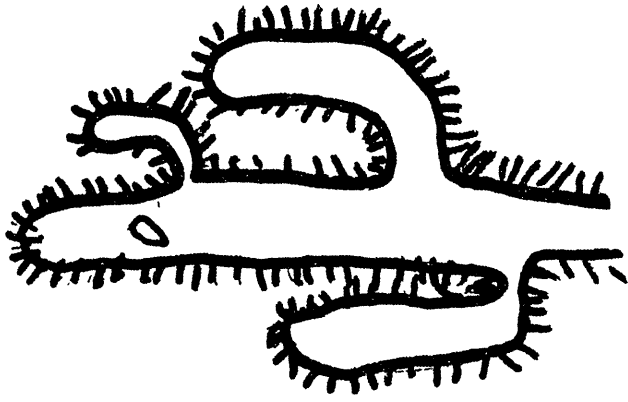
Issued in Austin, Texas, on April 8, 1993.

TRD-9321360 Al Endsley
 Consumer Credit
 Commissioner
 State Finance Commission

Effective date: April 8, 1993

For further information, please call: (512)
479-1280





Desert Life

Name: Eduardo Monge
Grade: 3
School: North Loop Elementary, Ysleta ISD

Adopted Sections

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

If an agency adopts the section without any changes to the proposed text, only the preamble of the notice and statement of legal authority will be published. If an agency adopts the section with changes to the proposed text, the proposal will be republished with the changes.

TITLE 22. EXAMINING BOARDS

Part IX. Texas State Board of Medical Examiners

Chapter 185. Physician Assistants

- 22 TAC §§185.2, 185.9, 185.15

The Texas State Board of Medical Examiners adopts to §§185.2, 185.9, and 185.15, concerning physician assistants, without changes to the proposed text as published in the February 23, 1993, issue of the *Texas Register* (18 TexReg 1129).

The amendments better define physician assistants and allow for independent billing by physician assistants in certain circumstances under federal guidelines.

The amendments will clarify the definition of physician assistants and eliminate unnecessary information on applications.

No comments were received regarding adoption of the amendments.

The amendments are proposed under Texas Civil Statutes, Article 4495b, which provide the Texas State Board of Medical Examiners with the authority to make rules, regulations, and bylaws not inconsistent with this Act as may be necessary for the governing of its own proceedings, the performance of its duties, the regulation of the practice of medicine in this state, and the enforcement of this Act.

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

Issued in Austin, Texas, on April 2, 1993.

TRD-9321306

Homer R. Goehrs, M.D.
Executive Director
Texas State Board of
Medical Examiners

Effective date: April 28, 1993

Proposal publication date: February 23, 1993

For further information, please call: (512) 834-4502

TITLE 25. HEALTH SER- VICES

Part I. Texas Department of Health

The following adoptions submitted by the Texas Department of Health on April 8, 1993,

will be serialized beginning in the April 23, 1993, issue of the *Texas Register*. The effective date of these adoptions is September 31, 1993.

Chapter 145. Long-Term Care

Subchapter A. Federal Laws and Regulations Covering Nursing and Convalescent Homes

- 25 TAC §145.1, §145.2 (repeal)

Subchapter B. Minimum Stan- dards for Nursing Homes

- 25 TAC §§145.11-145.25 (repeal)

Subchapter C. Minimum Stan- dards for Custodial Care Homes

- 25 TAC §§145.31-145.43 (repeal)

Subchapter D. Minimum Stan- dards for Maternity Homes

- 25 TAC §§145.51-145.70 (repeal)

Subchapter E. Procedures on Long-Term Care Facilities

- 25 TAC §§145.81-145.90,
145.92-145.97 (repeal)

Subchapter F. Institutions Sub- ject to Licensure Under Texas Civil Statutes, Article 4442c

- 25 TAC §145.101, §145.102 (re-
peal)

Subchapter G. Licensing and Medical Certification Stan- dards for Nursing Homes

- 25 TAC §145.111 (repeal)

Subchapter H. Long-Term Care Services for the Elderly

- 25 TAC §145.121 (withdrawal of
proposed repeal)

Subchapter I. Employee Orien- tation and Training in Nurs- ing Homes and Custodian Care Homes

- 25 TAC §145.131 (repeal)

Subchapter J. Procedures Cov- ering Certification and Ter- mination of Certification of Long-Term Care Facilities which Participate in the Ti- tle XIX Assistance Program

- 25 TAC §§145.141-145.147 (re-
peal)

Subchapter K. Grading System for Nursing Facilities

- 25 TAC §§145.161-145.174 (re-
peal)

Subchapter M. Minimum Li- censing Standards for Adult Day Care and Adult Day Health Care Facilities

- 25 TAC §§145.191-145.195 (re-
peal)

Subchapter N. Minimum Li- censing Standards for Facili- ties Serving Persons with Mental Retardation in Texas

- 25 TAC §§145.211-145.217 (re-
peal)

Subchapter P. Medication Aides

- 25 TAC §§145.251-145.265 (re-
peal)

Subchapter Q. Planning and Construction for Nursing Homes

- 25 TAC §§145.271-145.285 (re-
peal)

Subchapter R. Certification Standards for Alzheimer's and Related Disorders

- 25 TAC §§145.301-145.305 (re-
peal)

Subchapter S. Minimum Li- censing Standards for Per- sonal Care Facilities

- 25 TAC §§145.321-145.335 (re-
peal)

Chapter 145. Nursing Facilities and Related Institutions

Subchapter A. Introduction

- 25 TAC §§145.1-145.3 (new)

Subchapter B. Application Procedures

- 25 TAC §§145.11-145.21 (new)
- 25 TAC §145.22 (withdrawal of proposed new)

Subchapter C. Standards for Licensure

- 25 TAC §§145.41-145.43 (new)

Subchapter D. Facility Construction

Construction Standards for Additions, Remodeling and New Nursing Facility

- 25 TAC §§145.61-145.73 (new)

Construction Standards for Facilities Serving Persons with Mental Retardation or Related Conditions

- 25 TAC §§145.92-145.105 (new)

Construction Standards for Maternity Facilities

- 25 TAC §145.131, §145.132 (new)

General Requirements for All Facilities

- 25 TAC §145.1, §145.142 (new)

Subchapter E. Medication Aides

- 25 TAC §§145.161-145.174 (new)

Subchapter F. Inspections, Surveys and Visits

- 25 TAC §145.191, §145.192 (new)

Subchapter G. Abuse, Neglect, and Exploitation; Complaint and Incident Reports and Investigations

- 25 TAC §§145.211-145.217 (new)

Subchapter H. Enforcement

- 25 TAC §§145.231-145.234, 145.236-145.238 (new)

Subchapter I. Trustees for Nursing Facilities

- 25 TAC §§145.261-145.263 (new)

Subchapter J. Respite Care

- 25 TAC §§145.281-145.287 (new)

Subchapter K. Certification of Facilities for Care of Persons with Alzheimer's Disease and Related Disorders

- 25 TAC §§145.301-145.304 (new)

Chapter 152. Certification of Long-Term Care Facilities

- 25 TAC §§152.1-152.9 (new)

TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part IX. Texas Water Commission

The following adoptions submitted by the Texas Water Commission on April 12, 1993, will be serialized beginning in the April 23, 1993, issue of the *Texas Register*. The effective date of these adoptions is May 3, 1993.

Chapter 288. Water Conservation Plans, Guidelines and Requirements

Subchapter A. Water Conservation Plans

- 31 TAC §§288.1-288.7 (new)

Chapter 295. Water Rights, Procedural

Subchapter A. Requirements of Water Use Permit Application

- 31 TAC §295.9 (amendment)

Chapter 297. Water Rights, Substantive

Subchapter A. Definitions

- 31 TAC §297.1 (amendment)

Subchapter E. Issuance and Conditions of Water Permit or Certification of Adjudication

- 31 TAC §§297.53-297.56 (new)

TITLE 34. PUBLIC FINANCE

Part II. Texas State Treasury

The following adoption submitted by the Texas State Treasury on April 8, 1993, will be serialized beginning in the April 23, 1993, issue of the *Texas Register*. The effective date of the adoption is April 29, 1993.

Chapter 11. Cigarette and Tobacco Products and Tax

Subchapter B. Cigarette Tax

- 34 TAC §11.52 (new)

TITLE 37. PUBLIC SAFETY AND CORRECTIONS

Part III. Texas Youth Commission

Chapter 85. Admission and Placement

Commitment and Reception

- 37 TAC §85.1

The Texas Youth Commission (TYC) adopts amendments to §87.5, concerning legal requirements for admission, without changes to the proposed text as published in the March 9, 1993, issue of the *Texas Register* (18 TexReg 1572).

The amendment will bring about a more efficient verification process upon commitment.

The amendment adds detention orders to the list of documents which must accompany youth committed to the Texas Youth Commission. These documents must be supplied by the committing court. Also, Commitment Summary, TYC Form CCF-001, is deleted from this list.

No comments were received regarding adoption of the amendments.

The amendments are adopted under the Human Resources Code, §61.034, which provides the Texas Youth Commission with the authority to make rules appropriate to the proper accomplishment of its functions.

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

Issued in Austin, Texas, on April 9, 1993.

TRD-9321559 Ron Jackson
Executive Director
Texas Youth Commission

Effective date: May 3, 1993

Proposal publication date: March 9, 1993

For further information, please call: (512) 483-5244

Placement Planning

- 37 TAC §§85.25, 85.27, 85.29, 85.41, 85.43

The Texas Youth Commission (TYC) adopts amendments to §85.25, concerning minimum length of stay requirements; §85.27, concerning program restriction levels; §85.29, concerning program completion and movement; §85.41, concerning referral/admission to Cor-

sicana Residential Treatment Center; and §85.43, concerning interstate compact for TYC youth. Sections 85.25 and 85.27 are adopted with changes to the proposed text as published in the March 9, 1993, issue of the *Texas Register* (18 TexReg 1573). Sections 85.29, 85.41 and 85.43 are adopted without changes, and will not be republished. The change to §85.25 amends the wording of the classification of a Type B violent offender. The change to §85.27 adds organizational foster care to the examples of programs which house medium restriction youth.

The amendments will bring about a more efficient system of placing youth appropriately in TYC programs.

The amendments will clarify the process by which youth may be assigned a minimum length of stay and the level of restriction of placement.

No comments were received regarding adoption of the amendments.

The amendments are adopted under the Human Resources Code, §61.071, which provides the Texas Youth Commission with the authority to examine and make a study of each child and to establish rules governing the study.

§85.25. Minimum Length of Stay.

(a) Policy. The Texas Youth Commission (TYC) establishes minimum length of stay requirements for all TYC youth on initial commitment, for youth recommitted for the commission of a felony or high-risk offense, and for youth found at an administrative Level I hearing to have committed a felony or high-risk offense.

(b) Rules.

(1) Minimum Length of Stay.

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

(C) Type B violent offenders serve at least 12 months if classified for conspiracy to commit murder or conspiracy to commit capital murder, solicitation of murder, or solicitation of capital murder, and serve at least nine months for any other designated offense. Youth are assigned to medium, high, or maximum restriction program, minus any credited time following adjudication for the classifying offense.

(D)-(I) (No change.)

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

§85.27. Program Restriction Levels.

(a) (No change.)

(b) Rules.

(1) (No change.)

(2) Levels.

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

(C) Medium Restriction—Any self-contained program which provides routine unsupervised access to the community, or any facility not self-contained which provides services primarily for youth who are a medium level risk to self or others. For example:

(i) (No change.)

(ii) any residential contract program which is not self-contained, e.g., certain substance abuse programs, residential treatment centers, group homes, or organizational foster care;

(iii) (No change.)

(iv) any nonresidential program which provides treatment or training at least eight hours per day, five times per week.

(D) Minimum Restriction—Any nonresidential program which provides treatment or training less than eight hours per day, five times a week but with at least one contact per day or monitoring daily. For example:

(i) intensive supervision;

(ii) electronic monitoring.

(E) Home—The home of the parent, other relative or individual acting in the role of parent, managing conservator, or guardian, or an independent living arrangement, in which there is treatment or training less than eight hours per day, five times a week, and there is not daily staff contact or monitoring. For example:

(i) home or home substitute;

(ii) independent living in any approved location.

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

Issued in Austin, Texas, on April 9, 1993.

TRD-9321566 Ron Jackson
Executive Director
Texas Youth Commission

Effective date: May 3, 1993

Proposal publication date: March 9, 1993

For further information, please call: (512) 483-5244

Chapter 87. Treatment

Program Planning

• 37 TAC §§87.15, 87.17, 87.19

The Texas Youth Commission (TYC) adopts amendments to §87.15, concerning the involvement of families of youth committed to TYC; §87.17, concerning commitment to mental health facilities; and §87.19, concerning commitment to the Vernon Drug Treatment Center, without changes to the proposed text as published in the March 9, 1993, issue of the *Texas Register* (18 TexReg 1574).

The amendment will allow TYC to comply with Federal Rule Code of Federal Regulation Part 2.

The amendments are made to add restrictions to release of information practices in compliance with Federal Rule Code of Federal Regulation Part 2.

No comments were received regarding adoption of the amendments.

The amendments are adopted under the Human Resources Code, §61.076, which provides the Texas Youth Commission with the authority to provide any psychiatric treatment that is necessary as a means of correcting the socially harmful tendencies of a child committed to the agency.

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

Issued in Austin, Texas, on April 9, 1993.

TRD-9321555 Ron Jackson
Executive Director
Texas Youth Commission

Effective date: May 3, 1993

Proposal publication date: March 9, 1993

For further information, please call: (512) 483-5244

Education Programs

• 37 TAC §87.37

The Texas Youth Commission (TYC) adopts an amendment to §87.37, concerning financial assistance for youth in TYC custody to attend college or technical institute, without changes to the proposed text as published in the March 9, 1993, issue of the *Texas Register* (18 TexReg 1575).

The amendment will bring about a more efficient use of financial assistance for college and technical institutes.

The amendment will extend financial assistance to eligible orphans. It also involves regional directors in the procedures.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Human Resources Code, §61.034, which provides the Texas Youth Commission with the authority to make rules appropriate to the proper accomplishment of its functions.

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

Issued in Austin, Texas, on April 9, 1993.

TRD-9321557 Ron Jackson
Executive Director
Texas Youth Commission

Effective date: May 3, 1993

Proposal publication date: March 9, 1993

For further information, please call: (512) 483-5244

Other Programs

• 37 TAC §87.55

The Texas Youth Commission (TYC) adopts an amendment to §87.55, concerning youth orientation, without changes to the proposed text as published in the March 9, 1993, issue of the *Texas Register* (18 TexReg 1575).

The amendment will bring about compliance with Federal Rule 42.

The amendment states that at orientation, youth will be provided information on the confidentiality of alcohol and drug abuse records in compliance with Federal Rules 42, Code of Federal Regulation Part 2.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Human Resources Code, §61.073, which provides the Texas Youth Commission with the authority to maintain written records.

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

Issued in Austin, Texas, on April 9, 1993.

TRD-9321563 Ron Jackson
Executive Director
Texas Youth Commission

Effective date: May 3, 1993

Proposal publication date: March 9, 1993

For further information, please call: (512) 483-5244

• 37 TAC §87.57

The Texas Youth Commission (TYC) adopts an amendment to §87.57, concerning the youth employment and work, without changes to the proposed text as published in the March 9, 1993, issue of the *Texas Register* (18 TexReg 1576).

The amendment will bring about a more efficient youth employment program.

The amendment states that youth employment in the community may not be paid less than the Federal minimum wage. Other changes are in the interest of clarity.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Human Resources Code, §61.075, which provides the Texas Youth Commission with the authority to place youth in a treatment program deemed appropriate.

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

Issued in Austin, Texas, on April 9, 1993.

TRD-9321564 Ron Jackson
Executive Director
Texas Youth Commission

Effective date: May 3, 1993

Proposal publication date: March 9, 1993

For further information, please call: (512) 483-5244

Volunteer Services

• 37 TAC §87.141

The Texas Youth Commission (TYC) adopts an amendment to §87.141, concerning volunteer services, without changes to the proposed text as published in the March 9, 1993, issue of the *Texas Register* (18 TexReg 1576).

The amendment will bring about more thorough confidentiality procedures.

The amendment specifies that volunteers agree in writing to abide by federal, state, and agency laws, policies, and rules of confidentiality.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Human Resources Code, §61.073, which provides the Texas Youth Commission with the authority to maintain written records.

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

Issued in Austin, Texas, on April 9, 1993.

TRD-9321560 Ron Jackson
Executive Director
Texas Youth Commission

Effective date: May 3, 1993

Proposal publication date: March 9, 1993

For further information, please call: (512) 483-5244

Chapter 89. Youth Rights and Remedies

• 37 TAC §89.1

The Texas Youth Commission (TYC) adopts an amendment to §89.1, concerning basic youth rights, without changes to the proposed text as published in the March 9, 1993, issue of the *Texas Register* (18 TexReg 1577).

The amendment will bring about more complete cross references in the section.

The amendment adds a reference to GOP.75.08, §93.58 of this title, relating to Confidentiality Regarding Youth Alcohol and Drug Abuse.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Human Resources Code, §61.034, which provides the Texas Youth Commission with the authority to make policies and rules appropriate to the proper accomplishment of its functions.

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

Issued in Austin, Texas, on April 9, 1993.

TRD-9321561 Ron Jackson
Executive Director
Texas Youth Commission

Effective date: May 3, 1993

Proposal publication date: March 9, 1993

For further information, please call: (512) 483-5244

Chapter 91. Discipline and Control

Disciplinary Practices

• 37 TAC §91.9, §91.11

The Texas Youth Commission (TYC) adopts amendments to §91.9, concerning parole revocation; and §91.11, concerning criteria for assigning youth to a program of greater restriction than the one he or she was assigned, without changes to the proposed text as published in the March 9, 1993, issue of the *Texas Register* (18 TexReg 1577).

The amendments will bring about increased protection of the public.

The amendment to §91.9 eliminates the requirement in one of the criteria for parole revocation to assess high risk independently of the felony offense which meets the criterion. The amendment to §91.11 will allow the Commission to move a youth to a program of more restriction when he or she has previously been classified for a high risk offense.

No comments were received regarding adoption of the amendments.

The amendments are adopted under the Human Resources Code, §61.075, which provides the Texas Youth Commission with the authority to permit the liberty or confinement of a youth in TYC custody.

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

Issued in Austin, Texas, on April 9, 1993.

TRD-9321556 Ron Jackson
Executive Director
Texas Youth Commission

Effective date: May 3, 1993

Proposal publication date: March 9, 1993

For further information, please call: (512) 483-5244

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Due Process Hearings Procedures

• 37 TAC §91.31

The Texas Youth Commission (TYC) adopts an amendment to §91.31, concerning Level I hearing procedure, without changes to the proposed text as published in the March 9, 1993, issue of the *Texas Register* (18 TexReg 1578).

The amendment will bring about a more complete use of the Level I hearing procedure.

The amendment states that the Level I hearing procedure is appropriate due process in the case of a transfer to a more restrictive placement with an assigned minimum length of stay.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Human Resources Code, §61.081, which provides the Texas Youth Commission with the authority to resume care and custody of any youth released under supervision.

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

Issued in Austin, Texas, on April 9, 1993.

TRD-9321562 Ron Jackson
Executive Director
Texas Youth Commission

Effective date: May 3, 1993

Proposal publication date: March 9, 1993

For further information, please call: (512) 483-5244

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**Chapter 93. General Provisions
Records, Reports, Forms**

• 37 TAC §93.57

The Texas Youth Commission (TYC) adopts the repeal of §93.57, concerning access to youth records, without changes to the proposed text as published in the March 9, 1993, issue of the *Texas Register* (18 TexReg 1578).

The new policy to be adopted will bring about more efficient procedures for limiting access to youth records.

The section is being repealed in order to adopt a new policy.

No comments were received regarding adoption of the repeal.

The repeal is adopted under the Human Resources Code, §61.073, which provides the Texas Youth Commission with the authority to keep written records on each child.

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

Issued in Austin, Texas, on April 9, 1993.

TRD-9321558 Ron Jackson
Executive Director
Texas Youth Commission

Effective date: May 3, 1993

Proposal publication date: March 9, 1993

For further information, please call: (512) 483-5244

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• 37 TAC §§93.57-93.59

The Texas Youth Commission (TYC) adopts new §93.57, concerning access to youth records; and §93.58, concerning confidentiality regarding youth alcohol and drug abuse; and an amendment to §93.59, concerning youth masterfile records, without changes to the proposed text as published in the March 9, 1993, issue of the *Texas Register* (18 TexReg 1578).

The new sections and amendment will bring about more efficient procedures for limiting access to youth records, confidentiality regarding youth alcohol and drug abuse, and for inventory of youth records.

New §93.57 provides procedures for limiting access to youth records. New §93.58 provides procedures for ensuring the privacy of youth who are identified as alcohol or drug abusers. The amendment to §93.59 adds a reference to another section, and states that masterfiles may be located in residential contract placements if TYC staff is permanently located at the facility. Also, an amendment sets procedures for inventor of records.

No comments were received regarding adoption of the new sections and amendment.

The new sections and amendment are adopted under the Human Resources Code, §61.073, which provides the Texas Youth Commission with the authority to keep written records on each child.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel

and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on April 9, 1993.

TRD-9321565 Ron Jackson
Executive Director
Texas Youth Commission

Effective date: May 3, 1993

Proposal publication date: March 9, 1993

For further information, please call: (512) 483-5244.

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TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services

The following adoptions submitted by the Texas Department of Human Services on April 8, 1993, will be serialized beginning in the April 23, 1993, issue of the *Texas Register*. The effective date of these adoptions is May 1, 1993.

Chapter 6. Disaster Assistance

Case Decision, Review, and Closing

• 40 TAC §6.303 (repeal and new)

Chapter 67. Social Work Certification

Certification Requirements

• 40 TAC §§67.101-67.106 (new)

Application Process

• 40 TAC §§67.201-67.208 (new)

Certificate Expiration and Renewal

• 40 TAC §§67.301-67.305 (new)

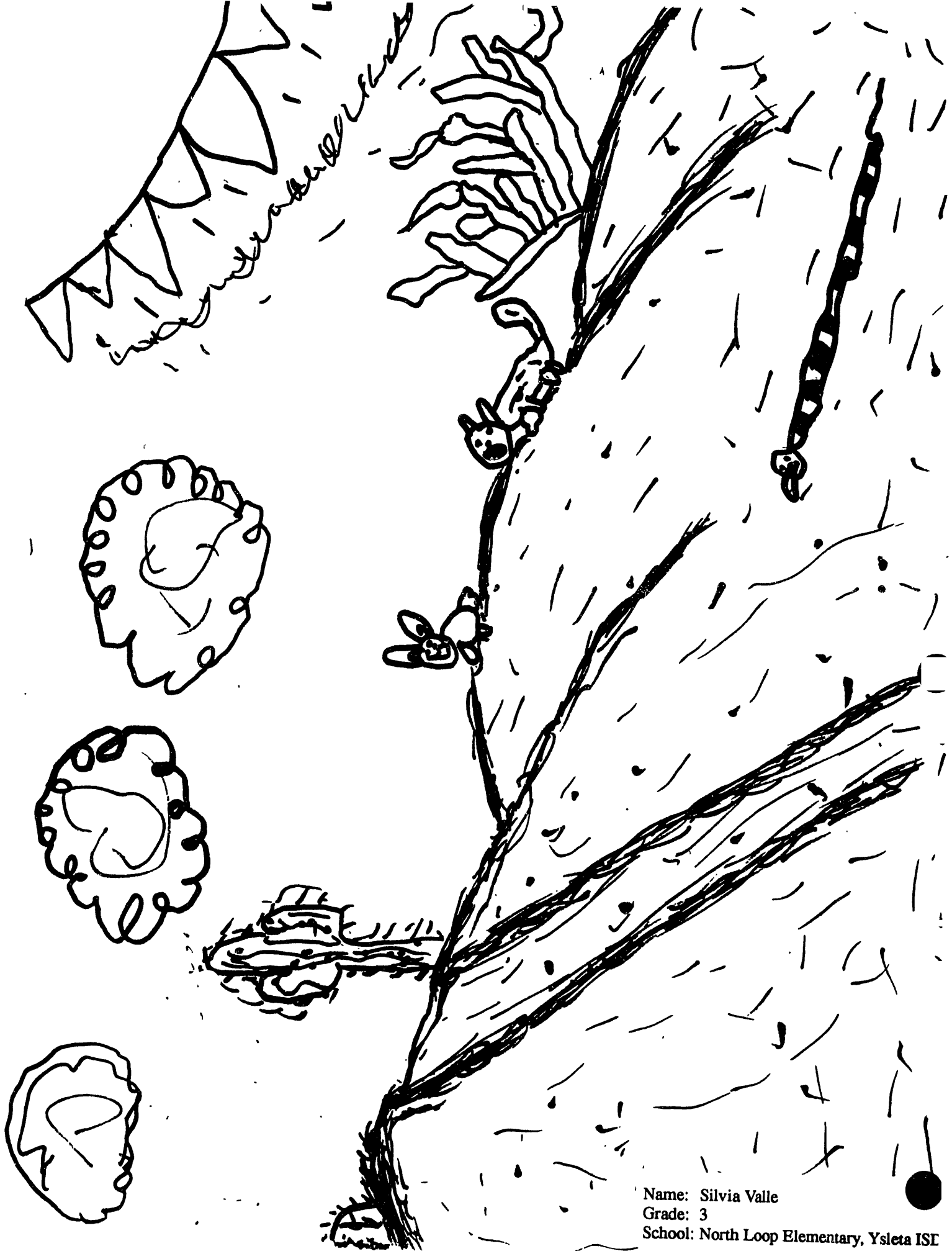
Administrative Actions

• 40 TAC §§67.401-67.410 (new)

Chapter 85. General Licensing Procedures

Subchapter III. Social Work Certification

• 40 TAC §§85.6001, 85.6003-85.6016, 85.6018-85.6029 (repeal)



Name: Silvia Valle
Grade: 3
School: North Loop Elementary, Ysleta ISD

Open Meetings

Agencies with statewide jurisdiction must give at least seven days notice before an impending meeting. Institutions of higher education or political subdivisions covering all or part of four or more counties (regional agencies) must post notice at least 72 hours prior to a scheduled meeting time. Some notices may be received too late to be published before the meeting is held, but all notices are published in the *Texas Register*.

Emergency meetings and agendas. Any of the governmental entities named above must have notice of an emergency meeting, an emergency revision to an agenda, and the reason for such emergency posted for at least two hours before the meeting is convened. Emergency meeting notices filed by all governmental agencies will be published.

Posting of open meeting notices. All notices are posted on the bulletin board at the Office of the Secretary of State in lobby of 221 East 11th Street, Austin. These notices may contain more detailed agenda than what is published in the *Texas Register*.

Meeting Accessibility. Under the Americans with Disabilities Act, an individual with a disability must have an equal opportunity for effective communication and participation in public meetings. Upon request, agencies must provide auxiliary aids and services, such as interpreters for the deaf and hearing impaired, readers, large print or braille documents. In determining type of auxiliary aid or service, agencies must give primary consideration to the individual's request. Those requesting auxiliary aids or services should notify the contact person listed on the meeting summary several days prior to the meeting by mail, telephone, or RELAY Texas (1-800-735-2989).

