

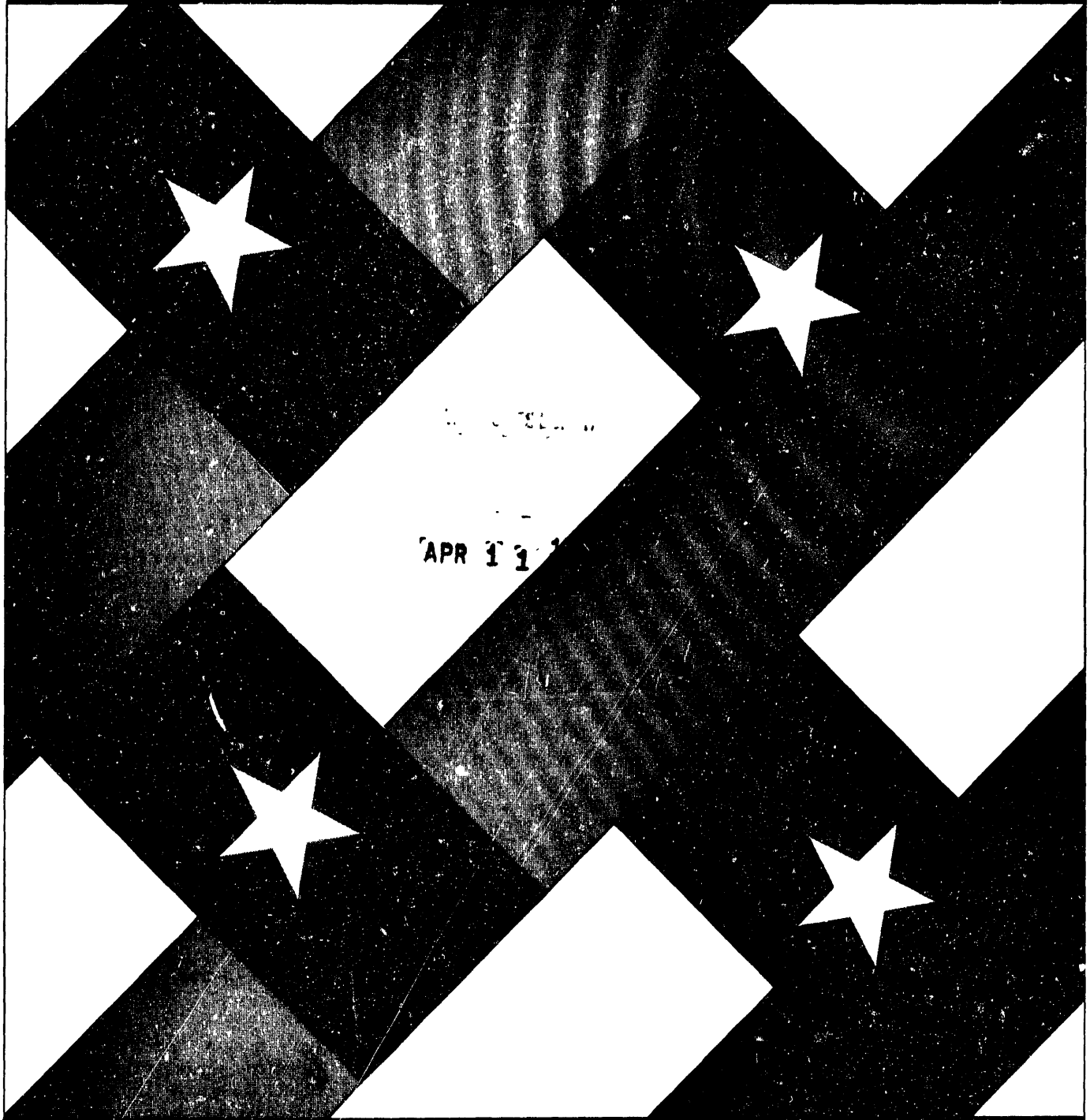
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# Texas Register

Volume 9, Number 27, April 10, 1984

Pages 2005 - 2036



## Highlights

The Texas State Board of Pharmacy adopts on an emergency basis an amendment concerning the drug/clinic formulary of a Class D pharmacy Effective date - April 4 page 2008

The Texas Economic Development Commission proposes amendments in a chapter concerning

industrial projects Earliest possible date of adoption - May 11 page 2009

The State Department of Highways and Public Transportation proposes a new section concerning highway crossings with oversize/overweight vehicles Earliest possible date of adoption - May 11 page 2014

**Office of  
the Secretary  
of State**

### Texas Register

The *Texas Register* (ISN 0362-4781) is published twice each week at least 100 times a year. Issues will be published on every Tuesday and Friday in 1984 with the exception of January 28, July 10, November 27, and December 28, by the Office of the Secretary of State.

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- Secretary of State—summaries of opinions based on election laws
- State Ethics Advisory Commission—summaries of requests for opinions and opinions
- Attorney General—summaries of requests for opinions, opinions, and open records decisions
- Emergency Rules—rules adopted by state agencies on an emergency basis
- Proposed Rules—rules proposed for adoption
- Withdrawn Rules—rules withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date
- Adopted Rules—rules adopted following a 30-day public comment period
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Specific explanations on the contents of each section can be found on the beginning page of the section. The division also publishes monthly, quarterly, and annual indexes to aid in researching material published.