Texas Department of Agriculture

Tuesday, April 27, 1993, 10 a.m. The Office of Hearings of the Texas Department of Agriculture will meet at the Texas Department of Agriculture, 2626 South Loop West, Suite 130, Houston. According to the complete agenda, the department will hold an administrative hearing to review alleged violation of Texas Agriculture Code Annotated §103.001 et seq (Vernon 1982) by Gary P. Berryman doing business as Berryman's as petitioned by Houston Calco, Inc.

Contact: Dolores Alvarado Hibbs, P.O. Box 12847, Austin, Texas 78711, (512) 463-7583.

Filed: April 12, 1993, 2:15 p.m.

TRD-9321536

Tuesday, April 27, 1993, 1 p.m. The Office of Hearings of the Texas Department of Agriculture will meet at the Texas Department of Agriculture, 2626 South Loop West, Suite 130, Houston. According to the complete agenda, the department will hold an administrative hearing to review alleged violation of Texas Agriculture Code Annotated §103.001 et seq (Vernon 1982) by Gary P. Berryman doing business as Berryman's as petitioned by Raymond's Produce Inc.

Contact: Dolores Alvarado Hibbs, P.O. Box 12847, Austin, Texas 78711, (512) 463-7583.

Filed: April 12, 1993, 2:15 p.m.

TRD-9321537

Texas Air Control Board

Thursday, April 22, 1993, 1:30 p.m. The Hearings Oversight Committee of the Texas Air Control Board will meet at 12118 IH-35, Park 35 Technology Center Building, Room 201S, Austin. According to the complete agenda, the committee will consider and act on procedures and criteria for the executive director's decision on whether to grant hearing requests; the processing and disposition of requests for contested case hearings; and for public hearings on proposed revisions to the procedural rules regarding exchange of information at contested case hearings.

Contact: Lane Hartsock, 12124 Park 35 Circle, Austin, Texas 78753, (512) 908-1451.

Filed: April 13, 1993, 10:22 a.m.

TRD-9321588

Thursday, April 22, 1993, 2:15 p.m. The Monitoring and Research Committee of the Texas Air Control Board will meet at 12118 IH-35, Park 35 Technology Center Building, Room 201S, Austin. According to the complete agenda, the committee will consider and act on approval of contracts to carry out the coastal oxidant assessment for Southeast Texas (COAST) project to support development of control strategies for ozone in the upper Texas gulf coast.

Contact: Lane Hartsock, 12124 Park 35 Circle, Austin, Texas 78753, (512) 908-1451.

Filed: April 13, 1993, 10:22 a.m.

TRD-9321587

Thursday, April 22, 1993, 3 p.m. The Fee Review Committee of the Texas Air Control Board will meet at 12118 IH-35, Park

35 Technology Center Building, Room 201S, Austin. According to the complete agenda, the committee will consider and act on approval for public hearings on proposed revisions to the general rules concerning inspection fees, emissions fees, and asbestos fees.

Contact: Lane Hartsock, 12124 Park 35 Circle, Austin, Texas 78753, (512) 908-1451.

Filed: April 13, 1993, 10:22 a.m.

TRD-9321589

Thursday, April 22, 1993, 3:30 p.m. The Permits Oversight Committee of the Texas Air Control Board will meet at 12118 IH-35, Park 35 Technology Center Building, Room 201S, Austin. According to the complete agenda, the committee will consider and act on for public hearings on proposed Regulation XII and revisions to the state implementation plan concerning Title V Federal operating permits; and on modeling and effects evaluation guidelines for permit review.

Contact: Lane Hartsock, 12124 Park 35 Circle, Austin, Texas 78753, (512) 908-1451.

Filed: April 13, 1993, 10:22 a.m.

TRD-9321590

Friday, April 23, 1993, 8 a.m. The Budget and Finance Committee of the Texas Air Control Board will meet at 12118 IH-35, Park 35 Technology Center Building, Room 201S, Austin. According to the complete agenda, the committee will consider and act on mid-year program review of the City of Houston, bureau of air quality control; on approval of local program contract, contract to carry out the COAST project to support development of control strategies for ozone

in the upper Texas gulf coast; and the purchase of equipment (monitoring and other equipment).

Contact: Lane Hartsock, 12124 Park 35 Circle, Austin, Texas 78753, (512) 908-1451.

Filed: April 13, 1993, 10:23 a.m.

TRD-9321591

Friday, April 23, 1993, 8:30 a.m. The Regulation Development Committee of the Texas Air Control Board will meet at 12118 IH-35, Park 35 Technology Center Building, Room 201S, Austin. According to the complete agenda, the committee will consider and act on to adopt a site-specific revision to the SIP for El Paso Electrical Products, Inc.; for public hearings on proposed revisions to the general rules concerning fees; for public hearings on proposed Regulation XII and revisions to SIP concerning Title V Federal operating permits; for public hearings on proposed revisions to the procedural rules; on development of nitrogen oxide reasonably available control technology requirements; on development of the emissions inventory, control measure catalog, issues paper, and timeline for ozone SIP development; and staff report on the status of the sulphur dioxide SIP for Houston.

Contact: Lane Hartsock, 12124 Park 35 Circle, Austin, Texas 78753, (512) 908-1451.

Filed: April 13, 1993, 10:23 a.m.

TRD-9321592

Friday, April 23, 1993, 10 a.m. The Texas Air Control Board will meet at 12118 IH-35, Park 35 Technology Center Building, Room 201S, Austin. According to the complete agenda, the board will call the meeting to order; discuss approval of the minutes; hear public testimony; consider and act on innovative technology policy; mid-year program review of the City of Houston, (BAQC); approval of contracts; appeal of the executive director's decision to call a contested case hearing for Exxon Corporation; hearings examiner report; agreed enforcement orders; public hearings on Regulation XII and SIP; adopt a site-specific revision to SIP; public hearings on revisions to general rules regarding fees; public hearings on revisions to procedural rules; development of NO_x RACT requirements; development of emissions inventory, control measure catalog, issues paper, and timeline for ozone SIP development; modeling and effects evaluation guidelines; processing and disposition of requests for contested case hearings including criteria for executive director's decision on whether to grant hearing requests; purchase of equipment; approval of Resolution Number 93-07; development in Texas Legislature; committee meeting reports; new business; and adjourn.

Contact: Lane Hartsock, 12124 Park 35 Circle, Austin, Texas 78753, (512) 908-1451.

Filed: April 13, 1993, 10:20 a.m.

TRD-9321586

Texas Alcoholic Beverage Commission

Tuesday, April 20, 1993, 1 p.m. The Texas Alcoholic Beverage Commission will meet at the Dallas County Convention Center, 657 South Griffin Street, Mezzanine Meeting Room N401, Level IV, Dallas. According to the complete agenda, the commission will take public comments on proposed 16 TAC §§55.542-55.549; 16 TAC §§55.552-55.554; 16 TAC §§55.558; 16 TAC §§55.561-55.562 and 16 TAC §§55.565, all dealing with bingo regulation and tax as published in the *Texas Register* (18 TexReg 523).

Contact: Dick Durbin, P.O. Box 13127, Austin, Texas 78711, (512) 458-2500.

Filed: April 12, 1993, 12:33 p.m.

TRD-9321531

Tuesday, April 27, 1993, 1:30 p.m. The Texas Alcoholic Beverage Commission will meet at Odessa College, 201 West University, Electronics Technology Building, Room 130, Odessa. According to the complete agenda, the commission will take public comments on proposed 16 TAC §§55.542-55.549; 16 TAC §§55.552-55.554; 16 TAC §§55.558; 16 TAC §§55.561-55.562 and 16 TAC §§55.565, all dealing with bingo regulation and tax as published in the *Texas Register* (18 TexReg 523).

Contact: Dick Durbin, P.O. Box 13127, Austin, Texas 78711, (512) 458-2500.

Filed: April 12, 1993, 12:33 p.m.

TRD-9321530

Texas Animal Health Commission

Thursday, April 22, 1993, 1:30 p.m. The Regulation Rewrite Committee of the Texas Animal Health Commission will meet at 210 Barton Springs Road, First Floor Conference Room, Austin. According to the agenda summary, the committee will consider changes to Chapter 39, Cattle, Sheep and Goat Scabies: removal of outdated language; discuss possible changes to 35.2 regarding backtag removal and reuse; discuss entry of Mexican heifers not in-bond moved directly to quarantined feedlots, then to slaughter; and restrictions on entry of holstein steers.

Contact: Jo Anne Conner, P.O. Box 12966, Austin, Texas 78711, (512) 479-6697.

Filed: April 12, 1993, 11:34 a.m.

TRD-9312529

Thursday, April 22, 1993, 2:30 p.m. The Subcommittee to Review the Duties of the Internal Auditor of the Texas Animal Health Commission will meet at 210 Barton Springs Road, First Floor Conference Room, Austin. According to the agenda summary, the subcommittee will discuss statistical services report; hear telecommunications report; and discuss on-going projects and status of audit plan.

Contact: Jo Anne Conner, P.O. Box 12966, Austin, Texas 78711, (512) 479-6697.

Filed: April 12, 1993, 11:33 a.m.

TRD-9312528

Thursday, April 22, 1993, 3:30 p.m. The Finance Committee of the Texas Animal Health Commission will meet at 210 Barton Springs Road, First Floor Conference Room, Austin. According to the agenda summary, the committee will discuss 1994-1995 appropriations; discuss user fee study and TDA export pens' consideration.

Contact: Jo Anne Conner, P.O. Box 12966, Austin, Texas 78711, (512) 479-6697.

Filed: April 12, 1993, 11:33 a.m.

TRD-9312527

Friday, April 23, 1993, 9 a.m. The Texas Animal Health Commission will meet at 210 Barton Springs Road, First Floor Conference Room, Austin. According to the agenda summary, the commission will discuss approval of minutes of previous meeting; possibly approve actions of executive director; presentation of awards; reports of TAHC Committees; progress report on the brucellosis program; consider proposing new regulation or repeal: Chapter 39; consider proposing amendments to regulations: Chapters 35 and 55; post hearing review and final decision of commission-administrative hearing; discuss proposing amendments to Chapter 49; set date for next meeting; and meet in executive session.

Contact: Jo Anne Conner, P.O. Box 12966, Austin, Texas 78711, (512) 479-6697.

Filed: April 12, 1993, 11:32 a.m.

TRD-9312526

Texas Appraiser Licensing and Certification Board

Thursday, April 22, 1993, 1 p.m. The Education Committee of the Texas Appraiser Licensing and Certification Board will meet at the TREC Headquarters, Executive Conference Room 235, Second Floor,

1101 Camino La Costa, Austin. According to the complete agenda, the committee will call the meeting to order; discuss and possibly recommend to the Texas Appraiser Licensing and Certification Board concerning bid specifications for contract testing, acceptable educational offerings, approval of courses for meeting educational requirements and other education matters; and adjourn. For ADA assistance, call Nancy Guevremont (512) 465-3923 at least two days prior to meeting.

Contact: Renil C. Liner, P.O. Box 12188, Austin, Texas 78711-2188, (512) 465-3950.

Filed: April 13, 1993, 12:17 p.m.

TRD-9321602

Friday, April 23, 1993, 10 a.m. The Texas Appraiser Licensing and Certification Board will meet at the TREC Headquarters, Conference Room 235, Second Floor, 1101 Camino La Costa, Austin. According to the agenda summary, the board will call the meeting to order; discuss approval of the minutes; hear comments from visitors; interpretations of board policies and procedures; discuss and possibly act on concerning complaints filed by Jerry L. Gibson, W. M. Noble, and Elizabeth Abel; discuss concerning House Bill 2644, relating to the regulation of real estate appraisers which would amend the Texas Appraiser Licensing and Certification Act; and other legislative matters; staff reports; selection of meetings dates; operating budget and appropriation requests for Fiscal Year 1994-1995; report from education committee; discuss and possibly recommend concerning contracting for qualifying examinations, bid specifications, course approval procedures, approval of courses, and other education related matters; meet in executive session concerning commissioner's job performance pursuant to Texas Civil Statutes, Article 6252-17, §2(g); and adjourn. For ADA assistance, call Nancy Guevremont (512) 465-3923 at least two days prior to meeting.

Contact: Renil C. Liner, P.O. Box 12188, Austin, Texas 78711-2188, (512) 465-3950.

Filed: April 13, 1993, 12:17 p.m.

TRD-9321601

Texas Board of Architectural Examiners

Thursday, April 22, 1993, 2 p.m. The Committee Chairs of the Texas Board of Architectural Examiners will meet at Texas A&M University, Dean's Conference Room 205, College of Architecture, Langford Architecture Center, College Station. According to the agenda summary, the committees will call the meeting to order; chairman's opening remarks; tour of architecture, land-

scape architecture and interior design program facilities; consider/act on committee matters; and adjourn. Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services such as interpreters for persons who are deaf or hearing impaired, readers, large print or braille, are requested to contact Carolyn Lewis at (512) 458-1363 two work days prior to the meeting so that appropriate arrangements can be made.

Contact: Robert H. Norris, 8213 Shoal Creek Boulevard, #107, Austin, Texas 78757, (512) 458-1863.

Filed: April 14, 1993, 2:28 p.m.

TRD-9321648

Friday, April 23, 1993, 9 a.m. The Texas Board of Architectural Examiners will meet at Texas A&M University, Dean's Conference Room 205, College of Architecture, Langford Architecture Center, College Station. According to the agenda summary, the board will call the meeting to order, recognize guests; take roll call; chairman's opening remarks; consider/act on the following categories: approval of minutes; consent on director's report; committee matters; University of Texas at Arlington, program in Landscape Architecture; personal appearances; examinations; rules and regulations; legislative matters; renewals; conferences/meetings; hear public comment; meet in executive session to discuss/consider legal advice (Pursuant to Article 6252-71, §2(e)); reconvene in open meeting (Pursuant to Article 6252-17, §2(g)) Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services such as interpreters for persons who are deaf or hearing impaired, readers, large print or braille, are requested to contact Carolyn Lewis at (512) 458-1363 two work days prior to the meeting so that appropriate arrangements can be made.

Contact: Robert H. Norris, 8213 Shoal Creek Boulevard, #107, Austin, Texas 78757, (512) 458-1863.

Filed: April 14, 1993, 2:28 p.m.

TRD-9321649

The State Bar of Texas

Friday, April 16, 1993, 9 a.m. The Board of Directors of the State Bar of Texas met at the Four Seasons Hotel, Ballroom A and B, 98 San Jacinto Boulevard, Austin. According to the agenda summary, the board called the meeting to order; took roll call; gave invocation; heard reports of chair of the board, president, president-elect, Texas Young Lawyers Association president, executive director, office of General Counsel, board committees-appeals, audit and finance, general counsel advisory, grant re-

view, legislative policy, minority representation committee, professional development committee, facilities and equipment committee; report from State Bar Committees; sections, divisions; reports from Texas Lawyers Assistance Program; Commission for Lawyer Discipline; immediate past president; Supreme Court liaison; Court of Criminal Appeals liaison; federal judicial liaison; judicial section liaison; remarks from the general public; and adjourned.

Contact: Pat Hiller, 1414 Colorado Street, Austin, Texas 78701, (512) 463-1463.

Filed: April 8, 1993, 3:57 p.m.

TRD-9321393

Wednesday, April 21, 1993, 2 p.m. The State Bar of Texas will meet at the Supreme Court Conference Room, 209 West 14th Street, Fifth Floor, Austin. According to the complete agenda, the bar held a hearing of the State Bar of Texas' 1993-1994 budget before the Supreme Court of Texas.

Contact: Pat Hiller, 1414 Colorado Street, Austin, Texas 78701, (512) 463-1451.

Filed: April 13, 1993, 3:29 p.m.

TRD-9321614

State Board of Barber Examiners

Tuesday, May 4, 1993, 8:30 a.m. The State Board of Barber Examiners will meet at 9101 Burnet Road, Suite 103, Austin. According to the complete agenda, the board members will discuss approval of minutes of previous meeting; sign teacher and school certificates; hear reports by the executive director; read letters to the board; discuss the national written exam; and adjourn.

Contact: Mary Jo King, 9101 Burnet Road, Suite 103, Austin, Texas 78758, (512) 835-2040.

Filed: April 14, 1993, 11:08 a.m.

TRD-9321636

Texas Cancer Council

Wednesday, May 5, 1993, 9 a.m. The Board of Directors of the Texas Cancer Council will meet at the Texas Medical Association, 15th and Guadalupe Streets, Austin. According to the complete agenda, the board will call the meeting to order; discuss adoption of minutes; hear announcements; hear executive director's report; discuss fiscal year 1993 fiscal and policy issues; preliminary findings: project assessments; hear committee reports; fiscal year 1994 fiscal and policy issues; discuss other issues; and adjourn. Persons with

disabilities who plan to attend this meeting and who may need auxiliary aids or services such as interpreters for persons who are deaf or hearing impaired, readers, large print or braille, are requested to contact Debra Perkins at (512) 463-3190 five working days prior to the meeting so that appropriate arrangements can be made.

Contact: Emily F. Untermeyer, 211 East Seventh Street, Suite 710, Austin, Texas 78701, (512) 463-3190.

Filed: April 15, 1993, 9:28 a.m.

TRD-9321666

Coastal Coordination Council

Friday, April 16, 1993, 9 a.m. The Executive Committee of the Coastal Coordination Council met at the Stephen F. Austin Building, Room 831, 1700 North Congress Avenue, Austin. According to the complete agenda, the committee called the meeting to order; discussed approval of the minutes of the March 19, 1993 meeting; presented boundary evaluation and recommendation; discussed procedures for Coastal Coordination Council adoption of policies; key consistency issues; uses to be managed; heard public comment-agencies and public given opportunity to comment on each agenda item (three minute limit); and adjourned.

Contact: Janet Fatheree, 1700 North Congress Avenue, Room 730, Austin, Texas 78701, (512) 463-5385.

Filed: April 8, 1993, 4:26 p.m.

TRD-9321415

Texas Department of Commerce

Wednesday, April 14, 1993, 2:55 p.m. The Texas Economic Development Corporation of the Texas Department of Commerce met in an emergency meeting at the First City Centre Building, 11th Floor Board Room, 816 Congress Avenue, Austin. According to the agenda summary, the corporation called the meeting to order; adopted minutes from meeting of January 13, 1993; discussed approval of officers for Texas Economic Development Corporation-vice president, secretary and election of treasurer; approved resolution to execute funds management agreement with the State Treasury; and approved agreement between the Texas Economic Development Corporation and the Foundation for American Scientific Leadership for an educational/communications program regarding the economic benefits of the Superconducting Super Collider; and adjourned. The emergency status was necessary as approval of agreement between the TEDC and the Foundation for American

Scientific Leadership for an educational/communications program regarding the economic benefits of the Superconducting Super Collider.

Contact: Richard Hall, Suite 1120, 816 Congress Avenue, Austin, Texas 78701, (512) 320-9672.

Filed: April 9, 1993, 11:35 a.m.

TRD-9321454

Texas Cosmetology Commission

Saturday, April 24, 1993, 8 a.m. The Texas Cosmetology Commission will meet at the Austin North Hilton and Towers, 6000 Middle Fiskville Road, Austin. According to the agenda summary, the commission will call the meeting to order; make introductions; meet in executive session to interview candidates for executive director; reconvene in open meeting; and adjourn.

Contact: Alicia Ayers, P.O. Box 26700, Austin, Texas 78755-0700, (512) 454-4674.

Filed: April 13, 1993, 9:43 a.m.

TRD-9321582

Sunday, April 25, 1993, 9 a.m. The Texas Cosmetology Commission will meet at the Austin North Hilton and Towers, 6000 Middle Fiskville Road, Austin. According to the agenda summary, the commission will call the meeting to order; make introductions; meet in executive session to interview candidates for executive director; reconvene in open meeting; possible vote on appointment of executive director; and adjourn.

Contact: Alicia Ayers, P.O. Box 26700, Austin, Texas 78755-0700, (512) 454-4674.

Filed: April 13, 1993, 9:43 a.m.

TRD-9321583

Texas Department of Criminal Justice

Monday, April 19, 1993, 9 a.m. The Board of Criminal Justice, Subcommittee on Minority Relations of the Texas Department of Criminal Justice met at the TDCJ Austin Office, 816 Congress Avenue, Suite 500, Austin. According to the complete agenda, the board discussed agency purchasing procedures; construction and architect/engineer selection procedures; and promotion and hiring procedures.

Contact: Susan Power-McHenry, P.O. Box 13084, Austin, Texas 78711, (512) 475-3250.

Filed: April 8, 1993, 2:38 p.m.

TRD-9321382

Texas Planning Council for Developmental Disabilities

Thursday-Friday, April 22-23, 1993, 1 p.m. and 9 a.m. respectively. The Advocacy and Public Information Committee of the Texas Planning Council for Developmental Disabilities will meet at the Texas Rehabilitation Commission, 4900 North Lamar Boulevard, Room 4240, Austin. According to the complete agenda, the committee will call the meeting to order; discuss approval of minutes; discuss state policy/legislation: 73rd Legislative Session activities; review of pending legislation, including appropriations; discuss council actions to date; other state policy issues: state school closure; PASARR; federal policy/legislation: DD Act reauthorization; health care reform; other federal issues; update on public information activities; and adjourn. Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services such as interpreters for persons who are deaf or hearing impaired, readers, large print or braille, are requested to contact Denese Holman at (512) 483-4087.

Contact: Roger Webb, 4900 North Lamar Boulevard, Austin, Texas 78751, (512) 483-4081.

Filed: April 14, 1993, 3:23 p.m.

TRD-9321653

Texas Education Agency (TEA)

Friday, April 16, 1993, 8:30 a.m. The State Board of Education (SBOE) Committee on School Finance of the Texas Education Agency met at the William B. Travis Building, Room 1-104, 1701 North Congress Avenue, Austin. According to the agenda summary, the committee heard public testimony; discussed school finance update; 19 TAC §89.239, other special program provisions; master plan for career and technical education; career and technology education discretionary projects for 1993-1994; Title III, Part F-supplementary state grants for facilities and equipment and other program improvement activities authorized under Carl E. Perkins Vocational and Applied Technology Act; recommendations for appointment to the Proprietary School Advisory Commission; made recommendations for appointments to 1993 State Textbook Subject Area Committees; requested approval to accept funds from principal, Eppler, Gueren, and Turner, Inc., and the Austin Business and Education Coalition.

Contact: Criss Cloudt, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9701.

Filed: April 8, 1993, 1:18 p.m.

TRD-9321371

Friday, April 16, 1993, 8:30 a.m. The State Board of Education (SBOE) Committee on Personnel of the Texas Education Agency met at the William B. Travis Building, Room 1-111, 1701 North Congress Avenue, Austin. According to the agenda summary, the committee heard public testimony; discussed 19 TAC Chapter 141, Teacher Certification; 19 TAC Chapter 143, Assignment of Personnel; 19 TAC Chapter 145, Professional Environment; 19 TAC Chapter 149, Education Personnel Development and related professional development rules; appointment to Randolph Field ISD Board of Trustees; development and scheduling of workshops/job fairs to be conducted at education service centers; report on ethnic/gender distribution of TEA personnel; and status report on the accreditation of school districts.

Contact: Criss Cloudt, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9701.

Filed: April 8, 1993, 1:18 p.m.

TRD-9321372

Friday, April 16, 1993, 8:30 a.m. The State Board of Education (SBOE) Committee on Students of the Texas Education Agency met at the William B. Travis Building, Room 1-100, 1701 North Congress Avenue, Austin. According to the agenda summary, the committee heard public testimony; discussed 19 TAC Chapter 75, Subchapter J, Curriculum; 19 TAC §75.166, Credit by Examination; 19 TAC Chapter 75, Subchapter K, Extracurricular Activities; discussed master plan for career and technology education; and career and technology education discretionary projects for program year 1993-1994.

Contact: Criss Cloudt, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9701.

Filed: April 8, 1993, 1:19 p.m.

TRD-9321373

Friday, April 16, 1993, 1:30 p.m. The State Board of Education (SBOE) of the Texas Education Agency met at the William B. Travis Building, Room 1-104, 1701 North Congress Avenue, Austin. According to the agenda summary, the board heard public testimony; biennial report on long-range technology plan; discussed legislative issues; federal government activities; state's accountability system; Texas Public School Education: Aiming for Excellence/Equity; discussion of pending litigation (executive session in accordance with Article 6252-17, §2(e), Texas Civil Statutes in Room 1-103); violation of rule: provision of ancillary materials to school districts; teacher certification; assignment of person-

nel; professional environment; education personnel development; Randolph Field ISD Board of Trustees; curriculum (driver education); credit by examination; extracurricular activities; special program provisions; master plan for career/technical education; supplementary state grants for facilities/equipment/other program improvement activities authorized under Carl E. Perkins Vocational/Applied Technology Act; Proprietary School Advisory Commission; 1993 State Textbook Subject Area Committees; approval to accept funds from principal/Eppler, Gueren, and Turner, Inc., and Austin Business/education coalition; and information on agency administration.

Contact: Criss Cloudt, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9701.

Filed: April 8, 1993, 1:19 p.m.

TRD-9321374

Wednesday, April 21, 1993, 9 a.m. The Texas Center for Educational Technology (TCET) Membership Committee of the Texas Education Agency will meet at Josten's Learning Center, 1333 Corporate Drive, Suite 300, Irving. According to the complete agenda, the committee will discuss restructuring membership criteria for corporate members.

Contact: Delia Duffey, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9092.

Filed: April 13, 1993, 11:45 a.m.

TRD-9321600

Wednesday, April 21, 1993, 11 a.m. The Texas Center for Educational Technology (TCET) Board of Directors of the Texas Education Agency will meet at Josten's Learning Center, 1333 Corporate Drive, Suite 300, Irving. According to the agenda summary, the board will discuss executive director search (discussion will be held in executive session in accordance with Vernon's Texas Civil Statutes, Article 6252-17, §2(g), concerning personnel matters); executive director status report, including current project reports and current year fiscal report; marketing strategies, including membership/constituent and product marketing distribution; 1993-1994 research agenda, including parameters, process, and support mechanisms (technical advisory group, school district advisory group, education service center advisory group, university advisory group); and adjourn.

Contact: Delia Duffey, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9092.

Filed: April 13, 1993, 11:44 a.m.

TRD-9321599

Texas Employment Commission

Tuesday, April 20, 1993, 9 a.m. The Texas Employment Commission will meet at the TEC Building, Room 644, 101 East 15th Street, Austin. According to the agenda summary, the commission will discuss approval of prior meeting notes; meet in executive session to discuss City of Devine versus Texas Employment Commission, et al.; Priscilla Hammerdahl versus Texas Employment Commission, et al.; and Dale A. Lyon versus Texas Employment Commission, et al.; actions, if any, resulting from executive session; consideration and possible approval of bid for automatic door openers at the south entrance of the TEC Building, 101 East 15th Street, Austin; consideration of proposed or pending legislation and possible action with respect thereto; internal procedures of commission appeals; consideration and action on tax liability cases on Commission Docket 15 and on higher levels in unemployment compensation cases listed on Commission Dockets 15, 15A, and 16; and set date of next meeting.

Contact: C. Ed Davis, 101 East 15th Street, Austin, Texas 78778, (512) 463-2291.

Filed: April 12, 1993, 4:06 p.m.

TRD-9321572

Texas State Board of Registration for Professional Engineers

Wednesday-Thursday, April 21-22, 1993, 8:30 a.m. The Texas State Board of Registration for Professional Engineers will meet at the Electric Service Building, Room 1023, 115 West Seventh Street, Fort Worth. According to the agenda summary, the board will receive reports from board members and staff; interview applicants; take action on applications for registration; reading of communications; and discuss other related business.

Contact: Charles E. Nemir, P.E., 1917 IH-35 South, Austin, Texas 78741, (512) 440-7723.

Filed: April 12, 1993, 2:10 p.m.

TRD-9321534

Wednesday-Thursday, April 21-22, 1993, 8:30 a.m. (Revised agenda). The Texas State Board of Registration for Professional Engineers will meet at the Electric Service Building, Room 1023, 115 West Seventh Street, Fort Worth. According to the agenda summary, the board will receive reports from board members and staff; interview applicants; take action on applications for registration; reading of communications; and discuss other related business.

Contact: Charles E. Nemir, P.E., 1917 IH-35 South, Austin, Texas 78741, (512) 440-7723.

Filed: April 13, 1993, 1:32 p.m.

TRD-9321605

Office of the Governor

Friday, April 23, 1993, 9 a.m. The Committee on People with Disabilities of the Office of the Governor will meet at 1711 San Jacinto Street, Room 402, Central Services Building, Austin. According to the agenda summary, the committee and subcommittees will discuss and consider the following items for possible action: programs subcommittee-1993 plan for state agency implementation of ADA, mayors' committees, and awards programs; long-range planning and policy subcommittee-data on employment of people with disabilities by state agencies, and legislative tracking by staff and state-level disability rights legislation. The full committee will hear from John Pouland, Executive Director of General Services Commission; Jack Garrison, Executive Director of Texas Department of Licensing and Regulation (TDLR); and Rick Baudoin, Director of Elimination of Architectural Barriers of TDLR.

Contact: Virginia Roberts, 201 East 14th Street, Austin, Texas 78701, (512) 463-5739.

Filed: April 14, 1993, 1 p.m.

TRD-9321640

Guaranty Fund Advisory Council

Wednesday, April 21, 1993, 1:30 p.m. (Rescheduled from April 13, 1993). The Guaranty Fund Advisory Council will meet at the State Finance Building, 2601 North Lamar Boulevard, Austin. According to the complete revised agenda, the council will vote to recommend adoption of Rules 25.18, 25.19 and 25.20; and vote whether to pay the actuarial bill.

Contact: Stephanie Newberg, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 475-1280.

Filed: April 9, 1993, 12:41 p.m.

TRD-9321456

Texas Department of Health

Friday, April 16, 1993, 10 a.m. The Dental Technical Advisory Committee of the Texas Department of Health held an emergency meeting at the Texas Department of Health,

Room G-107, 1100 West 49th Street, Austin. According to the complete agenda, the committee discussed approval of minutes of the October 2, 1992 meeting; discussed and possibly acted on: bureau chief's report; long-term care/oral health legislation; fluoridation update; update on new dental health education curriculum (long-term care and pre-K); fiscal and budget report; EPSDT transfer from Department of Human Services to Texas Department of Health; heard regional dental directors' activity reports; year 2000 progress report; bureau priority setting; and election of chairman and vice-chairman.

Contact: N. L. King, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7323. For ADA assistance, call Richard Butler, (512) 458-7488 or T.D. D. (512) 458-7708 at least two days prior to the meeting.

Filed: April 9, 1993, 5:01 p.m.

TRD-9321503

Texas High-Speed Rail Authority

Friday, April 16, 1993, 10 a.m. The Board of Directors of the Texas High-Speed Rail Authority met at the D. C. Greer Building, 125 East 11th Street, Public Hearing Room, Austin. According to the agenda summary, the board discussed approval of minutes; heard citizen communication; report from executive director; report on franchisee procurement plan; report from Texas TGV Corporation; report from Woodward-Clyde Consultants; met in executive session; heard report from budget committee on April 6, 1993 meeting.

Contact: Allan Rutter, 823 Congress Avenue, Suite 1502, Austin, Texas 78701, (512) 478-5484.

Filed: April 8, 1993, 3:04 p.m.

TRD-9321386

Monday, April 19, 1993, 10 a.m. The Teleconference Board of the Texas High-Speed Rail Authority met at the Public Listening, 823 Congress Avenue, Suite 1502, Austin. According to the agenda summary, the board met in executive session; heard report from budget committee on April 6, 1993 meeting, concerning financial advisor, and EIS consultant contract.

Contact: Allan Rutter, 823 Congress Avenue, Suite 1502, Austin, Texas 78701, (512) 478-5484.

Filed: April 9, 1993, 4:43 p.m.

TRD-9321501

Texas Historical Commission

Friday, April 23, 1993, 9 a.m. The Texas Historical Records Advisory Board will meet at the University of Texas-San Antonio, Room 4.04.10C, John Peace Library Building, San Antonio. According to the complete agenda, the board will discuss the development of a strategic plan for the board.

Contact: Chris LaPlante, 1201 Brazos Street, Austin, Texas 78701, (512) 463-5480.

Filed: April 14, 1993, 9:29 a.m.

TRD-9321630

Texas Department of Human Services

Friday, April 16, 1993, 10 a.m. The Texas Board of Human Services of the Texas Department of Human Services met at 701 West 51st Street, First Floor, East Tower, Public Hearing Room, Austin. According to the complete agenda, the board considered action on approval of March 19, 1993, minutes; heard chairman's comments and announcements; discussed reimbursement to disproportionate share hospitals; rates for Primary Home Care Services for non-priority and priority one clients and rate ceilings for Family Care Services for non-priority one clients; residential care program rates; rate for the DAHS program; rate ceiling for the congregate and home-delivered meals program; amendment to PASARR rules regarding alternate placement; amendments to policies and procedures; status report on contracting with historically underutilized businesses; proposal to immunize children in the AFDC program; heard commissioner's report on announcements and comments and tracking of board action items.

Contact: Sherron Heinemann, P.O. Box 149030, Austin, Texas 78714-9030, (512) 450-3048.

Filed: April 8, 1993, 10:54 a.m.

TRD-9321365

Tuesday, April 20, 1993, 9 a.m. The Drug Use Review Board of the Texas Department of Human Services will meet at 701 West 51st Street, First Floor, East Tower, Public Hearing Room, Austin. According to the complete agenda, the board will discuss approval of minutes from January 26, 1993; discuss the recipient utilization control program; review of responses to letters on Xanax; review of profiles on Naprosyn and other NSAID's; discuss therapeutic criteria and standards; meetings on the Ad Hoc Committees on provider education and intervention letters; selection of targeted drug

for next profile review; scheduling next meeting; and adjourn.

Contact: Curtis Burch, P.O. Box 149030, Austin, Texas 78714-9030, (512) 380-6988.

Filed: April 12, 1993, 9:07 a.m.

TRD-9321506

Thursday, April 22, 1993, 10 a.m. The Indigent Health Care Advisory Committee of the Texas Department of Human Services will meet at the Texas Department of Health, 1100 West 49th Street, Room T-607, Austin. According to the complete agenda, the committee will call the meeting to order; discuss approval of minutes; give update on legislative action; SLIAG phase-down process; discuss state assistance funds and counties at 8.0% and 10% levels; status of IHC/IE funding for Fiscal Year 1994-1995; summary of filed bills affecting CIHCP; update on CIHCP handbook revisions; request for volunteers for CIHCP workshop; report from networking group; feedback on prior recommendations; open comment period on agenda items and suggestions for future agenda items; and adjourn.

Contact: Jane Jaggar, P.O. Box 149030, Austin, Texas 78714-9030, (512) 338-6461.

Filed: April 12, 1993, 3:27 p.m.

TRD-9321567

Texas Incentive and Productivity Commission

Thursday, April 29, 1993, 10 a.m. The Texas Incentive and Productivity Commission will meet at the Insurance Building, Fourth Floor, Room 442, 11th and San Jacinto, Austin. According to the agenda summary, the commission will call the meeting to order; take roll call; discuss approval of the minutes of previous meeting; consider employee suggestions for approval, 1993 Productivity plans, and agency applications for Productivity Bonus Program awards; reports on administrative matters; and adjourn.

Contact: M. Elaine Powell, P.O. Box 12482, Austin, Texas 78711, (512) 475-2399.

Filed: April 15, 1993, 8:57 a.m.

TRD-9321661

Texas Department of Insurance

Tuesday, April 20, 1993, 9 a.m. The Commissioner's Hearing Section of the Texas Department of Insurance will meet at 333 Guadalupe Street, Hobby II, Fourth Floor, Austin. According to the complete agenda,

the section will conduct a public hearing to consider whether disciplinary action should be taken against Elma P. Keahey, Arlington, who holds a Group I, Legal Reserve Life Insurance Agent's license and a Local Recording Agent's license.

Contact: Kelly Townsell, 333 Guadalupe Street, Hobby II, Austin, Texas 78701, (512) 475-2983.

Filed: April 13, 1993, 2:12 p.m.

TRD-9321612

Tuesday, April 20, 1993, 1:30 p.m. The Commissioner's Hearing Section of the Texas Department of Insurance will meet at 333 Guadalupe Street, Hobby II, Fourth Floor, Austin. According to the complete agenda, the section will conduct a public hearing to consider whether disciplinary action should be taken against Albert Thomas Hoff, of Dallas, who holds a Local Recording Agent's license.

Contact: Kelly Townsell, 333 Guadalupe Street, Hobby II, Austin, Texas 78701, (512) 475-2983.

Filed: April 13, 1993, 2:12 p.m.

TRD-9321610

Thursday, April 22, 1993, 9 a.m. The State Board of Insurance of the Texas Department of Insurance will meet at the William P. Hobby Building, 333 Guadalupe Street, Room 100, Austin. According to the agenda summary, the board will discuss personnel; solvency; litigation; commissioner's orders; budget; hear staff reports; discuss legislative update; consider adoption of job posting procedures for TDI; consider proposed amendments to 28 TAC §§1.702-1.703 concerning summary procedures; consider motions by American Protection Insurance Company and Lumbermen's Mutual Casualty Company, Nationwide Indemnity Insurance and Employers Insurance of Wausau requesting transfer of appointment as designated insurer under small premium policy plan; consider filings by Hartford Fire Insurance Company, et al, American States Insurance Company, Great American Insurance Company, et al, Old Republic Insurance Company and Old Republic Surety Company, Millers' Mutual Insurance Association of Illinois, Zurich Insurance Company, et al, Pacific Indemnity Company, et al, and Commercial Union Insurance Company, et al.

Contact: Angelia Johnson, 333 Guadalupe Street, Mail Code 113-2A, Austin, Texas 78701, (512) 463-6527.

Filed: April 8, 1993, 4:04 p.m.

TRD-9321400

Thursday, April 22, 1993, 11 a.m. The State Board of Insurance of the Texas Department of Insurance will meet at the William P. Hobby Building, 333 Guadalupe

Street, Room 100, Austin. According to the complete agenda, the board will consider hearings officer's proposal for decision in Docket Number 1968 concerning an appeal by Maintenance, Inc. for a hearing on calculation of its experience modifiers for 1993 and 1994 applicable to workers' compensation insurance. Recommendation is to deny appeal.

Contact: Angelia Johnson, 333 Guadalupe Street, Mail Code 113-2A, Austin, Texas 78701, (512) 463-6527.

Filed: April 8, 1993, 4:04 p.m.

TRD-9321399

Thursday, April 22, 1993, 1:30 p.m. The Commissioner's Hearing Section of the Texas Department of Insurance will meet at 333 Guadalupe Street, Hobby II, Fourth Floor, Austin. According to the complete agenda, the section will conduct a public hearing to consider the proposed plan of merger of Guaranty National Life Insurance Company, Houston, into Equity Benefit Life Insurance Company, Fairfax, Oklahoma, with Equity Benefit Life Insurance Company being the survivor.

Contact: Kelly Townsell, 333 Guadalupe Street, Hobby II, Austin, Texas 78701, (512) 475-2983.

Filed: April 13, 1993, 2:12 p.m.

TRD-9321611

Friday, April 23, 1993, 9 a.m. The State Board of Insurance of the Texas Department of Insurance will meet at the William P. Hobby Building, 333 Guadalupe Street, Room 100, Austin. According to the complete agenda, the board will hold a public hearing under Docket Number 1992 to consider the appeal from Commissioner's Order Number 92-1154 regarding the matter to locate and maintain books, records, accounts and principal office of Credit General Insurance Company outside the State of Texas. Public hearing under Docket Number 1993 to consider the appeal from Commissioner's Denial letter, dated March 16, 1993, regarding the matter to enter into a facilities and services agreement filed on behalf of Credit General Insurance Company.

Contact: Angelia Johnson, 333 Guadalupe Street, Mail Code 113-2A, Austin, Texas 78701, (512) 463-6527.

Filed: April 9, 1993, 4:03 p.m.

TRD-9321398

Board of Law Examiners

Saturday-Sunday, April 24-25, 1993, 8:30 a.m. The Board of Law Examiners will meet at 9721 Arboretum Boulevard, Austin. According to the agenda summary, the

board will consider approval of minutes; financial and investment reports; consider various reports from staff and members; conduct hearings and deliberations on character and fitness matters; discuss formal and informal review procedures; special requests (rule waivers and special testing accommodations); report of Supreme Court Liaison; discuss relevant publications; hear communications from the public; consider presentation of NCBE Director of Testing; conduct Bar Admission Forum; consider action regarding format of Texas Bar Examination; recommending amendments to the rules; discuss grade release procedures; review of multi-state bar examination; and discuss policy regarding admission of graduates of unapproved law schools.

Contact: Rachael Martin, P.O. Box 13486, Austin, Texas 78711-3486, (512) 463-1621.

Filed: April 13, 1993, 8:44 a.m.

TRD-9321579

Monday, April 26, 1993, 8:30 a.m. The Board of Law Examiners will meet at the Texas Law Center, 1414 Colorado Street, Austin. According to the agenda summary, the board will consider approval of minutes; financial and investment reports; consider various reports from staff and members; conduct hearings and deliberations on character and fitness matters; discuss formal and informal review procedures; special requests (rule waivers and special testing accommodations); report of Supreme Court Liaison; discuss relevant publications; hear communications from the public; consider presentation of NCBE Director of Testing; conduct Bar Admission Forum; consider action regarding format of Texas Bar Examination; recommending amendments to the rules; discuss grade release procedures; review of multi-state bar examination; and discuss policy regarding admission of graduates of unapproved law schools.

Contact: Rachael Martin, P.O. Box 13486, Austin, Texas 78711-3486, (512) 463-1621.

Filed: April 13, 1993, 8:44 a.m.

TRD-9321578

Texas Department of Licensing and Regulation

Tuesday, May 11, 1993, 9 a.m. The Inspections and Investigations: Auctioneers of the Texas Department of Licensing and Regulation will meet at 920 Colorado, E.O. Thompson Building, Third Floor Conference Room, Austin. According to the complete agenda, the department will hold an administrative hearing to consider the possible assessment of an administrative penalty and denial, suspension or revocation of the license for Audrey Edward Tanner doing business as Belton Auction for violation of

Texas Civil Statutes Annotated, Article 8700, 16 TAC §67.101(4) and Article 9100.

Contact: Paula Hamje, 920 Colorado, Austin, Texas 78701, (512) 463-3192.

Filed: April 12, 1993, 4:16 p.m.

TRD-9321574

Thursday, May 13, 1993, 9 a.m. The Inspections and Investigations: Auctioneers of the Texas Department of Licensing and Regulation will meet at 920 Colorado, E.O. Thompson Building, Third Floor Conference Room, Austin. According to the complete agenda, the department will hold an administrative hearing to consider the possible assessment of an administrative penalty and denial, suspension or revocation of the license for Royce Lynn Carpenter doing business as R. L. Carpenter and Associates for violation of Texas Civil Statutes Annotated, Article 8700, 16 TAC, Chapter 67, §67.101(1), (2), (4), and Article 9100.

Contact: Paula Hamje, 920 Colorado, Austin, Texas 78701, (512) 463-3192.

Filed: April 12, 1993, 4:16 p.m.

TRD-9321573

Texas Life, Accident, Health and Hospital Service Insurance Guaranty Association

Tuesday, April 20, 1993, 9 a.m. The Board of Directors of the Texas Life, Accident, Health and Hospital Service Insurance Guaranty Association will meet at 333 Guadalupe Street, 12th Floor Conference Room, Austin. According to the agenda summary, the board will consider and possibly act on: approval of minutes; review of Guaranty Association activities; meet in executive session; matters discussed in executive session: review of Association financial statements; banking issues; audit and assessment committee; impaired/insolvent member insurers; NOLHGA invoices for disposition committee fees and expenses; Association by-laws; use of independent consultants to assist in development of internal policies and control procedures; and set next meeting date.

Contact: C. S. LaShelle, 301 Congress Avenue, #500, Austin, Texas 78701, (512) 476-5101.

Filed: April 12, 1993, 11:17 a.m.

TRD-9321524

Texas Board of Pardons and Paroles

Monday-Tuesday, April 19-20, 1993, 9 a.m. The Parole Board Panel(s) of the

Texas Board of Pardons and Paroles will meet at 1010 Cadiz, Suite 105, Dallas. According to the agenda summary, a panel(s) (composed of three member(s)) will receive, review and consider information and reports concerning prisoners/inmates and administrative releases subject to the board's jurisdiction and initiate and carry through with appropriate actions to include decisions involving the withdrawal of warrants, issuing of subpoenas, the imposition of special conditions of parole and requests for parole services.

Contact: Juanita Llamas, 8610 Shoal Creek Boulevard, Austin, Texas 78758, (512) 406-5407.

Filed: April 8, 1993, 10:02 a.m.

TRD-9321354

Tuesday-Wednesday, April 20-21, 1993, 1:30 p.m. The Parole Board Panel(s) of the Texas Board of Pardons and Paroles will meet at 1550 East Palestine, Suite 100, Palestine. According to the agenda summary, a panel(s) (composed of three member(s)) will receive, review and consider information and reports concerning prisoners/inmates and administrative releases subject to the board's jurisdiction and initiate and carry through with appropriate actions to include decisions involving the withdrawal of warrants, issuing of subpoenas, the imposition of special conditions of parole and requests for parole services.

Contact: Juanita Llamas, 8610 Shoal Creek Boulevard, Austin, Texas 78758, (512) 406-5407.

Filed: April 8, 1993, 10:02 a.m.

TRD-9321355

Monday-Friday, April 19-23, 1993, 1:30 p.m. The Parole Board Panel(s) of the Texas Board of Pardons and Paroles will meet at 2503 Lake Road, Suite 2, Huntsville. According to the agenda summary, a panel(s) (composed of three member(s)) will receive, review and consider information and reports concerning prisoners/inmates and administrative releases subject to the board's jurisdiction and initiate and carry through with appropriate actions to include decisions involving the withdrawal of warrants, issuing of subpoenas, the imposition of special conditions of parole and requests for parole services.

Contact: Juanita Llamas, 8610 Shoal Creek Boulevard, Austin, Texas 78758, (512) 406-5407.

Filed: April 8, 1993, 10:01 a.m.

TRD-9321351

Wednesday-Thursday, April 21-22, 1993, 9 a.m. The Parole Board Panel(s) of the Texas Board of Pardons and Paroles will meet at 1212 North Velasco, Suite 201, Angleton. According to the agenda sum-

mary, a panel(s) (composed of three member(s)) will receive, review and consider information and reports concerning prisoners/inmates and administrative releasees subject to the board's jurisdiction and initiate and carry through with appropriate actions to include decisions involving the withdrawal of warrants, issuing of subpoenas, the imposition of special conditions of parole and requests for parole services.

Contact: Juanita Llamas, 8610 Shoal Creek Boulevard, Austin, Texas 78758, (512) 406-5407.

Filed: April 8, 1993, 10:02 a.m.

TRD-9321353

Thursday-Friday, April 22-23, 1993, 9 a.m. The Parole Board Panel(s) of the Texas Board of Pardons and Paroles will meet at 1550 East Palestine, Suite 100, Palestine. According to the agenda summary, a panel(s) (composed of three member(s)) will receive, review and consider information and reports concerning prisoners/inmates and administrative releasees subject to the board's jurisdiction and initiate and carry through with appropriate actions to include decisions involving the withdrawal of warrants, issuing of subpoenas, the imposition of special conditions of parole and requests for parole services.

Contact: Juanita Llamas, 8610 Shoal Creek Boulevard, Austin, Texas 78758, (512) 406-5407.

Filed: April 8, 1993, 10:02 a.m.

TRD-9321356

Thursday-Friday, April 22-23, 1993, 12:30 p.m. The Parole Board Panel(s) of the Texas Board of Pardons and Paroles will meet at Route 5, Box 258-A, Gatesville. According to the agenda summary, a panel(s) (composed of three member(s)) will receive, review and consider information and reports concerning prisoners/inmates and administrative releasees subject to the board's jurisdiction and initiate and carry through with appropriate actions to include decisions involving the withdrawal of warrants, issuing of subpoenas, the imposition of special conditions of parole and requests for parole services.

Contact: Juanita Llamas, 8610 Shoal Creek Boulevard, Austin, Texas 78758, (512) 406-5407.

Filed: April 8, 1993, 10:01 a.m.

TRD-9321352

Texas Property and Casualty Insurance Guaranty Association

Thursday, April 22, 1993, 9 a.m. The Board of Directors of the Texas Property

and Casualty Insurance Guaranty Association will meet at 9420 Research Boulevard, Echelon III, Suite 400, Austin. According to the agenda summary, the board will discuss approval of minutes; introduce new employees/personnel update; update claims quarterly status reports; discuss and take possible action on the procurement of directors' and officers' liability insurance and blanket bond coverage for SDR's; discuss and take possible action on the TPCIGA Investment Committee Report; financial reports; corporate borrowing resolution for corporate travel cards; resolution for extending the line of credit borrowing from Texas Commerce Bank; and authorization to settle asbestos litigation on Keen and Company.

Contact: Marvin Kelly, 9420 Research Boulevard, Echelon III, Suite 400, Austin, Texas 78759, (512) 345-9335.

Filed: April 14, 1993, 1:10 p.m.

TRD-9321642

Texas Department of Protective and Regulatory Services

Friday, April 16, 1993, 1:30 p.m. The Texas Board of Protective and Regulatory Services of the Texas Department of Protective and Regulatory Services met at 701 West 51st Street, First Floor, East Tower, Public Hearing Room, Austin. According to the complete agenda, the board considered approval of the minutes of March 12, 1993; heard public testimony; discussed excused absences of board members; heard chair's comments and announcements; presentation of families and work institute study regarding child care in three states; executive director's report on tracking of board items and report on legislative appropriation request; revised guidelines for selecting adoptive homes; report on board review of advisory committees; and legislative report.

Contact: Michael Gee, P.O. Box 149030, Mail Code W-639, Austin, Texas 78714-9030, (512) 450-3645.

Filed: April 8, 1993, 2:39 p.m.

TRD-9321384

Saturday, April 17, 1993, 9 a.m. The Texas Board of Protective and Regulatory Services of the Texas Department of Protective and Regulatory Services will meet at Barton Creek, Council Oaks Room, 8212 Barton Club Drive, Austin. According to the complete agenda, the board will hold a board/staff interaction workshop.

Contact: Michael Gee, P.O. Box 149030, Mail Code W-639, Austin, Texas 78714-9030, (512) 450-3645.

Filed: April 8, 1993, 2:39 p.m.

TRD-9321383

Public Utility Commission of Texas

Friday, April 23, 1993, 10 a.m. The Hearings Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450, Austin. According to the complete agenda, the division will hold a prehearing conference in Docket Number 11922-application of AT&T Communications of the Southwest, Inc. for a temporary waiver of the flowthrough requirements of Substantive Rule 23.25(d).

Contact: John M. Renfrow, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: April 14, 1993, 3:07 p.m.

TRD-9321651

Tuesday, May 4, 1993, 10 a.m. The Hearings Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450, Austin. According to the complete agenda, the division will hold a prehearing conference in Docket Number 11890-application of Southwest Arkansas Telephone Cooperative, Inc. for special amortization of digital switching equipment.

Contact: John M. Renfrow, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: April 12, 1993, 4:03 p.m.

TRD-9321569

Tuesday, May 11, 1993, 10 a.m. The Hearings Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450, Austin. According to the complete agenda, the division will hold a prehearing conference in Docket Number 11897-application of Muenster Telephone Corporation of Texas for special amortization of digital central office equipment.

Contact: John M. Renfrow, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: April 12, 1993, 4:04 p.m.

TRD-9321570

Monday, June 21, 1993, 9 a.m. The Hearings Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450, Austin. According to the complete agenda, the division will conduct a hearing on the merits in Docket Number 11864-joint application of GTE Southwest, Inc. and Contel of Texas, Inc. for exception to earnings report requirements.

Contact: John M. Renfrow, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: April 13, 1993, 3:28 p.m.

TRD-9321613

Thursday, July 22, 1993, 10 a.m. (Rescheduled from April 12, 1993, 1 p. m.). The Hearings Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450, Austin. According to the complete agenda, the division will hold a prehearing conference in Docket Number 9640-complaint of Metropolitan Fiber Systems, Inc. against Southwestern Bell Telephone Company.

Contact: John M. Renfrow, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: April 12, 1993, 4:04 p.m.

TRD-9321571

Texas Racing Commission

Monday, April 19, 1993, 10 a.m. The Texas Racing Commission met at the Stephen F. Austin Building, Room 118, 1700 North Congress Avenue, Austin. According to the complete agenda, the commission called the meeting to order; took roll call; voted to adopt amendments to §313.22 and §313.405; presentation to Demarious K. Frey, D.V.M. and Hugh A. Fitzsimons, Jr.; considered and took action on the following by the Horse Racing Section: issues relating to a contract between Manor Downs and Texas Horsemen's Benevolent and Protective Association; and requests by Bandera Downs, Manor Downs, and Trinity Meadows Raceway regarding simulcasting for 1993.

Contact: Paula Cochran Carter, P.O. Box 12080, Austin, Texas 78711, (512) 794-8461.

Filed: April 9, 1993, 4:07 p.m.

TRD-9321500

Railroad Commission of Texas

Monday, April 19, 1993, 9:30 a.m. The Railroad Commission of Texas will meet in the First Floor Conference Room 1-111, William B. Travis Building, 1701 North Congress Avenue, Austin. Agendas follow.

The commission will consider and act on the administrative services division director's report on division administration, budget, procedures, and personnel matters.

Contact: Roger Dillon, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7257.

Filed: April 9, 1993, 10:13 a.m.

TRD-9321445

The commission will consider and act on the Personnel Division Director's report on division administration, budget, procedures, and personnel matters. The commission will meet in executive session to consider the appointment, employment, evaluation, reassignment, duties, discipline and/or dismissal of personnel.

Contact: Mark Bogan, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6710.

Filed: April 9, 1993, 10:13 a.m.

TRD-9321443

The commission will consider and act on the Office of the Executive Director's report on commission budget and fiscal matters, administrative and procedural matters, personnel and staffing, state and federal legislation, and contracts and grants. The Commission will discuss a proposed training agreement for the Gas Utilities Section of the Legal Division. The commission will meet in executive session to consider the appointment, employment, evaluation, reassignment, duties, discipline and/or dismissal of personnel and pending litigation. Consideration of a contract for public information services.

Contact: Walter H. Washington, Jr., P.O. Box 12967, Austin, Texas 78711-2967, (512) 463-7274.

Filed: April 9, 1993, 10:12 a.m.

TRD-9321442

The commission will consider and act on the Automatic Data Processing Division Director's report on division administration, budget, procedures, equipment, acquisitions and personnel matters.

Contact: Bob Kmetz, P.O. Box 12967, Austin, Texas 78711, (512) 463-7251.

Filed: April 9, 1993, 10:12 a.m.

TRD-9321441

The commission will meet in consideration of category determinations under sections 102(c)(1)(B), 102(c)(1)(C), 103, 107, and 108 of the Natural Gas Policy Act of 1978.

Contact: Margie Osborn, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6755.

Filed: April 9, 1993, 10:14 a.m.

TRD-9321447

The commission will consider and act on the Office of Information Services Director's report on division administration, budget, procedures, and personnel matters.

Contact: Brian W. Schaible, P.O. Drawer 12967, Austin, Texas 78701, (512) 463-6710.

Filed: April 9, 1993, 10:13 a.m.

TRD-9321446

The commission will consider and act on the Investigation Division Director's report on division administration, investigations, budget, and personnel matters.

Contact: Marcelo R. Montemayor, P.O. Box 12967, Austin, Texas 78711-2967, (512) 463-6828.

Filed: April 9, 1993, 10:13 a.m.

TRD-9321444

The commission will consider various applications and other matters within the jurisdiction of the agency including oral arguments. The commission may consider the procedural status of any contested case if 60 days or more have elapsed from the date the hearing was closed or from the date the transcript was received. The commission will meet in executive session as authorized by the Open Meetings Act.

Contact: Carole J. Vogel, P.O. Box 12967, Austin, Texas 78711, (512) 463-6921.

Filed: April 9, 1993, 10:14 a.m.

TRD-9321448

The Commission will consider and act on the Division Director's report on budget and personnel matters related to organization of the Alternative Fuels Research and Education Division.

Contact: Dan Kelly, P.O. Box 12967, Austin, Texas 78711-2967, (512) 463-7110.

TRD-9321440

School Land Board

Tuesday, April 20, 1993, 10 a.m. The School Land Board will meet at the General Land Office, Stephen F. Austin Building, 1700 North Congress Avenue, Room 831, Austin. According to the complete agenda, the board will discuss approval of previous board meeting minutes; lease suspension application, Luguna Madre, Kleberg County; pooling applications, USM (Queen) Field, Pecos County; Rincon (Vicksburg 6190) Field, Starr County; Bryan (Woodbine) Field, Brazos County; Giddings (Austin Chalk) Field, Brazos County; consider schedule and procedures for October 5, oil, gas, and other minerals lease sale; applications to lease highway rights of way for oil and gas, Brazos County and Ochiltree County; coastal public lands, commercial lease amendment, Nueces County; easement applications-Offatt Bayou, Galveston County; Galveston Bay, Galveston County; Copano Bay, Aransas County; Corpus Christi Bay, Nueces County; Tres Palacios Bay, Matagorda County; Galveston Bay, Harris County;

Taylor Lake, Harris County; Clear Lake, Harris County; Matagorda Bay, Calhoun County; and Galveston Bay, Harris County; modification of School Land note, Nueces County; meet in executive session-highway right of way sale, Harris County; consider highway right of way sale, Harris County; meet in executive session-amendment to land trade, Brazoria County; consider amendment to land trade, Brazoria County; meet in executive session-land trade, El Paso County; consider land trade, El Paso County; meet in executive session-land acquisition, El Paso County; consider land acquisition, El Paso County; and meet in executive session-pending and proposed litigation.

Contact: Linda K. Fisher, 1700 North Congress Avenue, Room 836, (512) 463-5016.

Filed: April 12, 1993, 4:22 p.m.

TRD-9321575

Interagency Council on Sex Offender Treatment

Tuesday, April 20, 1993, 9 a.m. The Board Treatment and Evaluation Subcommittee of the Interagency Council on Sex Offender Treatment will meet at 4900 North Lamar Boulevard, Seventh Floor Conference Room, Austin. According to the complete agenda, the subcommittee will convene by Linda Reyes, Ph.D., Chair; discuss committee charge; review treatment and evaluation philosophies; hear public comment; and adjourn.

Contact: Eliza May, 1106 Clayton Lane, #205E, Austin, Texas 78723, (512) 454-1314.

Filed: April 12, 1993, 1:01 p.m.

TRD-9321532

Texas Space Commission

Friday, April 16, 1993, 9 a.m. The Board of Directors of the Texas Space Commission met in an emergency meeting at the Lunar and Planetary Institute, 3600 Bay Area Boulevard, Clear Lake City. According to the agenda summary, the board made an official welcome; meeting called to order; reviewed previous meetings minutes; heard executor director's report; discussed TSC legislative and budget status; JSC Aerospace Technologies overview; TSC special projects-tins, space license plates, chicxulub, etc; discussed other business; and adjourned. The emergency status was necessary due to the fact that all six commissioners must be present, and this meeting could not be rescheduled.

Contact: Amy K. Reynolds, 1300 Hercules, Suite 204, Houston, Texas 77058; (713) 486-9250.

Filed: April 9, 1993, 1:32 p.m.

TRD-9321457

Stephen F. Austin State University

Monday, April 19, 1993, 10 a.m. The Board of Regents of the Stephen F. Austin State University met at the Stephen F. Austin Campus, Room 307, Austin Building, Nacogdoches. According to the agenda summary, the board will discuss finance committee; and open discussion of Tuesday board items.

Contact: Dr. Dan D. Angel, P.O. Box 6078 SFA Station, Nacogdoches, Texas 75962 (409) 568-2201.

Filed: April 14, 1993, 8:23 a.m.

TRD-9321622

Tuesday, April 20, 1993, 9 a.m. The Board of Regents of the Stephen F. Austin State University will meet at the Stephen F. Austin Campus, Room 307, Austin Building, Nacogdoches. According to the agenda summary, the board will discuss approval of minutes; election of board officers; discuss policy of items requiring approval by the Board of Regents; discuss personnel; academic and student affairs; financial affairs; buildings and grounds; university advancement; hear reports; and meet in executive session.

Contact: Dr. Dan D. Angel, P.O. Box 6078 SFA Station, Nacogdoches, Texas 75962 (409) 568-2201.

Filed: April 14, 1993, 8:23 a.m.

TRD-9321621

Texans' War on Drugs

Friday, April 16, 1993, 10 a.m. The Board of Directors of the Texans' War on Drugs met at the Texans' War on Drugs Conference Room, 313 East Anderson Lane, Suite 101, Austin. According to the agenda summary, the board called the meeting to order; established quorum; discussed approval of minutes; elected officers and directors; adopted resolutions; discussed board business; met in executive session; acted on matters discussed in executive session; heard president's report; set next meeting; discussed other business; and adjourned.

Contact: Janis Pittel, 313 East Anderson Lane, Suite 101, Austin, Texas 78752, (512) 452-0141.

Filed: April 8, 1993, 2:53 p.m.

TRD-9321385

The Texas A&M University System, Board of Regents

Tuesday, April 13, 1993, 10 a.m. The Board of Regents of the Texas A&M University System held a special telephonic meeting at the Board of Regents Meeting Room, College Station. According to the revised complete agenda, the board adopted a resolution supporting Senate Bill 993.

Contact: Vickie Running, The Texas A&M University System, College Station, Texas 77843, (409) 845-9600.

Filed: April 8, 1993, 2:13 p.m.

TRD-9321377

Texas Department of Transportation

Thursday, April 22, 1993, 9 a.m. The Motor Vehicle Board of the Texas Department of Transportation will meet at 815 Brazos Street, Suite 302 (Brazos Building), Austin. According to the agenda summary, the board will call the meeting to order; take roll call; discuss approval of the minutes of Motor Vehicle Board meeting on January 21, 1993; argument on proposal for decision; argument on motions for rehearing; agreed orders; orders of dismissal; other: staff recognition, discussion of pending legislation, review and approval of annual report on Lemon Law cases, discussion of possible adoption of rule governing settlement of cases prior to board meetings, review of litigation status report, and review of consumer complaint recap report including decisions made by examiners, division director, and board; argument on proposal for decision; and adjourn.

Contact: Russell Harding, 815 Brazos, Suite 300, Austin, Texas 78701, (512) 476-3587.

Filed: April 14, 1993, 9:04 a.m.

TRD-9321623

Texas Turnpike Authority

Friday, April 23, 1993, 9 a.m. The Contract Awards Committee of the Texas Turnpike Authority will meet at the Texas Turnpike Authority Administration Building, 3015 Raleigh Street, Dallas. According to the complete agenda, the committee will take roll call of directors; meet in executive session pursuant to Article 6252-17, Vernon's Revised Civil Statutes to consult with attorney and staff concerning VIVID con-

tract and threatened litigation; discuss VIVID contract and presentations by interested parties; briefing of board on TTA contract acquisition procedures; briefing of board on TTA minority participation of contracts and purchases; and adjourn.

Contact: Harry Kabler, P.O. Box 190369, Dallas, Texas 75219, (214) 522-6200.

Filed: April 15, 1993, 9:50 a.m.

TRD-9321667

University of Houston System

Monday, April 19, 1993, 8 a.m. The Board of Regents of the University of Houston System met in the Waldorf Astoria Room, Conrad Hilton College Building, University of Houston, Houston. According to the agenda summary, the board discussed and/or acted upon the following: minutes; proposed board policy; Cullen distinguished chair; promotion in academic rank; faculty emeriti appointments; honorary degrees; personnel recommendations; various reports; revision of by-laws; revised source of funds; naming of law library; various contracts/agreements; replacement of computers; waiver of student service fees; use of proceeds from sale of property; fiscal year 1994 tuition and fee changes; revenue refunding bonds; appointment of underwriters; appointment of paying agent; information strategic plan 1993-1997; and consent docket.

Contact: Peggy Cervenka, 1600 Smith, 34th Floor, Houston, Texas 77002, (713) 754-7442.

Filed: April 13, 1993, 10:32 a.m.

TRD-9321594

Monday, April 19, 1993, noon. The Board of Regents Retreat of the University of Houston System met in the Waldorf Astoria Room, Conrad Hilton College Building, University of Houston, Houston. According to the complete agenda, the board discussed and/or acted upon the following: met in executive session: informational reports from employees, Open Meetings Act, Texas Civil Statutes, Article 6252-17, §2(r).

Contact: Peggy Cervenka, 1600 Smith, 34th Floor, Houston, Texas 77002, (713) 754-7442.

Filed: April 13, 1993, 10:35 a.m.

TRD-9321596

Monday, April 19, 1993, 2 p.m. The Animal Care Committee of the University of Houston System met at the S and R II, Room 201, University of Houston, 4800 Calhoun Boulevard, Houston. According to the agenda summary, the committee discussed and/or acted upon the following: approval of the March minutes; renewal

protocols; security system update; OHP funding; pound dog issue update; and animal rights week.

Contact: Julie T. Norris, 4800 Calhoun Boulevard, Houston, Texas 77204, (713) 743-9222.

Filed: April 13, 1993, 2:03 p.m.

TRD-9321608

The University of Texas Health Science Center at San Antonio

Wednesday, April 21, 1993, 3 p.m. The Institutional Animal Care and Use Committee of the University of Texas Health Science Center at San Antonio will meet in Room 422A (Medical School), 7703 Floyd Curl Drive, San Antonio. According to the agenda summary, the committee will discuss approval of the minutes; protocols for review; subcommittee reports; and other business.

Contact: Molly Greene, 7703 Floyd Curl Drive, San Antonio, Texas 78284-7822, (512) 567-3717.

Filed: April 13, 1993, 10:53 a.m.

TRD-9321597

University of Texas System, M. D. Anderson Cancer Center

Tuesday, April 20, 1993, 9 a.m. The Institutional Animal Care and Use Committee of the M. D. Anderson Cancer Center of the University of Texas System will meet at the M. D. Anderson Cancer Center Conference Room AW7, 707, Seventh Floor, 1515 Holcombe Boulevard, Houston. According to the agenda summary, the committee will review protocols for animal care and use and modifications thereof.

Contact: Anthony Mastromarino, Ph.D., UTMD Anderson Cancer Center, 1515 Holcombe Boulevard, Houston, Texas 77030, (713) 792-3220.

Filed: April 14, 1993, 3:19 p.m.

TRD-9321652

Texas Water Commission

Wednesday, April 14, 1993, 9 a.m. The Texas Water Commission met at 1700 North Congress Avenue, Stephen F. Austin Building, Room 118, Austin. According to the emergency revised agenda summary, the commission discussed request by Phillips Petroleum Company for an emergency or-

der to authorize management of a hazardous waste in a boiler unit at the Houston Chemical Complex in Pasadena, Texas. The emergency status was necessary due to alleviate an imminent and substantial endangerment to human health or safety of the environment.

Contact: Doug Kitts, P.O. Box 13087, Austin, Texas 78711, (512) 463-7905.

Filed: April 13, 1993, 4:13 p.m.

TRD-9321619

Tuesday, May 18, 1993, 9 a.m. The Office of Hearings Examiners of the Texas Water Commission will meet at the Express Inn, Meeting Room, 26010 Southwest Freeway, Rosenberg. According to the agenda summary, the commission will hold a public hearing on an application for municipal solid waste management facility permit by Madden Road Landfill Limited Partnership for Proposed Permit Number MSW2110. The facility is to be seven miles northeast of Richmond, five miles west-northwest of Sugarland, three miles southwest of the intersection of FM Road 1093 and FM Road 1464 in Fort Bend County.

Contact: Deborah Thomas, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: April 14, 1993, 1:56 p.m.

TRD-9321644

Wednesday, May 19, 1993, 9 a.m. The Office of Hearings Examiners of the Texas Water Commission will meet at the Municipal Building, City Council Chambers, Third Floor, 210 North Park Street, Brenham. According to the agenda summary, the commission will hold a public meeting and hearing on municipal solid waste management facility permit by the City of Brenham for Proposed Permit Number MSW2218. The transfer station is to be located at the City of Brenham's sewage treatment plant site on County Road 80, approximately 1,400 feet east of Highway 577 in Washington County.

Contact: Elizabeth Bourbon, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: April 14, 1993, 1:56 p.m.

TRD-9321645

Thursday, May 20, 1993, 11 a.m. The Office of Hearings Examiners of the Texas Water Commission will meet at the Weatherford Community Center, 701 Narrow Street, Weatherford. According to the agenda summary, the commission will hold a public hearing to consider an application to renew Permit Number 13438-01/Aledo Independent School District for authority to discharge treated domestic wastewater effluent.

Contact: Bill Zukauskas, P.O. Box 13087, Austin, Texas 78701, (512) 463-7875.

Filed: April 12, 1993, 2:21 p.m.

TRD-9321542

Tuesday, May 25, 1993, 9 a.m. The Office of Hearings Examiners of the Texas Water Commission will meet at the Copperas Cove City Hall, City Council Chambers, 507 South Main Street, Copperas Cove. According to the agenda summary, the commission will hold a public hearing on an application for a municipal solid waste management facility permit by the City of Copperas Cove for Proposed Permit Number MSW2210. The facility is to be located at 305 Constitution Drive, approximately 2,000 feet south of U.S. Highway 190 in the city limits of Copperas Cove, Coryell County.

Contact: Elizabeth Bourbon, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: April 14, 1993, 1:56 p.m.

TRD-9321646

Texas Water Resources Finance Authority

Thursday, April 15, 1993, 9 a.m. The Texas Water Resources Finance Authority met at 1701 North Congress Avenue, William B. Travis Building, Room 1-111, Austin. According to the emergency revised agenda, the authority added item #5: considered alternatives for proceeding with the Interim Finance Program asset sale. The emergency status was necessary due to the proposed changes to the asset sale structure that were proposed after posting. The authority must act immediately to meet a June 30, 1993, deadline imposed by new regulations.

Contact: Craig D. Pedersen, P.O. Box 13231, Austin, Texas 78701, (512) 463-7847.

Filed: April 14, 1993, 11:40 a.m.

TRD-9321639

Texas Workers' Compensation Commission

Friday, April 16, 1993, 9:30 a.m. The Medical Advisory Committee of the Texas Workers' Compensation Commission met at the Southfield Building, Rooms 910-911, 4000 South IH-35, Austin. According to the agenda summary, the committee called the meeting to order; reviewed and discussed approval of March 12, 1993, minutes; discussed revision of medical fee guideline; progress report on spine treatment guide-

line; criteria for pre-authorization disputes; rules presented to commissioners; TWCC advisories; changes to the MAC by-laws; change of doctor from second opinion doctor to treating doctor; discussed impairment ratings; drafted agenda; established next meeting date; and adjourned.

Contact: Todd K. Brown, 4000 South IH-35, Austin, Texas 78704, (512) 440-3973.

Filed: April 9, 1993, 8:58 a.m.

TRD-9321429

Thursday, April 22, 1993, 9 a.m. The Texas Certified Self-Insurer Guaranty Association of the Texas Workers' Compensation Commission met at the Southfield Building, Rooms 910-911, 4000 South IH-35, Austin. According to the agenda summary, the association will call the meeting to order; discuss approval of minutes; discuss and possibly act on the following applicants: Dayton Hudson Corporation doing business as Target Stores, Marshall Field Stores, Inc., Mervyn's, The Stanley Works and Affiliated Companies, Diamond Shamrock, Inc., Jacobs Engineering Group, Rockwell International; discuss future public meetings; and adjourn.

Contact: Todd K. Brown, 4000 South IH-35, Austin, Texas 78704, (512) 440-3973.

Filed: April 14, 1993, 3:33 p.m.

TRD-9321654

Texas Youth Commission

Friday, May 7, 1993, 2 p.m. The Education Department of the Texas Youth Commission will meet at the Brown Heatley Building, Room 4501, 4900 North Lamar Boulevard, Austin. According to the complete agenda, the department will make introductions; opening remarks; brief overview of Enabling Legislation (Public Law 100-297)-goals of Chapter 1 program and goals and targeted assistance areas of Chapter 2; proposed use of funds-rationale and discussion; and make closing remarks.

Contact: Billie Flippen, 4900 North Lamar Boulevard, Austin, Texas 78765, (512) 483-5162.

Filed: April 12, 1993, 2:22 p.m.

TRD-9321544

Regional Meetings

Meetings Filed April 7, 1993

The Elm Creek WSC Board met at the Willow Grove Baptist Church, Moody, April 13, 1993, at 7 p.m. Information may be obtained from Paulette Richardson, Route 1, Box 564, Moody, Texas 76557, (817) 853-2339. TRD-9321326.

Meetings Filed April 8, 1993

The Archer County Appraisal District Appraisal Review Board met at the Appraisal District Office, 101 South Center Street, Archer City, April 14, 1993, at 8:30 a.m. Information may be obtained from Edward H. Trigg, III, P.O. Box 1141, Archer City, Texas 76351, (817) 574-2172. TRD-9321391.

The Archer County Appraisal District Board of Directors met at the Appraisal District Office, 101 South Center Street, Archer City, April 14, 1993, at 5 p.m. Information may be obtained from Edward H. Trigg, III, P.O. Box 1141, Archer City, Texas 76351, (817) 574-2172. TRD-9321392.

The Atascosa County Appraisal District Appraisal Review Board met at Fourth and Avenue J, Poteet, April 13, 1993, at 8 a.m. Information may be obtained from Vernon A. Warren, Fourth and Avenue J, Poteet, Texas 78065, (512) 742-3591. TRD-9321359.

The Austin Transportation Study Policy Advisory Committee met at the Joe C. Thompson Conference Center, Room 1.110, Austin, April 13, 1993, at 6 p.m. Information may be obtained from Michael R. Aulick, P.O. Box 1088, Austin, Texas 78767, (512) 499-6441. TRD-9321417.

The Bastrop Central Appraisal District Board of Directors met at the Bastrop Central Appraisal District, 1200 Cedar Street, Bastrop, April 15, 1993, at 7:30 p.m. Information may be obtained from Dana Ripley, P.O. Box 578, Bastrop, Texas 78602, (512) 321-3925. TRD-9321388.

The Bi-County Water WSC met at the Bi-County WSC Office, FM Road 2254, Pittsburgh, April 13, 1993, at 7 p.m. Information may be obtained from Freeman Phillips, P.O. Box 848, Pittsburgh, Texas 75686, (903) 856-5840. TRD-9321369.

The Brazos River Authority Lake Management Committee, Board of Directors met at the Lake Supervisor's Office, Possum Kingdom, April 15, 1993, at 9 a.m. Information may be obtained from Mike Bukala, P.O. Box 7555, Waco, Texas 76714-7555, (817) 776-1441. TRD-9321363.

The Brazos River Authority Water Utilization Committee, Board of Directors met at the Lake Supervisor's Office, Possum Kingdom, April 15, 1993, at 10 a.m. Information may be obtained from Mike Bukala, P.O. Box 7555, Waco, Texas 76714-7555, (817) 776-1441. TRD-9321364.

The Brown County Appraisal District Board of Directors met at 403 Fisk Avenue, Brownwood, April 12, 1993, at 7 p.m. Information may be obtained from Doran E. Lemke, 403 Fisk Avenue, Brownwood,

Texas 76801, (915) 643-5676. TRD-9321358.

The Burnet County Appraisal District Board of Directors met at 223 South Pierce Street, Burnet, April 15, 1993, at 6:30 p.m. Information may be obtained from Barbara Ratliff, P.O. Drawer E, Burnet, Texas 78611, (512) 756-8291. TRD-9321376.

The Capital Area Rural Transportation System (CARTS) Board of Directors met at 7311 Decker Lane (Exposition Heritage Center), Founders Club, Austin, April 16, 1993, at 8:30 a.m. Information may be obtained from Edna M. Burroughs, P.O. Box 6050, Austin, Texas 78702, (512) 443-7653. TRD-9321394.

The Carson County Appraisal District Board of Directors met at 102 Main Street, Panhandle, April 14, 1993, at 9 a.m. Information may be obtained from Donita Herber, P.O. Box 970, Panhandle, Texas 79068, (806) 537-3569. TRD-9321389.

The Concho Valley Council of Governments Executive Committee met at 5014 Knickerbocker Road, San Angelo, April 14, 1993, at 7 p.m. Information may be obtained from Robert R. Weaver, P.O. Box 60050, San Angelo, Texas 76906, (915) 944-9666. TRD-9321370.

The East Texas Council of Governments Private Industry Council met at the ETCOG Offices, Kilgore, April 15, 1993, at 9:30 a.m. Information may be obtained from Glynn Knight, 3800 Stone Road, Kilgore, Texas 75662, (903) 984-8641. TRD-9321390.

The Education Service Center Region 10 Board of Directors met at the Region 10 Board Room, 400 East Spring Valley, Richardson, April 14, 1993, at 1:30 p.m. Information may be obtained from Joe Farmer, 400 East Spring Valley, Richardson, Texas 75081, (214) 231-6301. TRD-9321387.

The Hale-Hockley County Education District Number Eight Board of Directors met at the Citizens State Bank, Anton, April 15, 1993, at 7 p.m. Information may be obtained from Nick Williams, P.O. Box 1090, Levelland, Texas 79336, (806) 894-9654. TRD-9321419.

The Hays County Appraisal District Board of Directors met at 632 A East Hopkins Street, Municipal Building, San Marcos, April 15, 1993, at 3:30 p.m. Information may be obtained from Lynnell Sedlar, 632 A East Hopkins Street, San Marcos, Texas 78666, (512) 754-7400. TRD-9321357.

The Heart of Texas Council of Governments Criminal Justice Advisory Committee met at 300 Franklin Avenue, HOTCOG Board Room, Waco, April 13, 1993, at 9:30 a.m. Information may be obtained from

Elizabeth Guthrie, 300 Franklin Avenue, Waco, Texas 76701, (817) 756-7822. TRD-9321402.

The Hockley County Appraisal District Board of Directors met at 1103-C Houston Street, Levelland, April 12, 1993, at 7 p.m. Information may be obtained from Nick Williams, P.O. Box 1090, Levelland, Texas 79336, (806) 894-9654. TRD-9321416.

The Lometa Rural Water Supply Corporation Board of Directors met at 506 West Main Street, Lometa, April 12, 1993, at 7 p.m. Information may be obtained from Levi G. Cash, P.O. Box 158, Lometa, Texas 76853, (512) 752-3505. TRD-9321366.

The Panhandle Ground Water Conservation District Number Three Board of Directors met at the Water District Office, 300 South Omohundro, White Deer, April 14, 1993, at 7:30 p.m. Information may be obtained from C. E. Williams, P.O. Box 637, White Deer, Texas 79097, (806) 883-2501. TRD-9321368.

The Region IV Education Service Center Board of Directors met at the Region IV Education Service Center, Board Room, 7145 West Tidwell, Houston, April 13, 1993, at 6 p.m. Information may be obtained from W. L. McKinney, 7145 West Tidwell, Houston, Texas 77092, (713) 744-6534. TRD-9321367.

The Riceland Regional Mental Health Authority Board of Trustees met at 3007 North Richmond Road, Wharton, April 15, 1993, at noon. Information may be obtained from Marjorie Dornak, P.O. Box 869, Wharton, Texas 77488, (409) 532-3098. TRD-9321401.

The Rio Grande Council of Governments Board of Directors met at 1100 North Stanton Street, Main Conference Room, El Paso, April 16, 1993, at 9:30 a.m. (MST). Information may be obtained from Cecile C. Gamez, 1100 North Stanton Street, Suite 610, El Paso, Texas 79902, (915) 533-0998. TRD-9321375.

The Tax Appraisal District of Bell County (Rescheduled from April 8, 1993). Board of Directors met at the Tax Appraisal District Building, 411 East Central Avenue, Belton, April 14, 1993, at 7 p.m. Information may be obtained from Mike Watson, P.O. Box 390, Belton, Texas 76513-9390, (817) 939-5841, Extension 29. TRD-9321418.

Meetings Filed April 9, 1993

The Blanco County Appraisal District Board of Directors met at the Courthouse Annex in Blanco County, Avenue G and Seventh Street, Johnson City, April 13, 1993, at 5 p.m. Information may be obtained from Hollis Boatright, P.O. Box 338,

Johnson City, Texas 78636, (210) 868-4013. TRD-9321434.

The Brazos River Authority Lake Management Committee, Board of Directors met at the Lake Supervisor's Office, Possum Kingdom Lake, April 15, 1993, at 9 a.m. Information may be obtained from Mike Bukala, P.O. Box 7555, Waco, Texas 76714-7555, (817) 776-1441. TRD-9321438.

The Brazos River Authority Water Utilization Committee, Board of Directors met at the Lake Supervisor's Office, Possum Kingdom Lake, April 15, 1993, at 10 a.m. Information may be obtained from Mike Bukala, P.O. Box 7555, Waco, Texas 76714-7555, (817) 776-1441. TRD-9321439.

The Coastal Bend Quality Workforce Planning Association met at the Bee County College, Beeville, April 15, 1993, at 11:30 a.m. Information may be obtained from Baldomero Garcia, 5110 Wilkinson Drive, Corpus Christi, Texas 78415, (512) 853-4545. TRD-9321435.

The Dallas Area Rapid Transit (DART) Operations Development Committee met at 1401 Pacific Avenue, (DART Headquarters), Conference Room C, Dallas, April 13, 1993, at 1 p.m. Information may be obtained from Nancy McKethan, 1401 Pacific Avenue, Dallas, Texas 75211, (214) 749-3347. TRD-9321449.

The Dallas Area Rapid Transit (DART) Board of Directors met at 1401 Pacific Avenue, (DART Headquarters), Dallas, April 13, 1993, at 4 p.m. Information may be obtained from Nancy McKethan, 1401 Pacific Avenue, Dallas, Texas 75202, (214) 749-3347. TRD-9321450.

The Denton Central Appraisal District Appraisal Review Board will meet at 3911 Morse Street, Denton, April 21, 1993, at 9 a.m. Information may be obtained from John Brown, 3911 Morse Street, Denton, Texas 76208, (817) 566-0904. TRD-9321459.

The Denton Central Appraisal District Board of Directors will meet at 3911 Morse Street, Denton, April 22, 1993, at 5 p.m. Information may be obtained from John Brown, 3911 Morse Street, Denton, Texas 76208, (817) 566-0904. TRD-9321458.

The Lampasas County Appraisal District Board of Directors met at 109 East Fifth Street, Lampasas, April 15, 1993, at 7 p.m. Information may be obtained from Janice Henry, P.O. Box 175, Lampasas, Texas 76650, (512) 556-8058. TRD-9321461.

The Lower Colorado River Authority Review Committee met at 3701 Lake Austin Boulevard, Hancock Building, Austin, April 13, 1993, at 10 a.m. Information may be obtained from Glen E. Taylor, P.O. Box

220, Austin, Texas 78767, (512) 473-3283. TRD-9321451.

The Lower Colorado River Authority Joint Meeting of the Finance and Administration and Audit Committees met at 3701 Lake Austin Boulevard, Hancock Building, Austin, April 13, 1993, at 11 a.m. Information may be obtained from Glen E. Taylor, P.O. Box 220, Austin, Texas 78767, (512) 473-3283. TRD-9321452.

The Lower Colorado River Authority Retirement Benefits Committee met at 3701 Lake Austin Boulevard, Hancock Building, Austin, April 13, 1993, at 1 p.m. Information may be obtained from Glen E. Taylor, P.O. Box 220, Austin, Texas 78767, (512) 473-3283. TRD-9321453.

The Red River Boundary Commission will meet at 2100 Yamparika Street, Western Room, Wilbarger County Auditorium, Vernon, April 20, 1993, at 7 p.m. Information may be obtained from Mark Moran, P.O. Box 12068, Austin, Texas 78711, (512) 463-0130. TRD-9321433.

The South Plains Association of Governments Executive Committee met at 1323 58th Street, Lubbock, April 13, 1993, at 9 a.m. Information may be obtained from Jerry D. Casstevens, P.O. Box 3730, Freedom Station, Lubbock, Texas 79452-3730, (806) 762-8721. TRD-9321436.

The South Plains Association of Governments Board of Directors met at 1323 58th Street, Lubbock, April 13, 1993, at 10 a.m. Information may be obtained from Jerry D. Casstevens, P.O. Box 3730, Freedom Station, Lubbock, Texas 79452-3730, (806) 762-8721. TRD-9321437.

The Tech Prep of the Rio Grande Valley, Inc. Board of Directors met at the TSTC Short Course Center, 2424 Boxwood, Harlingen, April 14, 1993, at 3 p.m. Information may be obtained from Pat Eubb, TSTC Short Course Center, Harlingen, Texas 78550-3697, (210) 425-9729. TRD-9321428.

Meetings Filed April 12, 1993

The Bexar Appraisal District Board of Directors met at 535 South Main Street, San Antonio, April 19, 1993, at 5 p.m. Information may be obtained from Beverly Houston, 535 South Main Street, San Antonio, Texas 78204, (512) 224-8511. TRD-9321568.

The Henderson County Appraisal District Board of Directors met at 1751 Enterprise Street, Athens, April 19, 1993, at 7:30 p.m. Information may be obtained from Helen Marchbanks, 1751 Enterprise Street, Athens, Texas 75751, (903) 675-9296. TRD-9321577.

The Lower Neches Valley Authority Board of Directors will meet at the LNVVA Office Building, 7850 Eastex Freeway, Beaumont, April 20, 1993, at 10:30 a.m. Information may be obtained from A. T. Hebert, Jr., P.O. Drawer 3464, Beaumont, Texas 77704, (409) 892-4011. TRD-9321545.

The Mills County Appraisal District will meet at the Mills County Courthouse Jury Room, Goldthwaite, April 22, 1993, at 6:30 p.m. Information may be obtained from Cynthia Partin, P.O. Box 565, Goldthwaite, Texas 76844, (915) 648-2253. TRD-9321509.

The North Texas Municipal Water District Board of Directors will meet at the Administrative Offices, 505 East Brown Street, Wylie, April 22, 1993, at 4 p.m. Information may be obtained from Carl W. Riehn, 505 East Brown Street, Wylie, Texas 75098, (214) 442-5405. TRD-9321507.

The Palo Pinto Appraisal District Board of Directors will meet at the Palo Pinto County Courthouse, Palo Pinto, April 21, 1993, at 3 p.m. Information may be obtained from Jackie F. Samford, P.O. Box 250, Palo Pinto, Texas 76484-0250. TRD-9321508.

The Quality Work Force Planning Board of Directors held an emergency meeting at UT Tyler, Robert Muntz Library, Room 401, Austin. The emergency status was necessary due to change in personnel. Information may be obtained from John Fabac, 3900 University Boulevard, Tyler, Texas 75799; (903) 566-7315. TRD-9321521.

The Rusk County Appraisal District Appraisal Review Board will meet at the Administrative Office, 107 North Van Buren, Henderson, April 20, 1993, at 7 p.m. Information may be obtained from Melvin R. Cooper, P.O. Box 7, Henderson, Texas 75653-0007, (903) 657-9697. TRD-9321546.

The Sabine River Authority of Texas Toledo Bend Project Joint Operating Board will meet at the Damsite Office, Burkeville, April 20, 1993, at 10 a.m. Information may be obtained from Sam F. Collins, P.O. Box 579, Orange, Texas 77630, (409) 746-3200. TRD-9321540.

The Swisher County Appraisal District Board of Directors met at 130 North Armstrong, Tulia, April 15, 1993, at 7:30 p.m. Information may be obtained from Rose Lee Powell, P.O. Box 8, Tulia, Texas 79088, (806) 995-4118. TRD-9321533.

The Trinity River Authority of Texas Resources Development Committee met at 5300 South Collins Street, Arlington, April 19, 1993, at 11 a.m. Information may be obtained from James L. Murphy, 5300 South Collins Street, Arlington, Texas 76018, (817) 467-4343. TRD-9321510.

The Tyler County Appraisal District Appraisal Review Board met at 806 West Bluff, Woodville, April 17, 1993, at 9:30 a.m. Information may be obtained from Linda Lewis, P.O. Drawer 9, Woodville, Texas 75979, (409) 283-3736. TRD-9321522.

The Tyler County Appraisal District Board of Directors met at 806 West Bluff, Woodville, April 17, 1993, at 9:30 a.m. Information may be obtained from Linda Lewis, P.O. Drawer 9, Woodville, Texas 75979, (409) 283-3736. TRD-9321523.

Meetings Filed April 13, 1993

The Central Texas Council of Governments Private Industry Council, Inc. will meet at 302 East Central Street, Belton, April 22, 1993, at 10 a.m. Information may be obtained from Susan Kamas, P.O. Box 729, Belton, Texas 76513, (817) 939-3771. TRD-9321609.

The Central Counties Center for Mental Health and Mental Retardation Services Board of Trustees will meet at 304 South 22nd Street, Temple, April 20, 1993, at 7:45 p.m. Information may be obtained from Eldon Tietje, 304 South 22nd Street, Temple, Texas 76501, (817) 778-4841, Extension 301. TRD-9321585.

The Coryell City Water Supply District Board of Directors held an emergency meeting at the CCWSD Office, FM 929, Coryell City, April 15, 1993, at 7:30 p.m. The emergency status was necessary as a decision on possibility of releasing service area on Gatesville side of Highway 36 loop. Information may be obtained from Helen Swift, Route 2, Box 93, Gatesville, Texas 76528, (817) 865-6089. TRD-9321604.

The Dewitt County Appraisal District Board of Directors will meet at the Dewitt County Appraisal District, 103 Bailey Street, Cuero, April 20, 1993, at 7:30 p.m. Information may be obtained from John Haliburton, P.O. Box 4, Cuero, Texas 77954, (512) 275-5753. TRD-9321584.

The Deep East Texas Council of Governments Board of Directors will meet at the Shelby County Courthouse, Community Room, Second Floor, 200 San Augustine Street, Center, April 22, 1993, at 1 p.m. Information may be obtained from Walter G. Diggles, 274 East Lamar Street, Jasper, Texas 75951, (409) 384-5704. TRD-9321603.

The Gray County Appraisal District Board of Directors held an emergency meeting at 815 North Sumner Street, Pampa, April 15, 1993, at 5 p.m. The emergency status was necessary as the chief appraiser had to discuss with the Board of Directors contemplated litigation/employee

dismissal and purchase of source code. Information may be obtained from Sherri Schaible, P.O. Box 836, Pampa, Texas 79066-0836, (806) 665-0791. TRD-9321595.

The 50th Judicial District Juvenile Board will meet at the District Courtroom, Baylor County Courthouse, Seymour, April 23, 1993, at 11 a. m. Information may be obtained from David Hajek, P.O. Box 508, Seymour, Texas 76380, (817) 888-2852. TRD-9321598.

The Kempner Water Supply Corporation Board of Directors and Members will meet at the Kempner Fire Station, South Pecan Street, Kempner, April 22, 1993, at 7 p.m. Information may be obtained from Doug Lavender or Alton Myers, P.O. Box 103, Kempner, Texas 76539, (512) 932-3701. TRD-9321580.

The Region III Education Service Center Board of Directors met at the Ramada Inn, 3901 Houston Highway, Victoria, April 19, 1993, at 11:30 a. m. Information may be obtained from Julius D. Cano, 1905 Leary Lane, Victoria, Texas 77901, (512) 573-0731. TRD-9321618.

The Region III Education Service Center Board of Directors met at 1905 Leary Lane, Victoria, April 19, 1993, at 1:30 p.m. Information may be obtained from Dr. Julius D. Cano, 1905 Leary Lane, Victoria, Texas 77901, (512) 573-0731. TRD-9321617.

The Red River Authority of Texas (Rescheduled from April 21, 1993). Board of Directors will meet at the Wichita Falls Activity Center, 607 Tenth Street, Room 215, Wichita Falls, April 20, 1993, at 9:30 a.m. Information may be obtained from Ronald J. Glenn, 900 Eighth Street, Suite 520, Wichita Falls, Texas 76301-6894, (817) 723-8697. TRD-9321593.

The Uniforce, Alamo Quality Work Force Planning Committee will meet at the Koehler Cultural Center, 310 West Ashby, San Antonio, April 20, 1993, at 8 a.m. Information may be obtained from Pam Janssen, 1300 San Pedro, San Antonio, Texas 78212, (210) 731-0070. TRD-9321581.

Meetings Filed April 14, 1993

The Brazos River Authority Administrative Policy Committee, Board of Directors met at the Town Square North Room of the Waco Hilton Hotel, 113 South University Parks Drive, Waco, April 19, 1993, at 9 a.m. Information may be obtained from Mike Bukala, P.O. Box 7555, Waco, Texas 76714-7555, (817) 776-1441. TRD-9321626.

The Brazos River Authority (Revised agenda). Administrative Policy Committee,

Board of Directors met at the Town Square North Room of the Waco Hilton Hotel, 113 South University Parks Drive, Waco, April 19, 1993, at 9 a.m. Information may be obtained from Mike Bukala, P.O. Box 7555, Waco, Texas 76714-7555, (817) 776-1441. TRD-9321655.

The Brazos River Authority Water Quality Committee, Board of Directors met at the Town Square North Room of the Waco Hilton Hotel, 113 South University Parks Drive, Waco, April 19, 1993, at 10:30 a.m. Information may be obtained from Mike Bukala, P.O. Box 7555, Waco, Texas 76714-7555, (817) 776-1441. TRD-9321625.

The Brazos River Authority Audit Committee, Board of Directors met at the Town Square North Room of the Waco Hilton Hotel, 113 South University Parks Drive, Waco, April 19, 1993, at 1 p.m. Information may be obtained from Mike Bukala, P.O. Box 7555, Waco, Texas 76714-7555, (817) 776-1441. TRD-9321627.

The Comal Appraisal District Board of Directors met at 430 West Mill Street, New Braunfels, April 19, 1993, at 5:30 p.m. Information may be obtained from Lynn E. Rodgers, P.O. Box 311222, New Braunfels, Texas 78131, (210) 625-8597. TRD-9321631.

The East Texas Council of Governments Private Industry Council met at the ETCOG Office, Kilgore, April 15, 1993, at 9:30 a.m. The emergency status was necessary as contracts had to be back dated to April. Information may be obtained from Glynn Knight, 3800 Stone Road, Kilgore, Texas 75662, (903) 984-8641. TRD-9321637.

The Education Service Center, Region II Board of Directors will meet at 209 North Water Street, Board Room, Corpus Christi. Information may be obtained from Dr. Ernest Zamora, 209 North Water Street, Corpus Christi, Texas 78401, (512) 883-9268, Extension 2200. TRD-9321560.

The Houston-Galveston Area Council Projects Review Committee will meet at 3555 Timmons Lane, Conference Room A, Second Floor, Houston, April 20, 1993, at 9 a.m. Information may be obtained from R. Ballas, 3555 Timmons Lane, Houston, Texas 77027, (713) 627-3200. TRD-9321634.

The Houston-Galveston Area Council Board of Directors will meet at 3555 Timmons Lane, Conference Room A, Second Floor, Houston, April 20, 1993, at 10 a.m. Information may be obtained from C. Marqu ez, 3555 Timmons Lane, Houston, Texas 77027, (713) 627-3200. TRD-9321635.

The Johnson County Rural Water Supply Corporation Board met at the JCRWSC Office, Highway 171 South,

Cleburne, April 19, 1993, at 7 p.m. Information may be obtained from Charlene SoRelle, P.O. Box 509, Cleburne, Texas 76033, (817) 645-6646. TRD-9321656.

The Johnson County Rural Water Supply Corporation (Revised agenda). Board met at the JCRWSC Office, Highway 171 South, Cleburne, April 19, 1993, at 7 p.m. Information may be obtained from Charlene SoRelle, P.O. Box 509, Cleburne, Texas 76033, (817) 645-6646. TRD-9321657.

The Red River Compact Commission will meet at the Chateau Ballroom A, Landmark Hotel, 2601 Severn Avenue, Metairie, Louisiana, May 4, 1993, at 9 a.m. Information may be obtained from Herman Settemeyer, P.O. Box 13087, Austin, Texas 78711, (512) 475-4617. TRD-9321633.

The Region One Education Service Center Board of Directors will meet at 1900 West Schunior, Edinburg, April 20, 1993, at 7 p.m. Information may be obtained from Lauro R. Guerra, 1900 West Schunior, Edinburg, Texas 78539, (210) 983-5611. TRD-9321658.

The South East Texas Regional Planning Commission Executive Committee will meet at the City of Beaumont Council Chambers, Beaumont, April 21, 1993, at 7 p.m. Information may be obtained from Jackie Vice, P.O. Drawer 1387, Nederland, Texas 77627, (409) 727-2384. TRD-9321632.

The Trinity River Authority of Texas Utility Services Committee will meet at 5300 South Collins Street, Arlington, April 20, 1993, at 10 a.m. Information may be obtained from James L. Murphy, 5300 South Collins Street, Arlington, Texas 76018, (817) 467-4343. TRD-9321628.

The Trinity River Authority of Texas Legal Committee will meet at 5300 South Collins Street, Arlington, April 21, 1993, at 11 a.m. Information may be obtained from James L. Murphy, 5300 South Collins Street, Arlington, Texas 76018, (817) 467-4343. TRD-9321629.

The West Central Texas Council of Governments Criminal Justice Advisory Committee will meet at 1125 East North 10th Street, Abilene, April 20, 1993, at 10:30 a.m. Information may be obtained from Les Wilkerson, P.O. Box 3195, Abilene, Texas 79604, (915) 672-8544. TRD-9321638.

Meetings Filed April 15, 1993

The Coastal Bend Council of Governments Executive Board will meet at the Corpus Christi Airport Holiday Inn, Pompeii Room, 5549 Leopard Street, Corpus Christi, April 23, 1993, at noon. Information may be obtained from John P. Buckner, P.O. Box 9909, Corpus Christi, Texas 78469, (512) 883-5743. TRD-9321664.

The Coastal Bend Council of Governments Membership will meet at the Corpus Christi Airport Holiday Inn, Palermo Room, 5549 Leopard Street, Corpus Christi, April 23, 1993, at 2 p.m. Information may be obtained from John P. Buckner, P.O. Box 9909, Corpus Christi, Texas 78469, (512) 883-5743. TRD-9321663.

The Gulf Bend Mental Health and Mental Retardation Center Board of Trustees will meet at 1404 Village Drive, Victoria, April 22, 1993, at noon. Information may be obtained from Sharon Pratka, 1404 Village Drive, Victoria, Texas 77901, (512) 575-0611. TRD-9321659.

The Limestone County Appraisal District Board of Directors will meet at the Lime-

stone County Courthouse, Board Room, Ground Floor, Groesbeck, April 20, 1993, at 1 p.m. Information may be obtained from Clydene Hyden, P.O. Drawer 831, Groesbeck, Texas 76642, (817) 729-3009. TRD-9321665.

The Middle Rio Grande Development Council Private Industry Council will meet at the Civic Center, 405 North Seventh Street, Carrizo Springs, April 21, 1993, at 1 p.m. Information may be obtained from Michael M. Patterson, P.O. Box 1199, Carrizo Springs, Texas 78834, (210) 876-3533. TRD-9321662.

The Panhandle Regional Planning Commission Board of Directors will meet at 415 West Eighth Street, PRPC Board Room, Amarillo, April 22, 1993, at 1:30 p.m. In-

formation may be obtained from Rebecca Rusk, P.O. Box 9257, Amarillo, Texas 79105-9257. (806) 372-3381. TRD-9321669.

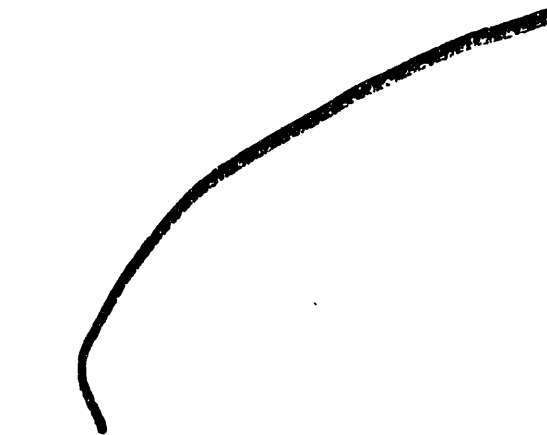
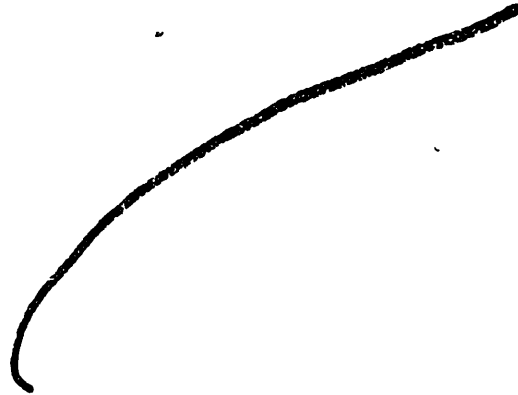
The Tarrant Appraisal District Board of Directors will meet at 2329 Gravel Road, Fort Worth, April 23, 1993, at 9 a.m. Information may be obtained from Mary McCoy, 2315 Gravel Road, Fort Worth, Texas 76118, (817) 595-6005. TRD-9321660.

The Tyler County Appraisal District Appraisal Review Board will meet at 806 West Bluff, Woodville, April 20, 1993, at 4 p.m. Information may be obtained from Linda Lewis, P.O. Drawer 9, Woodville, Texas 75979, (409) 283-3736. TRD-9321668.

◆ ◆ ◆

"Desert Life"

Name: Yesika Murillo
Grade: 3
School: North Loop Elementary, Ysleta ISD



In Addition

The *Texas Register* is required by statute to publish certain documents, including applications to purchase control of state banks, notices of rate ceilings, changes in interest rate and applications to install remote service units, and consultant proposal requests and awards.

To aid agencies in communicating information quickly and effectively, other information of general interest to the public is published as space allows.

Texas Air Control Board Notice of Contested Case Hearing Number 307

An Examiner for the Texas Air Control Board (TACB) will conduct a contested case hearing for the general purpose of determining whether emissions into the air from a proposed facility operated by Texas Soil Recycling, Inc. (Applicant) will comply with all rules and regulations of the TACB and with the intent of the Texas Clean Air Act (the Act), including protection of the health and physical property of the people. This hearing will consider whether the issuance of TACB Permit Number 5467-A to Texas Soil Recycling, Inc. for a soil remediation facility located at 5900 Haynesworth Road, Houston, Harris County, should be affirmed, denied, or modified and, if affirmed or modified, whether the permit should be amended pursuant to the amendment application dated September 28, 1992.

Deadline for Requesting to be a Party. At the hearing, only those persons admitted as parties and their witnesses will be allowed to participate. Presently, the only prospective parties are the Applicant and the TACB Staff. Any person who may be affected by emissions from the proposed facility who wants to be made a party must send a specific written request for party status to Hearings Examiner Cindy Hurd and make sure that this request is actually received at the TACB Central Office, 12124 Park 35 Circle, Austin, Texas 78753, Fax (512) 908-1212, by 5 p.m. on Friday, April 23, 1993. The Examiner cannot grant party status after that deadline, unless there is good cause for the request arriving late. Hearing requests, comments, or other correspondence sent to the TACB before publication of this notice will not be considered as a request for party status. No correspondence should be sent to any member of the Texas Air Control Board at any time regarding this hearing. The Examiner will decide on final party status at the prehearing conference.

Prehearing Conferences. The Examiner has scheduled a prehearing conference at 1:30 p.m. on Tuesday, May 4, 1993, at the TACB Central Office, Room 143-E, 12124 Park 35 Circle, Austin, Texas 78753. At this conference, party status will be determined and a schedule will be set for the exchange of: written and documentary evidence, and a list of prospective witnesses and a short narrative summary of their prospective testimony. In addition, the parties may propose contested case issues and stipulations on those issues. A date for the second prehearing conference will also be decided, if necessary. At the second prehearing conference the Examiner will accept any stipulations as to contested issues and will determine the contested case issues. The Examiner will consider any motions of the parties, but may grant contested motions for continuance only upon proof of good cause.

Time and Place of Hearing. The Examiner has set the hearing to begin at 1:30 p.m. on Tuesday, June 1, 1993, at the TACB Central Office, Room 143-E, 12124 Park 35 Circle, Austin, Texas 78753.

What the Applicant Must Prove. This hearing is a contested case hearing under the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, §13. It is generally conducted like a trial in district court. The Applicant must demonstrate, by a preponderance of the evidence, that the proposed facility will meet the requirements of §382.0518 of the Act, Chapter 382, Texas Health and Safety Code, and TACB Rule 116.3. These requirements include compliance with all applicable TACB and federal regulations, including the requirement that the proposed facility will use the best available control technology, considering the technical practicability and economic reasonableness of reducing or eliminating emissions. The TACB has no legal jurisdiction over vehicular traffic per se or noise which may result from a facility's operation.

Public Attendance and Testimony. Members of the general public may attend the prehearing conference and the hearing. Those who plan to attend are encouraged to telephone the TACB Central Office in Austin, at (512) 908-1770 a day or two prior to the prehearing conference and the hearing date in order to confirm the settings, since continuances are sometimes granted. Any person who wants to give testimony at the hearing, but who does not want to be a party, may call the Hearings Section of the TACB Legal Division at (512) 908-1770 to find out the names and addresses of all persons who may be contacted about the possibility of presenting testimony. Persons with disabilities who have special communication or other accommodation needs who are planning to attend the meeting should contact the agency at (512) 908-1815. (Requests should be made as far in advance as possible.)

Information About the Application and TACB Rules. Information about the application and copies of the TACB's rules and regulations are available at the TACB Regional Office located at 5555 West Loop, Suite 300, Bellaire, Texas 77401, the TACB Central Office located at 12124 Park 35 Circle, Austin, Texas 78753, and also at the Houston City Hall Office located at 901 Bagby, Houston, Texas 77002.

Legal Authority. This hearing is called and will be conducted under the authority of §§382.029, 382.0291, 382.030, 382.031, 382.051, 382.0511, 382.0518, and 382.061 of the Act and TACB Procedural Rules §§103.31, 103.41-103.66, 103.81, and 103.82.

Issued in Austin, Texas, on April 8, 1993.

TRD-9321541

William R. Campbell
Executive Director
Texas Air Control Board

Filed: April 12, 1993

Notice of Public Meetings by the Texas Air Control Board

The Texas Air Control Board (TACB) will hold public meetings to solicit comments and discuss development of revisions to the State Implementation Plan to meet the 15% reductions in volatile organic compound (VOC) emissions required by the 1990 Federal Clean Air Act Amendments. The revisions will impact the four ozone nonattainment areas of Texas, which are Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston. The meetings will be held as follows: May 10, 1993, 7 p.m., John Gray Institute, Auditorium, 855 Florida Avenue, Beaumont; May 11, 1993, 2 p.m., Houston-Galveston Area, Council-Second Floor, Conference Room "A", 3555 Timmons Lane, Houston; May 11, 1993, 7 p.m., Houston-Galveston Area, Council-Second Floor, Conference Room "A", 3555 Timmons Lane, Houston; May 12, 1993, 7 p.m., City of El Paso Council, Chambers-Second Floor, Two Civic Center Plaza, El Paso; May 13, 1993, 2 p.m., City of Arlington, Council Chambers, 101 West Abram Street, Arlington; May 13, 1993, 7 p.m., City of Arlington, Council Chambers, 101 West Abram Street, Arlington.

The plans being developed by the TACB are intended to satisfy federal requirements and specifications to demonstrate a 15% VOC reduction in each nonattainment area. Members of the TACB staff and local planning agencies will be present at each meeting to discuss issues and planning efforts which relate to each respective nonattainment area. Comments and suggestions regarding any of the draft plans are encouraged.

An issues paper is available to the public at the TACB regional office in each nonattainment area and at the TACB Austin headquarters. Contact Amba Mann, Regulation Development Division, at (512) 908-1930 for further information.

Issued in Austin, Texas, on April 8, 1993.

TRD-3321504 Lane Hartsock
Deputy Director, Air Quality Planning
Texas Air Control Board

Filed: April 12, 1993

**Texas Department of Banking
Notice of Application**

The Texas Civil Statutes, Article 342-401a, requires any person who intends to buy control of a bank to file an application with the Banking Commissioner for the Commissioner's approval to purchase control of a particular bank. A hearing may be held if the application is denied by the Commissioner.

On April 12, 1993, the Banking Commissioner received an application to acquire control of La Porte State Bank, La Porte, by P. J. Mock, Jr. M.D., La Porte.

Additional information may be obtained from: William F. Aldridge, 2601 North Lamar, Austin, Texas 78705, (512) 475-1317.

Issued in Austin, Texas, on April 12, 1993.

TRD-8321607 William F. Aldridge
Director of Corporate Activities

Texas Department of Banking

Filed: April 13, 1993

**Texas Bond Review Board
Bi-Weekly Report on the 1993
Allocation of the State Ceiling on
Certain Private Activity Bonds**

The information that follows is a report of the allocation activity for the period of March 27, 1993-April 9, 1993. Since Congress did not act by March 1, 1993, to extend the provisions of the tax code which allow Mortgage Bonds and Small Issue Bonds to qualify for tax-exempt financing, the amount of state ceiling remaining for those purposes has been proportionately redistributed to the other categories, pursuant to Article 5190.9a, §2(e). Currently, there are three categories within the allocation program.

Total amount of state ceiling remaining unreserved for the \$239,513,792 subceiling for state-voted issues under the Act as of April 9, 1993: \$129,513,792.

Total amount of state ceiling remaining unreserved for the \$68,428,035 subceiling for residential rental project issues under the Act as of April 9, 1993: \$22,053,035.

Total amount of state ceiling remaining unreserved for the \$574,858,173 subceiling for all other bonds requiring an allocation under the Act as of April 9, 1993: \$14,858,173.

Total amount of the \$882,800,000 state ceiling remaining unreserved as of April 9, 1993: \$166,425,000.

Following is a comprehensive listing of applications which have received a reservation date pursuant to the Act from March 27, 1993-April 9, 1993: None.

Following is a comprehensive listing of applications which have issued and delivered the bonds and received a Certificate of Allocation pursuant to the Act from March 27, 1993-April 9, 1993: None.

Following is a comprehensive listing of applications which were either withdrawn or canceled pursuant to the Act from March 27, 1993-April 9, 1993: Galveston County HFC, MAGI, Inc., Residential Rental, \$13,800,000.

Following is a comprehensive listing of applications which released a portion of their reservation pursuant to the Act from March 27, 1993-April 9, 1993: West Side Calhoun County Navigation District, Union Carbide, Sewage and Solid Waste Disposal, \$5,000,000.

Issued in Austin, Texas, on April 12, 1993.

TRD-8321620 Jim Thomassen
Executive Director
Texas Bond Review Board

Filed: April 13, 1993

**Comptroller of Public Accounts
TEXAS LOTTERY GAME
PROCEDURES. INSTANT GAME
NO. 11**

1.0. Name and Style of Game. The name of Instant Game No. 11 is "GRAND SLAM." The play style of the game is "yours beats theirs."

1.1. **Price of Instant Ticket.** Tickets for Instant Game No. 11 shall be \$1.00 per ticket.

1.2. **Definitions in Instant Game No. 11.**

A. **Bar Code**-The unique bar-coded representation of the game Pack-Ticket Number and the Validation Number.

B. **Display Printing**-That area of the instant game ticket outside of the area where the Play Symbols appear.

C. **High-Tier Prize**-A prize of \$1,000.

D. **Low-Tier Prize**-A prize of \$1, \$2, \$4, \$5, \$10, \$20, or \$40.

E. **Mid-Tier Prize**-A prize of \$100.

F. **Non-Winning Ticket**-A ticket which is not intended to be a winning ticket or a ticket that does not meet all of the requirements of these Game Procedures, Texas Civil Statutes, Article 179g (the Lottery Act), and applicable rules adopted by the Lottery pursuant to the Lottery Act and published in 34 TAC, Chapter 7.

G. **Pack**-A pack of fanfolded "GRAND SLAM" Instant Game tickets which are attached to each other by perforations the retailer tears when the retailer sells a ticket. Each pack contains 250 tickets, which are packed in plastic shrink-wrapping and fanfolded in pages of five. Tickets 000 to 004 are on the top page; tickets 005 to 009 are on the next page, etc.; and tickets 245 to 249 are on the last

page. Tickets 000 and 249 are folded down to expose the pack-ticket number through the shrink-wrap.

H. **Pack-Ticket Number**-The 11-digit code printed on the back of each ticket located above the Bar Code which is printed vertically down the side of the back of the ticket in the form 00-000000-000. The first two digits are the game identification number followed by a six-digit pack number followed by a three-digit ticket number. Numbering begins with 11-000001-000 for this game.

I. **Play Symbol**-The play area will consist of two distinct games, indicated "GAME 1" and "GAME 2." Each game within the play area will consist of two Play Symbols marked "YOUR" and "THEIR" in addition to a Prize Amount. Each Play Symbol is printed in Archer font in black ink in positive. The possible Play Symbols in the "YOUR" column are: 1, 2, 3, 4, 5, 6, 7, 8, and 9. The possible Play Symbols in the "THEIR" column are: 1, 2, 3, 4, 5, 6, 7, 8, and 9.

J. **Play Symbol Caption**-The small printed material appearing below each Play Symbol which explains the Play Symbol. One and only one of these Play Symbol Captions appears under each Play Symbol and each is printed in Caption font in black ink in positive. The Play Symbol Caption which corresponds with and verifies each Play Symbol is as follows:

PLAY SYMBOL

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9

CAPTION

- ONE
- TWO
- THRE
- FOUR
- FIVE
- SIX
- SEVN
- EIGT
- NINE

K. **Prize Symbol**-Each Prize Symbol is printed in Archer font in black ink in positive. The possible Prize Symbols are: \$1.00, \$2.00, \$4.00, \$5.00, \$10.00, \$20.00, \$40.00, \$100, and \$1,000.

\$1.00	ONES
\$2.00	TWOS
\$4.00	FOURS
\$5.00	FIVES
\$10.00	TENS
\$20.00	TWENTY
\$40.00	FORTY
\$100	ONE HUND
\$1,000	ONE THOU

L. **Prize Symbol Caption**-The small printed material appearing below each Prize Symbol which explains the Prize Symbol. One and only one of these Prize Symbol Captions appears under each Prize Symbol, and each is printed in Caption font in black ink in positive. The Prize Symbol Caption which corresponds with and verifies each Prize Symbol is as follows:

M. **Retailer Validation Code**-Three small letters found under the removable rub-off covering over the Play Symbols on the front of the ticket, which the retailer uses to verify and validate instant winners.

N. **Ticket or Instant Game Ticket, or Instant Ticket**-A Texas Lottery "GRAND SLAM" Instant Game No. 11 ticket.

O. **Validation Number**-A unique 12-digit number applied to the front of each ticket.

2.0. **Determination of Prize Winners.** The determination of prize winners is subject to the general ticket validation requirements set forth in §2.1 of rules adopted

by the Lottery for this purpose, these Game Procedures, and the requirements set out on the back of each instant ticket. A prize winner in the "GRAND SLAM" Instant Game is determined when the latex material on the front of the ticket is rubbed off to expose two games each consisting of two Play Symbols and one Prize Symbol. If the Play Symbol located under the word "YOUR" is

greater than the Play Symbol located under the word "THEIR" in the same game, the player wins the prize amount indicated for that particular game. No portion of the display printing nor any extraneous matter whatever shall be usable or playable as a part of the Instant Game. The Prize Symbol amounts have the following instant values:

\$1
\$2, or
\$4, or
\$5, or
\$10, or
\$20, or
\$40, or
\$100, or
\$1,000.

2.1. Instant Ticket Validation Requirements.

A. To be a valid Instant Game ticket, all of the following requirements must be met:

1. Exactly two Play Symbols and one Prize Symbol must appear under each of the game areas on the right front portion of the ticket for a total of four Play Symbols and two Prize Symbols on each ticket;
2. Each of the Play Symbols must have a Play Symbol Caption underneath, and each Play Symbol must agree with its Play Symbol Caption;
3. Each of the Prize Symbols must have a Prize Symbol Caption underneath, and each Prize Symbol must agree with its Prize Symbol Caption;
4. Each of the Play Symbols and Prize Symbols must be present in its entirety and be fully legible;
5. Each Play Symbol Caption and Prize Symbol Caption must be present in its entirety and be fully legible;
6. Each of the Play Symbols, Prize Symbols, Prize Symbol Captions, and the Play Symbol Captions must be printed in black ink;
7. The ticket shall be intact;
8. The Validation Number, Retailer Validation Code and Pack-Ticket Number must be present in their entirety and be fully legible;
9. The Validation Number must correspond, using the Lottery's codes, to the Play Symbols on the ticket;
10. The ticket must not have a hole punched through it, be mutilated, altered, unreadable, reconstituted or tampered with in any manner;
11. The ticket must not be counterfeit in whole or in part;
12. The ticket must have been issued by the Lottery in an authorized manner;
13. The ticket must not have been stolen, nor appear on any list of omitted tickets or non-activated tickets on file at the Lottery;
14. The Play Symbols, Play Symbol Captions, Prize Symbols, Prize Symbol Captions, Validation Number, Retailer Validation Code and Pack-Ticket Number must be right side up and not reversed in any manner;

15. The ticket must be complete and not miscut, and have exactly four Play Symbols and exactly four Play Symbol Captions and exactly two Prize Symbols and exactly two Prize Symbol Captions under the latex material on the front of the ticket, exactly one Validation Number, exactly one Retailer Validation Code and exactly one Pack-Ticket Number on the ticket;

16. The Validation Number of an apparent winning ticket shall appear on the Lottery's Official List of Validation Numbers of winning tickets, and a ticket with that Validation Number shall not have been paid previously;

17. The ticket must not be blank or partially blank, misregistered, defective or printed or produced in error;

18. Each of the four Play Symbols must be exactly one of those described in §1.2.I, and each of the Play Symbol Captions to those Play Symbols must be exactly one of those described in §1.2.J;

19. Each of the two Prize Symbols must be exactly one of those described in §1.2.K and each of the Prize Symbol Captions to those Prize Symbols must be exactly one of those described in §1.2.L;

20. Each of the four Play Symbols and two Prize Symbols on the ticket must be printed in the Archer Font and must correspond precisely to the artwork on file at the Lottery; the ticket Validation Numbers must be printed in the Validation Font and must correspond precisely to the artwork on file at the Lottery; and the Pack-Ticket Number must be printed in the Pack-Ticket Number Font and must correspond precisely to the artwork on file at the Lottery;

21. The display printing on the ticket must be regular in every respect and correspond precisely to the artwork on file at the Lottery; and

22. The ticket must have been received or recorded by the Lottery by applicable deadlines.

B. The ticket must pass all additional validation tests provided for in these game procedures, the Lottery's Rules governing the award of prizes of the size to be validated, and any confidential validation and security tests of the Lottery.

C. Any Instant Game ticket not passing all of the validation requirements is void and ineligible for any prize and shall not be paid. However, the Director may, solely at the Director's option, replace an invalid ticket with an unplayed ticket in that Instant Game (or ticket of equivalent sales price from any other current Instant Lottery

game) or refund the retail sales price of the ticket. In the event a defective ticket is purchased, the only responsibility or liability of the Lottery shall be to replace the defective ticket with another unplayed ticket in that Instant Game (or a ticket of equivalent sales price from any other current Instant Lottery game) or refund the retail sales price of the ticket.

2.2. Procedure for Claiming Prizes.

A. To claim a "GRAND SLAM" Instant Game prize of \$1.00, \$2.00, \$4.00, \$5.00, \$10, \$20, \$40, or \$100, a player shall sign the back of the ticket in the space designated on the ticket and present the winning ticket to any Lottery Retailer. The Lottery Retailer shall verify the claim and, if valid, and upon presentation of proper identification, make payment of the amount due the player and physically void the ticket; provided that the Lottery Retailer may, but is not in some cases required to, pay a \$100 ticket. In the event the Lottery Retailer cannot verify the claim, the Lottery Retailer shall provide the player with a claim form and instruct the player on how to file a claim with the Lottery. If the claim is validated by the Lottery, a check shall be forwarded to the player in the amount due. In the event the claim is not validated, the claim shall be denied and the player shall be notified promptly. A player may also claim any of the above prizes under the procedure described in §2.2.B.

B. To claim a "GRAND SLAM" Instant Game prize of \$1,000, the player must sign the winning ticket, thoroughly complete a claim form, and present both at any Lottery claim center. If the claim is validated by the Lottery, payment will be made to the bearer of the validated winning ticket for that prize upon presentation of proper identification. A player may also claim a prize by signing the winning ticket, thoroughly completing a claim form, and mailing both to: Texas Lottery, Comptroller of Public Accounts, P.O. 16600, Austin, Texas 78752-6600. In the event that the claim is not validated by the Lottery, the claim shall be denied and the player shall be notified promptly.

C. Prior to payment by the Lottery of any prize, the Lottery shall deduct a sufficient amount from the winnings of a person who has been finally determined to be:

1. delinquent in the payment of a tax or other money collected by the Comptroller, State Treasurer, or Texas Alcoholic Beverage Commission;
2. delinquent in making child support payments administered or collected by the Attorney General; or
3. in default on a loan guaranteed under Texas Civil Statutes, Chapter 57, the Education Code. If a person is indebted or owes delinquent taxes to the State, other than

those specified in the preceding paragraph, the winnings of a person shall be withheld until the debt or taxes are paid.

2.3. Allowance for Delay of Payment. The Lottery may delay payment of the prize pending a final determination by the director, under any of the following circumstances:

A. if a dispute occurs, or it appears likely that a dispute may occur, regarding the prize;

B. if there is any question regarding the identity of the claimant;

C. if there is any question regarding the validity of the ticket presented for payment; or

D. if the claim is subject to any deduction from the payment otherwise due, as described in §2.2.C. No liability for interest for any delay shall accrue to the benefit of the claimant pending payment of the claim.

2.4. Payment of Prizes to Persons Under 18. If a person under the age of 18 years is entitled to a prize from the "GRAND SLAM" instant game, the Lottery shall deliver to an adult member of the minor's family or the minor's guardian a check or warrant in the amount of the prize payable to the order of the minor.

2.5. Instant Ticket Claim Period. All Instant Game prizes must be claimed within 180 days following the end of the Instant Game. Any prize not claimed within that period, and in the manner specified in these game procedures and on the back of each ticket, shall be forfeited.

3.0. Instant Ticket Ownership.

A. Until such time as a signature is placed upon the back portion of an Instant Game ticket in the space designated therefor, a ticket shall be owned by the physical possessor of said ticket. When a signature is placed on the back of the ticket in the space designated therefor, the player whose signature appears in that area shall be the owner of the ticket and shall be entitled to any prize attributable thereto. Notwithstanding any name or names submitted on a claim form, the director shall make payment to the player whose signature appears on the back of the ticket in the space designated therefor. If more than one name appears on the back of the ticket, the Director will require that one of those players whose name appears thereon be designated to receive payment.

B. The Lottery shall not be responsible for lost or stolen Instant Game tickets.

4.0. Number and Value of Instant Prizes. There will be approximately 50,000,000 tickets in the Instant Game No. 11. The expected number and value of prizes in the game are as follows:

<u>PRIZE</u>	<u>APPROXIMATE NUMBER OF WINNERS IN THE GAME</u>	<u>CHANCES OF WINNING</u>
\$1	4,213,440	1:11.90
\$2	4,113,120	1:12.20
\$4	1,003,200	1:50.00
\$5	601,920	1:83.33
\$10	200,640	1:250.00
\$20	100,320	1:500.00
\$40	41,800	1:1,200.00
\$100	11,765	1:2,824.00
\$1,000	836	1:60,000.00

The actual number of tickets in the game may be increased or decreased at the sole discretion of the Lottery.

5.0. Termination of the Instant Game. The Director may, at any time, announce a termination date for the Instant Game No. 11 without advance notice, at which point no further tickets in that game may be sold.

6.0. Governing Law. In purchasing an Instant Game ticket, the player agrees to comply with, and abide by, these game procedures for Instant Game No. 11, the Lottery Act (Texas Civil Statutes, Article 179g), applicable Rules adopted by the Lottery pursuant to the Lottery Act and published in 34 TAC, Chapter 7, and all final decisions of the Director.

TEXAS LOTTERY GAME PROCEDURES INSTANT GAME NO. 12

1.0. Name and Style of Game. The name of Instant Game No. 12 is "CACTUS CASH." The play style of the game is "three in line."

1.1. Price of Instant Ticket. Tickets for Instant Game No. 12 shall be \$1.00 per ticket.

1.2. Definitions in Instant Game No. 12.

A. Bar Code-The unique bar-coded representation of the game Pack-Ticket Number and the Validation Number.

B. Display Printing-That area of the instant game ticket outside of the area where the Play Symbols appear.

C. High-Tier Prize-A prize of \$1,000.

D. Low-Tier Prize-A prize of \$1, \$2, \$4, \$5, \$10, \$20, or \$40.

E. Mid-Tier Prize-A prize of \$100.

F. Non-Winning Ticket-A ticket which is not intended to be a winning ticket or a ticket that does not meet all of the requirements of these Game Procedures, Texas Civil Statutes, Article 179g (the Lottery Act), and applicable rules adopted by the Lottery pursuant to the Lottery Act and published in 34 TAC, Chapter 7.

G. Pack-A pack of fanfolded "CACTUS CASH" Instant Game tickets which are attached to each other by perforations the retailer tears when the retailer sells a ticket. Each pack contains 250 tickets, which are packed in plastic shrink-wrapping and fanfolded in pages of five. Tickets 000 to 004 are on the top page; tickets 005 to 009 are on the next page, etc.; and tickets 245 to 249 are on the last page. Tickets 000 and 249 are folded down to expose the pack-ticket number through the shrink-wrap.

H. Pack-Ticket Number-The 11-digit code printed on the back of each ticket located above the Bar Code which is printed vertically down the side of the back of the ticket in the form 00-000000-000. The first two digits are the game identification number followed by a six-digit pack number followed by a three-digit ticket number. Numbering begins with 12-000001-000 for this game.

I. Play Symbol-One of the symbols which appears under the nine rub-off spots on the front of the ticket. Each Play Symbol is printed in bold archer font in black ink in positive. The possible Play Symbols are: (CACTUS) and X.

J. Play Symbol Caption-A five-character caption will be printed below each Play Symbol in Caption font in black ink in positive. The first character of the caption will indicate the Play Symbol's position in one of the nine play spots on the ticket. The nine spots are as follows:

1	2	3
4	5	6
7	8	9

The second character of the caption will repeat the corresponding Play Symbol ((CACTUS) or X). The last three characters will be the same numbers as the three-digit

ticket number. For example, caption 1X000 indicates that the Play Symbol "X" is in the number "1" position of ticket #000. One and only one Play Symbol Caption will appear under each Play Symbol.

K. Prize Symbol—Each Prize Symbol is printed in Archer font in black ink in positive. The possible Prize Symbols are: \$1.00, \$2.00, \$4.00, \$5.00, \$10.00, \$20.00, \$40.00, \$100, and \$1,000.

\$1.00
\$2.00
\$4.00
\$5.00
\$10.00
\$20.00
\$40.00
\$100
\$1,000

L. Prize Symbol Caption—The small printed material appearing below the Prize Symbol which explains the Prize Symbol. One and only one of these Prize Symbol Captions appears under the Prize Symbol, and each is printed in Caption font in black ink in positive. The Prize Symbol Caption which corresponds with and verifies each Prize Symbol is as follows:

ONE\$
TWO\$
FOUR\$
FIVE\$
TEN\$
TWENTY
FORTY
ONE HUND
ONE THOU

M. Retailer Validation Code—Three small letters found under the removable rub-off covering over the Play Symbols on the front of the ticket, which the retailer uses to verify and validate instant winners.

N. Ticket or Instant Game Ticket, or Instant Ticket—A Texas Lottery "CACTUS CASH" Instant Game No. 12 ticket.

O. Validation Number—A unique 12-digit number applied to the front of each ticket.

2.0. Determination of Prize Winners. The determination of prize winners is subject to the general ticket

validation requirements set forth in §2.1 of rules adopted by the Lottery for this purpose, these Game Procedures, and the requirements set out on the back of each instant ticket. A prize winner in the "CACTUS CASH" Instant Game is determined when the latex material on the front of the ticket is rubbed off to expose the nine Play Symbols on the front of the ticket. The holder of the ticket wins the prize indicated in the Prize Box, if three cactus symbols appear in three consecutive play spots, either horizontally, vertically, or diagonally on the same ticket. No portion of the display printing nor any extraneous matter whatever shall be usable or playable as a part of the Instant Game. The Play Symbol amounts have the following instant values:

\$1, or
\$2, or
\$4, or
\$5, or
\$10, or
\$20, or
\$40, or
\$100, or
\$1,000.

2.1. Instant Ticket Validation Requirements.

A. To be a valid Instant Game ticket, all of the following requirements must be met:

1. Exactly one Play Symbol must appear under each of the nine rub-off spots on the right front portion of the ticket;
2. Each of the Play Symbols must have a Play Symbol Caption underneath, and each Play Symbol must agree with its Play Symbol Caption;
3. Each of the Play Symbols must be present in its entirety and be fully legible;
4. Each Play Symbol Caption must be present in its entirety and be fully legible;
5. Each of the Play Symbols and the Play Symbol Captions must be printed in black ink;

6. The ticket shall be intact;
7. The Validation Number, Retailer Validation Code and Pack-Ticket Number must be present in their entirety and be fully legible;
8. The Validation Number must correspond, using the Lottery's codes, to the Play Symbols on the ticket;
9. The ticket must not have a hole punched through it, be mutilated, altered, unreadable, reconstituted or tampered with in any manner;
10. the ticket must not be counterfeit in whole or in part;
11. The ticket must have been issued by the Lottery in an authorized manner;
12. The ticket must not have been stolen, nor appear on any list of omitted tickets or non-activated tickets on file at the Lottery;
13. The Play Symbols, Play Symbol Captions, Validation Number, Retailer Validation Code and Pack-Ticket

Number must be right side up and not reversed in any manner;

14. The ticket must be complete and not miscut, and have exactly one Play Symbol and exactly one Play Symbol Caption under each of the nine rub-off spots on the front of the ticket, exactly one Validation Number, exactly one Retailer Validation Code and exactly one Pack-Ticket Number on the ticket;

15. The Validation Number of an apparent winning ticket shall appear on the Lottery's Official List of Validation Numbers of winning tickets, and a ticket with that Validation Number shall not have been paid previously;

16. The ticket must not be blank or partially blank, misregistered, defective or printed or produced in error;

17. Each of the nine Play Symbols must be exactly one of those described in §1.2.I, and each of the Play Symbol Captions to those Play Symbols must be exactly one of those described in §1.2.J;

18. Each of the nine Play Symbols on the ticket must be printed in the Symbol Font and must correspond precisely to the artwork on file at the Lottery; the ticket Validation Numbers must be printed in the Validation Font and must correspond precisely to the artwork on file at the Lottery; and the Pack-Ticket Number must be printed in the Pack-Ticket Number Font and must correspond precisely to the artwork on file at the Lottery;

19. The display printing on the ticket must be regular in every respect and correspond precisely to the artwork on file at the Lottery; and

20. The ticket must have been received or recorded by the Lottery by applicable deadlines.

B. The ticket must pass all additional validation tests provided for in these game procedures, the Lottery's Rules governing the award of prizes of the size to be validated, and any confidential validation and security tests of the Lottery.

C. Any Instant Game ticket not passing all of the validation requirements is void and ineligible for any prize and shall not be paid. However, the Director may, solely at the Director's option, replace an invalid ticket with an unplayed ticket in that Instant Game (or ticket of equivalent sales price from any other current Instant Lottery game) or refund the retail sales price of the ticket. In the event a defective ticket is purchased, the only responsibility or liability of the Lottery shall be to replace the defective ticket with another unplayed ticket in that Instant Game (or a ticket of equivalent sales price from any other current Instant Lottery game) or refund the retail sales price of the ticket.

2.2. Procedure for Claiming Prizes.

A. To claim a "CACTUS CASH" Instant Game prize of \$1, \$2, \$4, \$5, \$10, \$20, \$40, or \$100, a player shall sign the back of the ticket in the space designated on the ticket and present the winning ticket to any Lottery Retailer. The Lottery Retailer shall verify the claim and, if valid, and upon presentation of proper identification, make payment of the amount due the player and physically void the ticket; provided that the Lottery Retailer may, but is not in some cases required to, pay a \$100 ticket. In the event the Lottery Retailer cannot verify the claim, the Lottery Retailer shall provide the player with a claim form and instruct the player on how to file a claim with the Lottery. If the claim is validated by the Lottery, a check shall be

forwarded to the player in the amount due. In the event the claim is not validated, the claim shall be denied and the player shall be notified promptly. A player may also claim any of the above prizes under the procedure described in §2.2.B.

B. To claim a "CACTUS CASH" Instant Game prize of \$1,000, the player must sign the winning ticket, thoroughly complete a claim form, and present both at any Lottery claim center. If the claim is validated by the Lottery, payment will be made to the bearer of the validated winning ticket for that prize upon presentation of proper identification. A player may also claim a prize by signing the winning ticket, thoroughly completing a claim form, and mailing both to: Texas Lottery, Comptroller of Public Accounts, P.O. 16600, Austin, Texas 78752-6600. In the event that the claim is not validated by the Lottery, the claim shall be denied and the player shall be notified promptly.

C. Prior to payment by the Lottery of any prize, the Lottery shall deduct a sufficient amount from the winnings of a person who has been finally determined to be:

1. delinquent in the payment of a tax or other money collected by the Comptroller, State Treasurer, or Texas Alcoholic Beverage Commission;

2. delinquent in making child support payments administered or collected by the Attorney General; or

3. in default on a loan guaranteed under Texas Civil Statutes, Chapter 57, the Education Code. If a person is indebted or owes delinquent taxes to the State, other than those specified in the preceding paragraph, the winnings of a person shall be withheld until the debt or taxes are paid.

2.3. Allowance for Delay of Payment. The Lottery may delay payment of the prize pending a final determination by the director, under any of the following circumstances:

A. if a dispute occurs, or it appears likely that a dispute may occur, regarding the prize;

B. if there is any question regarding the identity of the claimant;

C. if there is any question regarding the validity of the ticket presented for payment; or

D. if the claim is subject to any deduction from the payment otherwise due, as described in §2.2.C. No liability for interest for any delay shall accrue to the benefit of the claimant pending payment of the claim.

2.4. Payment of Prizes to Persons Under 18. If a person under the age of 18 years is entitled to a prize from the "CACTUS CASH" instant game, the Lottery shall deliver to an adult member of the minor's family or the minor's guardian a check or warrant in the amount of the prize payable to the order of the minor.

2.5. Instant Ticket Claim Period. All Instant Game prizes must be claimed within 180 days following the end of the Instant Game. Any prize not claimed within that period, and in the manner specified in these game procedures and on the back of each ticket, shall be forfeited.

3.0. Instant Ticket Ownership.

A. Until such time as a signature is placed upon the back portion of an Instant Game ticket in the space designated therefor, a ticket shall be owned by the physical possessor of said ticket. When a signature is placed on the back of the ticket in the space designated therefor, the player

whose signature appears in that area shall be the owner of the ticket and shall be entitled to any prize attributable thereto. Notwithstanding any name or names submitted on a claim form, the director shall make payment to the player whose signature appears on the back of the ticket in the space designated therefor. If more than one name appears on the back of the ticket, the Director will require that one of those players whose name appears thereon be designated to receive payment.

B. The Lottery shall not be responsible for lost or stolen Instant Game tickets.

4.0. **Number and Value of Instant Prizes.** There will be approximately 50 million tickets in the Instant Game No. 12. The expected number and value of prizes in the game are as follows:

<u>PRIZE</u>	<u>APPROXIMATE NUMBER OF WINNERS IN THE GAME</u>	<u>CHANCES OF WINNING</u>
\$1	4,213,440	1:11.90
\$2	3,210,240	1:15.63
\$4	1,203,840	1:41.67
\$5	1,003,200	1:50.00
\$10	401,280	1:125.00
\$20	200,640	1:250.00
\$40	41,800	1:1,200.00
\$100	17,765	1:2,824.00
\$1,000	836	1:60,000.00

The actual number of tickets in the game may be increased or decreased at the sole discretion of the Lottery.

5.0. **Termination of the Instant Game.** The Director may, at any time, announce a termination date for the Instant Game No. 12 without advance notice, at which point no further tickets in that game may be sold.

6.0. **Governing Law.** In purchasing an Instant Game ticket, the player agrees to comply with, and abide by, these game procedures for Instant Game No. 12, the Lottery Act (Texas Civil Statutes, Article 179g), applicable Rules adopted by the Lottery pursuant to the Lottery Act and published in 34 TAC, Chapter 7, and all final decisions of the Director.

TEXAS LOTTERY GAME PROCEDURES INSTANT GAME NO. 13

1.0 Name and Style of Game.

The name of Instant Game No. 13 is "TEXAS TREASURES." The play style of the game is "match three."

1.1 Price of Instant Ticket.

Tickets for Instant Game No. 13 shall be \$1.00 per ticket.

1.2 Definitions in Instant Game No. 13.

A. **Bar Code**--The unique bar-coded representation of the game Pack-Ticket Number and the Validation Number.

B. **Display Printing**--That area of the instant game ticket outside of the area where the Play Symbols appear.

C. **High-Tier Prize**--A prize of \$2,500.

D. **Low-Tier Prize**--A prize of \$1.00, \$2.00, \$5.00, \$10, \$15, or \$20.

E. **Mid-Tier Prize**--A prize of \$50, \$100, \$150, \$200, or \$500.

F. **Non-Winning Ticket**--A ticket which is not intended to be a winning ticket or a ticket that does not meet all of the requirements of these Game Procedures, Texas Civil Statutes, Article 179g (the Lottery Act), and applicable rules adopted by the Lottery pursuant to the Lottery Act and published in 34 TAC, Chapter 7.

G. **Pack**--A pack of fanfolded "TEXAS TREASURES" Instant Game tickets which are attached to each other by perforations the retailer tears when the retailer sells a ticket. Each pack contains 250 tickets, which are packed in plastic shrink-wrapping and fanfolded in pages of five. Tickets 000 to 004 are on the top page; tickets 005 to 009 are on the next page, etc.; and tickets 245 to 249 are on the last page. Tickets 000 and 249 are folded down to expose the pack-ticket number through the shrink-wrap.

H. **Pack-Ticket Number**--The 11-digit code printed on the back of each ticket located above the Bar Code which is printed vertically down the side of the back of the ticket in the form 00-000000-000. The first two digits are the game identification number followed by a six-digit pack number followed by a three-digit ticket number. Numbering begins with 13-000001-000 for this game.

I. **Play Symbol**--One of the symbols which appears under the nine rub-off spots on the front of the ticket. Each Play Symbol is printed in Symbol font in black ink in positive. The possible Play Symbols are: \$1.00, \$2.00, \$5.00, \$10.00, \$15.00, \$20.00, \$50.00, \$100, \$150, \$200, \$500, and \$2,500.

J. **Play Symbol Caption**--The small printed material appearing below each Play Symbol which explains the Play Symbol. One and only one of these Play Symbol Captions appears under each Play Symbol and each is printed in Caption font in black ink in positive. The Play Symbol Caption which corresponds with and verifies each Play Symbol is as follows:

PLAY SYMBOL

CAPTION

\$1.00	ONE\$
\$2.00	TWOS
\$5.00	FIVES\$
\$10.00	TENS\$
\$15.00	FIFTN\$
\$20.00	TWENTY
\$50.00	FIFTY
\$100	ONE HUND
\$150	1 HUND50
\$200	TWO HUND
\$500	FIV HUND
\$2,500	25 HUND

K. Retailer Validation Code—Three small letters found under the removable rub-off covering over the Play Symbols on the front of the ticket, which the retailer uses to verify and validate instant winners.

L. Ticket or Instant Game Ticket, or Instant Ticket—A Texas Lottery "TEXAS TREASURES" Instant Game No. 13 ticket.

M. Validation Number—A unique 12-digit number applied to the front of each ticket.

2.0 Determination of Prize Winners. The determination of prize winners is subject to the general ticket

validation requirements set forth in §2.1 of rules adopted by the Lottery for this purpose, these Game Procedures, and the requirements set out on the back of each instant ticket. A prize winner in the "TEXAS TREASURES" Instant Game is determined when the latex on the ticket is rubbed off to expose the nine Play Symbols on the front of the ticket. The holder of a ticket wins that like Play Symbol prize amount, if the same Play Symbol prize amount appears in three separate play spots on that ticket. No portion of the display printing nor any extraneous matter whatever shall be usable or playable as a part of the Instant Game. The Play Symbol amounts have the following instant values:

- \$1.00
- \$2.00, or
- \$5.00, or
- \$10.00, or
- \$15.00, or
- \$20.00, or
- \$50.00, or
- \$100, or
- \$150, or
- \$200, or
- \$500, or
- \$2,500.

2.1 Instant Ticket Validation Requirements.

A. To be a valid Instant Game ticket, all of the following requirements must be met:

1. Exactly one Play Symbol must appear under each of the nine rub-off spots on the right front portion of the ticket;

2. Each of the Play Symbols must have a Play Symbol Caption underneath, and each Play Symbol must agree with its Play Symbol Caption;

3. Each of the Play Symbols must be present in its entirety and be fully legible;

4. Each Play Symbol Caption must be present in its entirety and be fully legible;

5. Each of the Play Symbols and the Play Symbol Captions must be printed in black ink;

6. The ticket shall be intact;

The Validation Number, Retailer Validation Code and Pack-Ticket Number must be present in their entirety and be fully legible;

8. The Validation Number must correspond, using the Lottery's codes, to the Play Symbols on the ticket;

9. The ticket must not have a hole punched through it, be mutilated, altered, unreadable, reconstituted or tampered with in any manner;

10. The ticket must not be counterfeit in whole or in part;

11. The ticket must have been issued by the Lottery in an authorized manner;

12. The ticket must not have been stolen, nor appear on any list of omitted tickets or non-activated tickets on file at the Lottery;

13. The Play Symbols, Play Symbol Captions, Validation Number, Retailer Validation Code and Pack-Ticket Number must be right side up and not reversed in any manner;

14. The ticket must be complete and not miscut, and have exactly one Play Symbol and exactly one Play Symbol Caption under each of the nine rub-off spots on the front of the ticket, exactly one Validation Number, exactly one Retailer Validation Code and exactly one Pack-Ticket Number on the ticket;

15. The Validation Number of an apparent winning ticket shall appear on the Lottery's Official List of Validation Numbers of winning tickets, and a ticket with that Validation Number shall not have been paid previously;

16. The ticket must not be blank or partially blank, misregistered, defective or printed or produced in error;

17. Each of the nine Play Symbols must be exactly one of those described in §1.2.I, and each of the Play Symbol Captions to those Play Symbols must be exactly one of those described in §1.2.J;

18. Each of the nine Play Symbols on the ticket must be printed in the Symbol Font and must correspond precisely to the artwork on file at the Lottery; the ticket Validation Numbers must be printed in the Validation Font and must correspond precisely to the artwork on file at the Lottery; and the Pack-Ticket Number must be printed in the Pack-Ticket Number Font and must correspond precisely to the artwork on file at the Lottery;

19. The display printing on the ticket must be regular in every respect and correspond precisely to the artwork on file at the Lottery; and

20. The ticket must have been received or recorded by the Lottery by applicable deadlines.

B. The ticket must pass all additional validation tests provided for in these game procedures, the Lottery's Rules governing the award of prizes of the size to be validated, and any confidential validation and security tests of the Lottery.

C. Any Instant Game ticket not passing all of the validation requirements is void and ineligible for any prize and shall not be paid. However, the Director may, solely at the Director's option, replace an invalid ticket with an unplayed ticket in that Instant Game (or ticket of equivalent sales price from any other current Instant Lottery game) or refund the retail sales price of the ticket. In the event a defective ticket is purchased, the only responsibility or liability of the Lottery shall be to replace the defective ticket with another unplayed ticket in that Instant Game (or a ticket of equivalent sales price from any other current Instant Lottery game) or refund the retail sales price of the ticket.

2.2 Procedure for Claiming Prizes.

A. To claim a "TEXAS TREASURES" Instant Game prize of \$1.00, \$2.00, \$5.00, \$10, \$15, \$20, \$50, \$100, \$150, \$200, or \$500, a player shall sign the back of the ticket in the space designated on the ticket and present the winning ticket to any Lottery Retailer. The Lottery Retailer shall verify the claim and, if valid, and upon presentation of proper identification, make payment of the amount due the player and physically void the ticket; provided that the Lottery Retailer may, but is not, in some cases, required to pay a \$50, \$100, \$150, \$200, or \$500 ticket. In the event the Lottery Retailer cannot verify the claim, the Lottery Retailer shall provide the player with a claim form and instruct the player on how to file a claim with the Lottery. If the claim is validated by the Lottery, a check shall be forwarded to the player in the amount due. In the event the claim is not validated, the claim shall be denied and the player shall be notified promptly. A player may also claim any of the above prizes under the procedure described in §2.2.B.

B. To claim a "TEXAS TREASURES" Instant Game prize of \$2,500, the player must sign the winning ticket, thoroughly complete a claim form, and present both at any Lottery claim center. If the claim is validated by the Lottery, payment will be made to the bearer of the validated winning ticket for that prize upon presentation of proper identification. A player may also claim a prize by signing the winning ticket, thoroughly completing a claim form, and mailing both to: Texas Lottery, Comptroller of Public Accounts, P.O. 16600, Austin, Texas 78752-6600. When paying a prize of \$600 or more, the Lottery shall file the appropriate income reporting form with the Internal Revenue Service (IRS) and shall withhold federal income tax at a rate set by the IRS if required. In the event that the claim is not validated by the Lottery, the claim shall be denied and the player shall be notified promptly.

C. Prior to payment by the Lottery of any prize, the Lottery shall deduct a sufficient amount from the winnings of a person who has been finally determined to be:

1. delinquent in the payment of a tax or other money collected by the Comptroller, State Treasurer, or Texas Alcoholic Beverage Commission;

2. delinquent in making child support payments administered or collected by the Attorney General; or

3. in default on a loan guaranteed under Texas Civil Statutes, Chapter 57, the Education Code. If a person is indebted or owes delinquent taxes to the State, other than

those specified in the preceding paragraph, the winnings of a person shall be withheld until the debt or taxes are paid.

2.3 Allowance for Delay of Payment. The Lottery may delay payment of the prize pending a final determination by the director, under any of the following circumstances:

- A. if a dispute occurs, or it appears likely that a dispute may occur, regarding the prize;
- B. if there is any question regarding the identity of the claimant;
- C. if there is any question regarding the validity of the ticket presented for payment; or
- D. if the claim is subject to any deduction from the payment otherwise due, as described in §2.2.D. No liability for interest for any delay shall accrue to the benefit of the claimant pending payment of the claim.

2.4 Payment of Prizes to Persons Under 18. If a person under the age of 18 years is entitled to a prize from the "TEXAS TREASURES" instant game, the Lottery shall:

- 1. if the prize is less than \$600, deliver to an adult member of the minor's family or the minor's guardian a check or warrant in the amount of the prize payable to the order of the minor;
- 2. if the prize is more than \$600, deposit the amount of the prize in a custodial bank account, with an adult mem-

ber of the minor's family or the minor's guardian serving as custodian for the minor.

2.5 Instant Ticket Claim Period. All Instant Game prizes must be claimed within 180 days following the end of the Instant Game. Any prize not claimed within that period, and in the manner specified in these game procedures and on the back of each ticket, shall be forfeited.

3.0 Instant Ticket Ownership.

A. Until such time as a signature is placed upon the back portion of an Instant Game ticket in the space designated therefor, a ticket shall be owned by the physical possessor of said ticket. When a signature is placed on the back of the ticket in the space designated therefor, the player whose signature appears in that area shall be the owner of the ticket and shall be entitled to any prize attributable thereto. Notwithstanding any name or names submitted on a claim form, the director shall make payment to the player whose signature appears on the back of the ticket in the space designated therefor. If more than one name appears on the back of the ticket, the Director will require that one of those players whose name appears thereon be designated to receive payment.

B. The Lottery shall not be responsible for lost or stolen Instant Game tickets.

4.0 Number and Value of Instant Prizes. There will be approximately 70,000,000 tickets in the Instant Game No. 13. The expected number and value of prizes in the game are as follows:

<u>PRIZE</u>	<u>APPROXIMATE NUMBER OF WINNERS IN THE GAME</u>	<u>CHANCES OF WINNING</u>
\$1	7,288,320	1:9.62
\$2	5,886,720	1:11.90
\$5	1,401,600	1:50.00
\$10	560,640	1:125.00
\$15	280,320	1:250.00
\$20	140,160	1:500.00
\$50	35,040	1:2,000.00
\$100	11,680	1:6,000.00
\$150	1,168	1:60,000.00
\$200	876	1:80,000.00
\$500	584	1:120,000.00
\$2,500	292	1:240,000.00

The actual number of tickets in the game may be increased or decreased at the sole discretion of the Lottery.

5.0 Termination of the Instant Game. The Director may, at any time, announce a termination date for the

Instant Game No. 13 without advance notice, at which point no further tickets in that game may be sold.

6.0 Governing Law. In purchasing an Instant Game ticket, the player agrees to comply with, and abide by, these game procedures for Instant Game No. 13, the Lottery Act (Texas Civil Statutes, Article 179g), applicable Rules adopted by the Lottery pursuant to the Lottery

Act and published in 34 TAC, Chapter 7, and all final decisions of the Director.

Issued in Austin, Texas, on April 9, 1993.

TRD-9321455

Tres Lorton
Senior Legal Counsel, General Law
Section
Comptroller of Public Accounts

Filed: April 9, 1993

◆ ◆ ◆
**Office of Consumer Credit
Commissioner**

Interpretations

Under provisions of §10, Article 2.02A, Title 79, Revised Statutes (Article 5069-1.01 et seq. Texas Civil Statutes) the consumer credit commissioner has issued the following interpretations of Title 79, Revised Statutes. (Texas Civil Statutes, Article 5069-1.01 et seq.)

RQ-92-1. Request from Mark D. Morris of Baker and Botts asking if a payment schedule which complies with Regulation Z will meet the requirements of Vernon's Texas Civil Statutes, Article 5069-4.04(4), as opposed to a schedule which lists by each installment due date the estimated amount of the installment payment due.

Summary of Interpretation. For purposes of meeting the disclosure requirement of Article 4.04(4) only, the use of a payment schedule which complies with Regulation Z satisfies the requirement of Article 4.04(4) to incorporate a "schedule of payments" in a debt instrument. This interpretation will also apply to parallel language in other chapters of the Credit Code.

RQ-92-2. Request from Mark D. Morris of Baker and Botts asking if national banks, insured state banks, and insured savings associations may, without regard to the restrictions in the "consumer chapters" of the Credit Code, make loans at a rate of interest provided by Texas Civil Statutes, Article 1.04, and other charges as authorized or permitted by the Texas Credit Union Act, Texas Civil Statutes, Article 2461-7.01, because of the "most favored lender" doctrine and federal preemption laws 12 United States Code, §§85, 1831d, and 1463(g).

Summary of Interpretation. The requested interpretation is not within the scope of the statutory authority granted to the consumer credit commissioner in that it involves an interpretation of federal law.

RQ-92-3. Request of Thomas H. Weed, Bonham, Carrington, and Fox, P. C., of Houston asking if a financial institution may make a loan secured by both a first lien on one lot or tract of real property and a second other junior lien on another lot or tract of real property assuming that the loan is not to be repaid in 90 days or less, that it will be paid in more than one installment, that the proceeds of the loan will be used for family, personal, or household use, and that the property on which the second or junior lien will be created has a dwelling designed for occupancy by four families or less.

Summary of Interpretation. The wording of Chapter 5 is in very specific language which limits those authorized to make loans regulated by Chapter 5 and restricts the terms of those loans. Any expansion of an enactment of the Legislature by an administrative agency using its interpretive authority would infringe upon the Legislative function and we hesitate to do so absent clear legislative intent in

support of the interpretation. We decline to provide authorization and a safe harbor for this type of transaction.

RQ-92-4. Request of A. M. Zavoina, Vice President, First National Bank, Killeen, asking when the first payment may be scheduled on a loan made under the authority of Texas Civil Statutes, Article 5069-3.16.

Summary of Interpretation. Administrative Rule 7 TAC §1.92 contains two sentences which address very explicitly the scheduling of first payments. They read as follows:

"Loan made under Article 3.16 repayable in substantially equal monthly installments may not have a contracted installment due date less than one full month from the date of the loan."

"The first installment due date may be set beyond one month without charge on loans made under Article 3.16 only if the extended period beyond one month would not result in the term of the loan exceeding the maximum term prescribed under the Article."

RQ-92-5. Request from Harvey R. Hardwick of Porter, Rogers, Dahlam, Gordon, and Lee of Corpus Christi and Sam Kelley of Austin asking if, under the facts of their request, a home improvement retail installment contract would constitute a Chapter 6 Retail Installment Contract, and if so, if it is insured by the Federal Housing Administration, would it be exempted from rates set by Chapter 6.

Summary of Interpretation. It is our opinion that in light of the method of doing business as described in your request including the contractor/dealer's substantive involvement in arranging the credit, these home improvement transactions constitute retail installment transactions subject to Chapter 6. *Espinoza v. Victoria Bank and Trust Company*, 572 S.W.2d 816 (Tex. Civ. App.-Corpus Christi 1978, writ ref's n.r.e.); *Al Endsley Letter Interpretation Number 86-5* (September 26, 1986).

A loan insured under the Federal Housing Administration includes any issuance of funds or an advance of credit. Consequently the term "loan" as used in Article 1.09 includes credit sales subject to Chapter 6.

Texas Civil Statutes, Article 5069-1.09, provides:

"Any loan insured by the Federal Housing Administration, ...its amendments, and supplements ..., may bear such rate of interest, or be discounted at such rate as is permitted under the National Housing Act, its amendments and supplements, and the regulation promulgated from time to time by the Federal Housing Administration...."

Article 1.09 exempts the home improvement transaction described herein from the rate restrictions of Texas Civil Statutes, Article 5069-6.02(9)(a). The transaction may bear any rate of finance charge whether defined as interest or time price differential, as may be permitted under the National Housing Act and regulations of the Federal Housing Administration.

Issued in Austin, Texas, on April 2, 1993.

TRD-9321362

Al Endsley
Consumer Credit Commissioner

Filed: April 8, 1993

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Notice of Rate Ceilings

The Consumer Credit Commissioner of Texas has ascertained the following rate ceilings by use of the formu-

las and methods described in Texas Civil Statutes, Title 79, Article 1.04, as amended (Texas Civil Statutes, Article 5069-1.04).

<u>Types of Rate Ceilings</u>	<u>Effective Period (Dates are Inclusive)</u>	<u>Consumer (1)/Agricultural/ Commercial (2) thru \$250,000</u>	<u>Commercial (2) over \$250,000</u>
Indicated (Weekly) Rate - Art. 1.04(a)(1)	04/12/93-04/18/93	18.00%	18.00%

(1) Credit for personal, family or household use. (2) Credit for business, commercial, investment or other similar purpose.

Issued in Austin, Texas, on April 7, 1993.

TRD-8321535 Al Endeley
Consumer Credit Commissioner

Filed: April 12, 1993

◆ ◆ ◆
**Texas Department of Health
Clinical Health Services—Fees**

Under the authority of the Health and Safety Code, §12.031 and §12.032, which provides the Texas Board of Health with the authority to charge fees to persons who receive public health services from the Texas Department of Health (department) or through other public health entities who contract with the department; and the current House Bill Number 1, 72nd Legislature, First Called Ses-

sion, 1991, the Board adopted rules for the collection of fees for clinical health services provided by the department or through entities which contract with the department for the provision of such services. Department rules (25 TAC §1.91(b)) relating to fees for clinical health services provide that the commissioner of health may adjust the income guidelines upon which the fees are based in order that they will conform to changes in the federal poverty income guidelines. The federal income guidelines were changed on February 8, 1993, when the Secretary of Health and Human Services issued the 1993 Poverty Income Guidelines for all states, except Alaska and Hawaii, and published in Volume 58, *Federal Register*, Number 28, page 8289 on February 12, 1993. Under the authority granted in 25 TAC §1.91(b)(1), and in accordance with the federal changes, the Commissioner of Health on March 31, 1993, has approved the following adjusted income guidelines for the assessment of the fees for clinical health services:

**TEXAS DEPARTMENT OF HEALTH
INCOME GUIDELINES AND SCHEDULES OF CHARGES
CLINICAL HEALTH SERVICES**

Family* Size	Annual Income 100% of Poverty Income	Annual Income 000 - 132% of Poverty Income	Annual Income 133 - 199% of Poverty Income	Annual Income 200% of Poverty Income
1	\$ 6,970	\$ 000 - \$ 9,200	\$ 9,270 - \$13,870	\$13,940
2	\$ 9,430	\$ 000 - \$12,448	\$12,542 - \$18,766	\$18,860
3	\$11,890	\$ 000 - \$15,695	\$15,814 - \$23,661	\$23,780
4	\$14,350	\$ 000 - \$18,942	\$19,085 - \$28,556	\$28,700
5	\$16,810	\$ 000 - \$22,189	\$22,375 - \$33,452	\$33,620
6	\$19,270	\$ 000 - \$25,436	\$25,629 - \$38,347	\$38,540
7	\$21,730	\$ 000 - \$28,684	\$28,901 - \$43,243	\$43,460
8	\$24,190	\$ 000 - \$31,931	\$32,173 - \$48,138	\$48,380
<hr/>				
Charges/Visit	\$000.00	\$004.00	\$015.00	

*For each additional family member in family units with more than 8 member add:
\$2,460/100% poverty level.

March, 1993

Issued in Austin, Texas, on April 5, 1993.

TRD-9321378

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

Filed: April 8, 1993

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**Texas Department of Insurance
Company Licensing**

The following applications have been filed with the Texas Department of Insurance and are under consideration.

1. Application for Admission in Texas for Affirmative Insurance Company, a foreign fire insurance company. The home office is in Shelby, Ohio.
2. Application for Admission in Texas for Americas Insurance Company, a foreign fire insurance company.

The home office is in New Orleans, Louisiana.

3. Application for Admission in Texas for Arcadia General Insurance Company, a foreign fire insurance company. The home office is in Phoenix, Arizona.

4. Application for Admission in Texas for Citation Insurance Company, a foreign fire insurance company. The home office is in San Jose, California.

5. Application for Admission in Texas for Health Care Indemnity, Inc., a foreign fire insurance company. The home office is in Louisville, Kentucky.

6. Application for Incorporation in Texas for HealthCorp International, Inc., a domestic third party administrator. The home office is in Arlington.

7. Application for Incorporation in Texas for Healthsecure Group Hospital Service Corporation, a domestic nonprofit corporation. The home office is in Houston.

8. Application for Admission in Texas for Insura Prop-

erty and Casualty Insurance Company, a foreign fire insurance company. The home office is in Shelby Ohio.

9. Application for Admission in Texas for Long Term Preferred Care, Inc., a foreign third party administrator. The home office is in Brentwood, Tennessee.

10. Application for Admission in Texas for The Shelby Insurance Company, a foreign fire insurance company. The home office is in Shelby, Ohio.

11. Application for Admission in Texas for The Shelby Life Insurance Company of Shelby, Ohio, a foreign life insurance company. The home office is in Shelby, Ohio.

12. Application for name change in Texas for Texas Bankers Life & Loan Insurance Company, a domestic life insurance company. The home office is in Austin. The proposed new name is Texas Bankers Life Insurance Company.

13. Application for Incorporation in Texas for Texas Benefits Administrators, Inc., a domestic third party administrator. The home office is in Dallas.

14. Application for Incorporation in Texas for FHP of Texas, Inc., a domestic health maintenance organization. The home office is in Houston.

15. Application for name change in Texas for American Hail Insurance Company, a foreign fire insurance company. The home office is in Minneapolis, Minnesota. The proposed new name is Rural Community Insurance Company.

Issued in Austin, Texas, on April 9, 1993.

TRD-9321496 Linda K. von Quintus-Dorn
Chief Clerk
Texas Department of Insurance

Filed: April 9, 1993

Texas Department of Mental Health and Mental Retardation

Notice of Amendment to a Consultant Contract

This amendment to a consulting services contract is being filed pursuant to the provisions of Texas Civil Statutes, Article 6252-11c.

On October 28, 1991, the Central Office of the Texas Department of Mental Health and Mental Retardation filed a request for proposals with the *Texas Register* which was published in the November 5, 1991, issue of the *Texas Register* (16 TexReg 6317) TRD-9113294. The Department contracted with Mendall Associates (TDMHMR Contract Number C559200175).

Description of Activities. Complete the design, testing, and evaluation of the automated knowledge base, the Automated Screening and Assessment Program.

Name and Business Address. Mendall Associates, 815 Lewiston Drive, San Jose, California 95136.

Total Value of Contract.

Original Value-\$70,000.

Amendment Value-\$9,500.

Total Value-\$79,500.

Beginning and Ending Date of Contract. This contract was effective on January 2, 1992, and will terminate on August 31, 1993. This contract was amended on July 27, 1992, to extend the date of the contract only (original termination date was December 31, 1992).

Due Dates of Documents and Reports. Mendall Associates will begin the state-wide implementation of the site plans beginning January 1993-July of 1993. During that period, the Long Term Maintenance plan will be developed, including long-term modification and maintenance, and will be delivered by the end of August, 1993.

This amendment was executed on April 6, 1993.

Issued in Austin, Texas, on April 12, 1993.

TRD-9321624 Dennis R. Jones
Commissioner
Texas Department of Mental Health and
Mental Retardation

Filed: April 14, 1993

Texas Department of Public Safety Correction of error

The Texas Department of Public Safety proposed amendments to 37 TAC §23. 91, concerning the parameter vehicle emission inspection and maintenance program. The rule appeared in the April 6, 1993, *Texas Register* (18 TexReg 2288).

Due to a typographical error by the *Texas Register* the closing bracket designating deleted text was omitted in subsection (m)(2)(A). As a result the published amendment showed the text under (A) as proposed for deletion. The subsection should read as follows.

"(m) Specific inspection requirements for passenger cars and light-duty trucks in the Parameter Vehicle Emission Inspection and Maintenance Program are as follows.

"(1) (No change.)

"(2) 1980-1983 year models.

"[A] Inspection parameters in addition to items in paragraph (1)(A) of this subsection, are choke system, heater, and rod...."

Public Utility Commission of Texas

Notice of Application of Kerrville Telephone Company (KTC) to Offer 800 Data Base Access Service Pursuant to Public Utility Commission Substantive Rule 23.26

Notice is given to the public of Kerrville Telephone Company's Application to Offer 800 Data Base Access Service.

Tariff Title and Number. Application of Kerrville Telephone Company (KTC) to Offer 800 Data Base Access Service. Pursuant to Public Utility Commission Substantive Rule 23.26. Tariff Control Number 11899.

The Application. Kerrville Telephone Company is requesting approval to Offer 800 Data Base Service.

Persons who wish to comment upon the action sought should contact the Public Utility Commission of Texas, at 7800 Shoal Creek Boulevard, Austin, Texas 78757, or call the Public Utility Commission Public Information Section at (512) 458-0256, or (512) 458-0221 for teletypewriter for the deaf.

Issued in Austin, Texas, on April 7, 1993.

TRD-9321398 John M. Renfrow
Secretary of the Commission
Public Utility Commission of Texas

Filed: April 8, 1993

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Notice of Application of Lufkin-Conroe Telephone Exchange (LCTX) to Offer 800 Data Base Access Service Pursuant to Public Utility Commission Substantive Rule 23.26

Notice is given to the public of Lufkin-Conroe Telephone Exchange's (LCTX) Application to Offer 800 Data Base Access Service.

Tariff Title and Number. Application of Lufkin-Conroe Telephone Exchange (LCTX) to Offer 800 Data Base Access Service. Pursuant to Public Utility Commission Substantive Rule 23.26. Tariff Control Number 11895.

The Application. Lufkin-Conroe Telephone Exchange is requesting approval to Offer 800 Data Base Access Service.

Persons who wish to comment upon the action sought should contact the Public Utility Commission of Texas, at 7800 Shoal Creek Boulevard, Austin, Texas 78757, or call the Public Utility Commission Public Information Section at (512) 458-0256, or (512) 458-0221 for teletypewriter for the deaf.

Issued in Austin, Texas, on April 7, 1993.

TRD-9321398 John M. Renfrow
Secretary of the Commission
Public Utility Commission of Texas

Filed: April 8, 1993

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Notice of Application of San Marcos Telephone Company for Approval of 800 Data Base Access Service in the Intrastate Access Service Pursuant to Public Utility Commission Substantive Rule 23.26

Notice is given to the public of San Marcos Telephone Company's Application for Approval of 800 Data Base Access Service in the Intrastate Access Service.

Tariff Title and Number. Application of San Marcos Telephone Company for Approval of 800 Data Base Access Service in the Intrastate Access Service. Pursuant to Public Utility Commission Substantive Rule 23.26. Tariff Control Number 11923.

The Application. San Marcos Telephone Company is requesting approval of 800 Data Base Service in the Intrastate Access Service.

Persons who wish to comment upon the action sought should contact the Public Utility Commission of Texas, at 7800 Shoal Creek Boulevard, Austin, Texas 78757, or call the Public Utility Commission Public Information Section at (512) 458-0256, or (512) 458-0221 for teletypewriter for the deaf.

Issued in Austin, Texas, on April 12, 1993.

TRD-9321616 John M. Renfrow
Secretary of the Commission
Public Utility Commission of Texas

Filed: April 13, 1993

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Notice of Application of Sugar Land Telephone Company for Approval of 800 Number Portability Access Services in the Intrastate Access Service Tariff Pursuant to Public Utility Commission Substantive Rule 23.26

Notice is given to the public of Sugar Land Telephone Company's Application for Approval of 800 Number Portability Access Services in the Intrastate Access Service Tariff.

Tariff Title and Number. Application of Sugar Land Telephone Company for Approval of 800 Number Portability Access Services in the Intrastate Access Service Tariff. Pursuant to Public Utility Commission Substantive Rule 23.26. Tariff Control Number 11908.

The Application. Sugar Land Telephone Company is requesting approval of 800 Number Portability Access Services in the Intrastate Access Service Tariff.

Persons who wish to comment upon the action sought should contact the Public Utility Commission of Texas, at 7800 Shoal Creek Boulevard, Austin, Texas 78757, or call the Public Utility Commission Public Information Section at (512) 458-0256, or (512) 458-0221 for teletypewriter for the deaf.

Issued in Austin, Texas, on April 12, 1993.

TRD-9321615 John M. Renfrow
Secretary of the Commission
Public Utility Commission of Texas

Filed: April 13, 1993

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Notice of Application of Texas Statewide Telephone Cooperative, Inc. (TSTCI) to Offer 800 Data Base Access Service

Notice is given to the public of Texas Statewide Telephone Cooperative, Inc.'s (TSTCI) Application to Offer 800 Data Base Access Service.

Tariff Title and Number. Application of Texas Statewide Telephone Cooperative, Inc. (TSTCI) to Offer 800 Data Base Access Service. Pursuant to Public Utility Commission Substantive Rule 23.26. Tariff Control Number 11896.

The Application. Texas Statewide Telephone Cooperative is requesting approval to Offer 800 Data Base Access Service.

Persons who wish to comment upon the action sought should contact the Public Utility Commission of Texas, at 7800 Shoal Creek Boulevard, Austin, Texas 78757, or call the Public Utility Commission Public Information Section at (512) 458-0256, or (512) 458-0221 for teletypewriter for the deaf.

Issued in Austin, Texas, on April 7, 1993.

TRD-9321397 John M. Renfrow
Secretary of the Commission
Public Utility Commission of Texas

Filed: April 8, 1993

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Notice of United Telephone Company to Offer 800 Data Base Access Service Pursuant to Public Utility Commission Substantive Rule 23.26

Notice is given to the public of United Telephone Company's Application to Offer 800 Access Service.

Tariff Title and Number. Application of United Telephone Company to Offer 800 Access Service. Pursuant to Public Utility Commission Substantive Rule 23.26. Tariff Control Number 11900.

The Application. United Telephone Company is requesting approval to Offer 800 Access Service.

Persons who wish to comment upon the action sought should contact the Public Utility Commission of Texas, at 7800 Shoal Creek Boulevard, Austin, Texas 78757, or call the Public Utility Commission Public Information Section at (512) 458-0256, or (512) 458-0221 for teletypewriter for the deaf.

Issued in Austin, Texas, on April 7, 1993.

TRD-9321395 John M. Renfrow
Secretary of the Commission
Public Utility Commission of Texas

Filed: April 8, 1993

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Railroad Commission of Texas LP-Gas Advisory Committee Meeting

The LP-Gas Division of the Railroad Commission of Texas announces a meeting of the LP-Gas Advisory Committee to be held on Tuesday, April 20, 1993, 9 a.m., Room 8-100, William B. Travis Building, 1701 North Congress Avenue, Austin.

Issued in Austin, Texas, on April 12, 1993.

TRD-9321520 Mary Ross McDonald
Assistant Director, Legal Division-Gas
Utilities/LP-Gas
Railroad Commission of Texas

Filed: April 12, 1993

Texas Southern University Consultant Proposal Request

In accordance with Texas Civil Statutes, Article 6252-11c, Texas Southern University (TSU) requests all interested parties to submit proposals to evaluate data for five first-year courses.

Description of Services. The scope of the work performed will include: scoring all multiple choice tests; conduct and report on a preliminary evaluation of the performance of each item on each test, revise the scoring key as needed on the basis of this analysis, and generate letter grades that will conform to a distribution established by the law school at TSU; distribute each professors portion of the grade in conformity with the performance of his or her students on the standardized test and generate final grades in each course in conformity with a distribution established by the law school at TSU; conduct and interpret a detailed item analysis of each test; prepare a detailed report on the procedures used and the statistical results obtained.

Closing Date. Closing date for offers to provide these services is April 20, 1993.

Effective Date. The effective date for the contract is on or about May 21, 1993.

Procedure for Selecting Consultant. The Texas Southern University Thurgood Marshall School of Law will select the consultant firm based on the evaluation and recommendations of Dean James M. Douglas and the Faculty Selection Committee chaired by Associate Dean McKen Carrington. Selection of a consultant will be based on the following factors: previous educational testing background and experience in developing testing data; evaluation of the costs submitted and availability of the consultant to the professor providing data.

Issued in Houston, Texas, on March 25, 1993.

TRD-9321314 William H. Harris
President
Texas Southern University

Filed: April 7, 1993

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Texas Water Commission Meeting Notice

A meeting of the Management Committee of the Galveston Bay National Estuary Program is scheduled for: Wednesday, April 21, 1993, 9 a.m., Bayou Building, Forest Room, University of Houston-Clear Lake, Houston.

Following opening remarks and approval of minutes, the Committee will hear a program update from the Program Director. The Committee will then approve the Advisory Committee Reports from their last meetings. The Committee will then discuss drafting of the Comprehensive Conservation and management Plan for Galveston Bay, including adoption of a strategy and schedule for Fiscal Year 1994. The Committee will then consider approval for sole source and open-bid contracting for Fiscal Year 1994 contract projects. The Committee will then consider approval of a work plan for a project to survey oyster reefs in Galveston Bay. The Committee will then consider approval of final project reports for the following Galveston Bay projects: Dredge/Fill Impacts; Toxicants in Sediment

and Benthos; and Wetlands Mapping. The Committee will then consider plans to forward possible Action Plan Demonstration Project proposals to EPA in May, 1993. The Committee will then consider possible uses of any carry-over funds available to the Program. The Committee will then consider any other business, a date for the meeting, and will adjourn.

Issued in Houston, Texas, on February 3, 1993.

TRD-9321538 Frank S. Shipley
Director
Galveston Bay National Estuary Program

Filed: April 12, 1993

Notice of Application For Waste Disposal Permit

Notice is given by the Texas Water Commission of public notices of waste disposal permit applications issued during the period of April 5-April 9, 1993.

No public hearing will be held on these applications unless an affected person has requested a public hearing. Any such request for a public hearing shall be in writing and contain the name, mailing address, and phone number of the person making the request; and a brief description of how the requester, or persons represented by the requester, would be adversely affected by the granting of the application. If the commission determines that the request sets out an issue which is relevant to the waste discharge permit decision, or that a public hearing would serve the public interest, the commission shall conduct a public hearing, after the issuance of proper and timely notice of the hearing. If no sufficient request for hearing is received within 30 days of the date of publication of notice concerning the applications, the permit will be submitted to the commission for final decision on the application.

Information concerning any aspect of these applications may be obtained by contacting the Texas Water Commission, P.O. Box 13087, Austin, Texas 78711, (512) 463-7906.

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.

Aluminum Company of America; ALCOA's Point Comfort facility; which is located south of State Highway 35 from its intersection with FM Road 1593, west of Cox Creek, east of Lavaca Bay and north of Cox Bay in Calhoun County; renewal; 00394.

City of Baytown; the wastewater treatment facilities; are approximately 2, 250 feet south of the intersection of Ferry Road and Massey Thompkins Road in Harris County; amendment; 10395-07.

Harris County Municipal Utility District Number 191; the wastewater treatment facilities; are approximately 2,000 feet south of FM Road 1960 and 2, 000 feet west of Cutton Road in Harris County; renewal; 12556-01.

Rene Hinojosa; the Pine Place Courts Wastewater Treatment Facilities; the plant site is approximately 2.5 miles east of U.S. Highway 59 on East Mount Houston Road in Harris County; renewal; 12428-01.

Safety-Kleen Corporation; a commercial industrial hazardous waste storage and processing facility. The facility will

be used to collect and store Class I hazardous industrial solid waste generated from off-site sources. Waste materials are to be comprised of spent industrial solvents, degreasers and antifreeze; the facility is to be located within the city limits of LaPorte at 16th Street and M Street, in Harris County; new; HW50339.

Issued in Austin, Texas, on April 9, 1993.

TRD-9321543 Gloria A. Vasquez
Chief Clerk
Texas Water Commission

Filed: April 12, 1993

Public Meeting Notice

The Texas Water Commission will conduct public meetings to receive public comment and testimony on proposed new Chapter 312 entitled Sewage Sludge Use and Disposal.

The commission has scheduled the public meetings at the following locations: Odessa, Monday, April 26, 1993, 1 p.m., City of Odessa, City Council Chamber (Fifth Floor), Odessa City Hall, 411 West Eighth Street, Odessa; Fort Worth, Tuesday, April 27, 1993, 1 p.m., Rolling Hills Water Treatment Plant, Classroom, 2500 Southeast Loop 820, Fort Worth; Houston, Thursday, April 29, 1993, 1 p.m., Environmental Pollution Control Building, Classroom, 7411 Park Place (approximately one mile south of South Loop 610), Houston, San Antonio, Wednesday, May 5, 1993, 1 p.m., South Central Texas Regional Training Center, Texas Engineering Extension Service, The Texas A&M University System, Hemisfair Plaza (corner of Alamo and Durango Street), Auditorium, San Antonio.

If you have any questions concerning these meetings, you may contact Bonnie Rubey, Legal Division, Texas Water Commission, P.O. Box 13087, Austin, Texas 78711-3087, or call (512) 463-9123.

Issued in Austin, Texas, on April 7, 1993.

TRD-9321512 Mary Ruth Holder
Director, Legal Division
Texas Water Commission

Filed: April 12, 1993

Public Notice

The Storage Tank Contracts Sections of the Petroleum Storage Tank (PST) Division of the Texas Water Commission is seeking Statements of Qualifications (SOQs) from firms with expertise in emergency response to releases from the Request for Qualifications (RFQ) and the following bid will be conducting emergency responses to PST releases under the authority granted to the TWC by the Texas Health and Safety Code and the Texas Water Code.

Prospective bidders shall submit their SOQs according to the RFQ instructions. A review committee of TWC staff will review the SOQs to ensure they meet the minimum requirements of the RFQ. All contractors which pass this review will receive an Invitation for Bids (IFB).

Bids will be received for unit costs of labor, equipment and materials. The contract will be a Unit Price Services Contract to address sites on a state-wide basis.

SOQs will be received by the Texas Water Commission, Purchasing, P.O. Box 13087, 1700 North Congress Avenue, Room B-21, Austin, Texas 78711-3087, no later than 3 p.m. on May 7, 1993.

RFQ packages may be requested by mail from Danny Lien, Texas Water Commission, Petroleum Storage Tank Division, P.O. Box 13087, Austin, Texas 78711-3087, or facsimile (512) 908-2177, Attention: Danny Lien, Texas Water Commission, Petroleum Storage Tank Division.

For any questions concerning the RFQ process or RFQ package call Leta Willoughby at (512) 908-2120 or Jim Mosley at (512) 908-2121.

Issued in Austin, Texas, on April 7, 1993.

TRD-9321513 Mary Ruth Holder
Director, Legal Division
Texas Water Commission

Filed: April 12, 1993

Request for Proposal

The Texas Water Commission (TWC) hereby solicits proposals from private consultants for consulting services, specifically, for a study of costs and benefits of consolidating laboratory functions of the Texas Air Control Board (TACB) and the TWC. Proposals should be addressed to Ronald Hatlett, Contract Manager, Office of Administration, Texas Water Commission, 1700 North Congress Avenue, Austin, Texas 78711-3087, (512) 463-3553.

Closing Date/Contact Person. Proposals will be received until 10 a. m. local prevailing time, May 3, 1993. A private consultant who intends to make an offer may obtain copies of the Request for Proposal, including proposal guidelines and the scope of work, by contacting Ronald Hatlett at the above address on or after April 23, 1993.

Procedure. The TWC intends to award the contract on or after May 12, 1993, based on evaluation and any necessary clarification (oral or otherwise) or negotiation of timely submitted offers according to demonstration by the private consultant of abilities to meet the following criteria: overall capability of investigating and evaluating all facets of the laboratory consolidation issue in accordance with the directives of Senate Bill 2; technical knowledge of laboratory equipment and operation; financial expertise to conduct cost-benefit analyses and to determine actual laboratory operating costs and expense; organizational knowledge of TACB and TWC operations and programs, especially as related to analytical laboratory use, including, but not limited to an understanding of monitoring, enforcement, and special study program needs for laboratory facilities; administration knowledge of the TACB and TWC operations as established by state and federal requirements, especially the requirements related to laboratory operations and functions within the overall framework of the TWC, TACB, and future TNRC; the ability of the offeror to complete the project on a timely basis to the satisfaction of the TWC; the proximity and convenience of the offeror's operations to the TACB and TWC laboratories and offices; and price and terms.

Disclosure of Services Previously Performed. The consulting service desired in this Request For Proposal relates to a service previously performed by Jones and Nuese, Inc., namely, preparation of a report entitled "Scope of Work Methodology for the Consolidation of Environmen-

tal Laboratories, Texas Natural Resources Conservation Commission." TWC intends to award the contract for consulting services for which proposals are herein sought to Jones and Nuese Inc. unless a better offer is submitted.

Issued in Austin, Texas, on April 12, 1993.

TRD-9321576 Mary Ruth Holder
Director, Legal Division
Texas Water Commission

Filed: April 12, 1993

Texas Water Development Board Applications Received

Pursuant to the Texas Water Code, §6.195, the Texas Water Development Board provides notice of the following applications received by the Board.

Panhandle Ground Water Conservation District Number 3, P.O. Box 637, White Deer, Texas 79097, received March 27, 1993, application for an increase in financial assistance in the amount of \$200,000 from the Agricultural Water Conservation Fund.

City of San Juan, 709 South Nebraska, San Juan, Texas 78589, received February 11, 1993, application for an additional grant of \$27,750 from the Research and Planning Fund.

City of Palmview, Route 10, Box 1000, Mission, Texas 78572, received February 11, 1993, application for an additional grant of \$25,500 from the Research and Planning Fund.

City of Kirbyville, P.O. Drawer K, Kirbyville, Texas 75956-0420, received March 12, 1993, application for an increase in financial assistance in the amount of \$155,000 from the Water Quality Enhancement Account of the Texas Water Development Fund.

Joint request from San Antonio Water System, P.O. Box 2449, San Antonio, Texas 78298, Bexar Metropolitan Water District, P.O. Box 3577, San Antonio, Texas 78285, and Atascosa Rural Water Supply Corporation, P.O. Box 9, Atascosa, Texas 78002, received April 1, 1993, for financial assistance in the amount of \$3,950,000 from the Water Loan Assistance Fund.

City of Edinburg, P.O. Box 1079, Edinburg, Texas 78540, received March 16, 1993, application for financial assistance in the amount of \$978,200 from the Colonia Plumbing Loan Program.

Runnels Soil and Water Conservation District, P.O. Box 740, Ballinger, Texas 76821, received September 11, 1992, application for financial assistance in the amount of \$2,055 from the Agricultural Conservation Grants to Districts Program.

South Plains Underground Water Conservation District, P.O. Box 986, Brownfield, Texas 79316, received September 1, 1992, application for financial assistance in the amount of \$11,985 from the Agricultural Conservation Grants to Districts Program.

Garza County Soil and Water Conservation District, P.O. Box 267, Post, Texas 79356, received September 3, 1992, application for financial assistance in the amount of \$2,122 from the Agricultural Conservation Grants to Districts Program.

Emerald Underground Water Conservation District, P.O. Box 1458, Ozona, Texas 76943, received September 28, 1992, application for financial assistance in the amount of \$6,573 from the Agricultural Conservation Grants to District Program.

Mesa Underground Water Conservation District, P.O. Box 497, Lamesa, Texas 79331-0497, received October 14, 1992, application for financial assistance in the amount of \$4,639.50 from the Agricultural Conservation Grants to District Program.

Lipan-Kickapoo Water Conservation District, P.O. Box 67, Vancourt, Texas 76955, received October 15, 1992, application for financial assistance in the amount of \$2,700 from the Agricultural Conservation Grants to District Program.

Medina County Underground Water Conservation District, 1100 16th Street, Suite 302, Hondo, Texas 78861, re-

ceived December 9, 1992, application for financial assistance in the amount of \$2,408.25 from the Agricultural Conservation Grants to Districts Program.

Bexar-Medina-Atascosa Counties, Water Control Improvement District Number 1, P.O. Box 170, Natalia, Texas 78059, received December 30, 1992, application for financial assistance in the amount of \$10,500 from the Agricultural Conservation Grants to Districts Program.

Additional information concerning this matter may be obtained from Craig D. Pedersen, Executive Administrator, P.O. Box 13231, Austin, Texas 78711.

Issued in Austin, Texas, on April 7, 1993.

TRD-9321301

**Craig D. Pedersen
Executive Administrator
Texas Water Development Board**

Filed: April 7, 1993



31 Friday, April 23	Monday, April 19	Tuesday, April 20
32 Tuesday, April 27	Wednesday, April 21	Thursday, April 22
33 Friday, April 30	Monday, April 26	Tuesday, April 27
34 Tuesday, May 4	Wednesday, April 28	Thursday, April 29
35 Friday, May 7	Monday, May 3	Tuesday, May 4
36 Tuesday, May 11	Wednesday, May 5	Thursday, May 6
37 Friday, May 14	Monday, May 10	Tuesday, May 11
38 Tuesday, May 18	Wednesday, May 12	Thursday, May 13
39 Friday, May 21	Monday, May 17	Tuesday, May 18
40 Tuesday, May 25	Wednesday, May 19	Thursday, May 20
41 Friday, May 28	Monday, May 24	Tuesday, May 25
42 Tuesday, June 1	Wednesday, May 26	Thursday, May 27
43 Friday, June 4	Friday, May 28	Tuesday, June 1
44 Tuesday, June 8	Wednesday, June 2	Thursday, June 3
45 Friday, June 11	Monday, June 7	Tuesday, June 8
46 Tuesday, June 15	Wednesday, June 9	Thursday, June 10
47 Friday, June 18	Monday, June 14	Tuesday, June 15
48 Tuesday, June 22	Wednesday, June 16	Thursday, June 17
49 Friday, June 25	Monday, June 21	Tuesday, June 22
50 Tuesday, June 29	Wednesday, June 23	Thursday, June 24
51 Friday, July 2	Monday, June 28	Tuesday, June 29
52 Tuesday, July 6	Wednesday, June 30	Thursday, July 1
53 Friday, July 9	Monday, July 5	Tuesday, July 6
Tuesday, July 13	SECOND QUARTERLY INDEX	
54 Friday, July 16	Monday, July 12	Tuesday, July 13
55 Tuesday, July 20	Wednesday, July 14	Thursday, July 15
56 Friday, July 23	Monday, July 19	Tuesday, July 20
57 Tuesday, July 27	Wednesday, July 21	Thursday, July 22
Friday, July 30	NO ISSUE PUBLISHED	
58 Tuesday, August 3	Wednesday, July 28	Thursday, July 29
59 Friday, August 6	Monday, August 2	Tuesday, August 3
60 Tuesday, August 10	Wednesday, August 4	Thursday, August 5
61 Friday, August 13	Monday, August 9	Tuesday, August 10
62 Tuesday, August 17	Wednesday, August 11	Thursday, August 12
63 Friday, August 20	Monday, August 16	Tuesday, August 17
64 Tuesday, August 24	Wednesday, August 18	Thursday, August 19
65 Friday, August 27	Monday, August 23	Tuesday, August 24
66 Tuesday, August 31	Wednesday, August 25	Thursday, August 26
67 Friday, September 3	Monday, August 30	Tuesday, August 31
68 Tuesday, September 7	Wednesday, September 1	Thursday, September 2
69 Friday, September 10	Friday, September 3	Tuesday, September 7

70 Tuesday, September 14	Wednesday, September 8	Thursday, September 9
71 Friday, September 17	Monday, September 13	Tuesday, September 14
72 Tuesday, September 21	Wednesday, September 15	Thursday, September 16
73 Friday, September 24	Monday, September 20	Tuesday, September 21
74 Tuesday, September 28	Wednesday, September 22	Thursday, September 23
75 Friday, October 1	Monday, September 27	Tuesday, September 28
76 Tuesday, October 5	Wednesday, September 29	Thursday, September 30
77 Friday, October 8	Monday, October 4	Tuesday, October 5
Tuesday, October 12	THIRD QUARTERLY INDEX	
78 Friday, October 15	Monday, October 11	Tuesday, October 12
79 Tuesday, October 19	Wednesday, October 13	Thursday, October 14
80 Friday, October 22	Monday, October 18	Tuesday, October 19
81 Tuesday, October 26	Wednesday, October 20	Thursday, October 21
82 Friday, October 29	Monday, October 25	Tuesday, October 26
83 Tuesday, November 2	Wednesday, October 27	Thursday, October 28
Friday, November 5	NO ISSUE PUBLISHED	
84 Tuesday, November 9	Wednesday, November 3	Thursday, November 4
85 Friday, November 12	Monday, November 8	Tuesday, November 9
86 Tuesday, November 16	Wednesday, November 10	Thursday, November 11
87 Friday, November 19	Monday, November 15	Tuesday, November 16
88 Tuesday, November 23	Wednesday, November 17	Thursday, November 18
89 Friday, November 26	Monday, November 22	Tuesday, November 23
Tuesday, November 30	NO ISSUE PUBLISHED	
90 Friday, December 3	Monday, November 29	Tuesday, November 30
91 Tuesday, December 7	Wednesday, December 1	Thursday, December 2
92 Friday, December 10	Monday, December 8	Tuesday, December 7
93 Tuesday, December 14	Wednesday, December 8	Thursday, December 9
94 Friday, December 17	Monday, December 13	Tuesday, December 14
95 Tuesday, December 21	Wednesday, December 15	Thursday, December 16
96 Friday, December 24	Monday, December 20	Tuesday, December 21
Tuesday, December 28	NO ISSUE PUBLISHED	

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