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In order that readers may cite material more easily, page numbers are now written as citations. Example: on page 2, in the lower left-hand corner of the page, would be written: "9 TexReg 2 issue date," while on the opposite page, page 3, in the lower right-hand corner, would be written "issue date 9 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, 503E Sam Houston Building, Austin. Material can be found by using *Register* indexes, the *Texas Administrative Code*, rule number, or TRD number.

### Texas Administrative Code

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

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

1 indicates the title under which the agency appears in the *Texas Administrative Code*;

TAC stands for the *Texas Administrative Code*;

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



## Texas Register Publications

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# Emergency Rules

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

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

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

## TITLE 22. EXAMINING BOARDS Part XV. Texas State Board of Pharmacy

### Chapter 291. Pharmacies Clinic Pharmacy (Class D)

22 TAC §291.95

The Texas State Board of Pharmacy adopts on an emergency basis an amendment to §291.95. Enforcement of this section will further protect the public health, safety, and welfare by establishing standards to regulate and control the practice of clinic pharmacy practice.

This amendment is adopted on an emergency basis under Texas Civil Statutes, Article 4542a-1, §29, which provide the Texas State Board of Pharmacy with the authority to establish by rule the standards

that each pharmacy and its employees or personnel involved in the practice of pharmacy shall meet to qualify for the licensing or relicensing as a pharmacy in each classification.

§291.95. *Records.*

(a) Drug/clinic formulary.

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

**(3) The formulary shall be limited to the drugs for which there is a standing medical order or a standing delegation order on file in the clinic.**

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

Issued in Austin, Texas, on March 29, 1984

TRD-843745

Fred S Brinkley, Jr., R.Ph.  
Executive Director/Secretary  
Texas State Board of Pharmacy

Effective date: April 4, 1984

Expiration date: August 2, 1984

For further information, please call (512) 478-9827.

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

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

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

# Proposed Rules

## TITLE 10. COMMUNITY DEVELOPMENT

### Part II. Texas Economic Development Commission

#### Chapter 107. Industrial Projects

##### 10 TAC §107.2

The Texas Economic Development Commission proposes amendments to §107.2, concerning approval standards for commercial projects to be financed with bond proceeds pursuant to Texas Civil Statutes, Article 5190.6, and bond application filing fees. The amendments are necessary to comply with applicable provisions of Texas Civil Statutes, Article 5190.6, which require the commission to adopt guidelines that describe the kinds of areas that may be considered blighted or economically depressed for purposes of financing commercial projects with bond proceeds, and to set the amount of the fee for filing a bond application with the commission at an amount reasonable in relation to the commission's costs of administration but not greater than \$1,500. Proposed amendments covering the same subject matter were previously published in the October 21, 1983, issue of the *Texas Register* (8 TexReg 4321) and have been withdrawn by the commission.

George Ramirez, staff fiscal officer, has determined that for the first five-year period the rule will be in effect there will be fiscal implications as a result of enforcing or administering the rule, consisting of an

estimated loss in state revenue of \$240,000 per year for fiscal years 1984-1986. The estimated loss in revenue is a result of a reduction in the bond application filing fee from \$1,500 to \$500. No estimate is made for state revenue increase or loss for fiscal year 1987 and fiscal year 1988. There will be no fiscal implications for local governments or small businesses as a result of enforcing or administering the rule.

Mr. Ramirez also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is a reduction in required bond application filing fees and the establishment of guidelines that describe the kinds of areas that may be considered blighted or economically depressed for purposes of financing commercial projects with bond proceeds. The anticipated economic cost to individuals who are required to comply with the rule as proposed is \$500 for each bond application filed with the commission during each fiscal year the rule as proposed is in effect.

Comments on the proposal may be submitted to Kent Yeates, General Counsel, Texas Economic Development Commission, P.O. Box 12728, Austin, Texas 78711.

The amendments are proposed under Texas Civil Statutes, Article 5190.6, which provide the Texas Economic Development Commission with authority to set a bond application filing fee and establish guidelines that describe the kinds of areas that may be considered blighted or economically depressed.

**§107.2. Industrial Revenue Bond Program.**

(a) General.

(1) (No change.)

(2) Filing fee. Each application for approval of an industrial revenue bond financing shall be accompanied by a filing fee in the amount of \$500 [\$1,500]. This fee is payable to the commission [Texas Industrial Commission] upon the initial filing of such application.

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

(A)-(F) (No change.)

(G) Commission—The Texas Economic Development Commission [Texas Industrial Commission]

(H)-(L) (No change.)

(M) Executive director—The executive director of the commission [Texas Industrial Commission].

(N)-(X) (No change.)

(4) (No change.)

(b) Application contents.

(1)-(8) (No change.)

(9) Special rules for commercial projects in blighted or economically depressed areas.

(A) Establishment of eligible blighted areas

**Under the Act, the financing of projects for commercial uses is confined to, among others, geographic areas within the corporate limits of a city found by the governing body of such city to be a blighted area. The provisions of this rule govern the method of establishing blighted areas and set forth the criteria to be used by a city in declaring an area (whether one or more) within its jurisdiction to be a blighted area.** [Under the Act, the financing of projects for commercial uses is confined to, among others, geographical areas found by the governing body of a city to be a blighted area. The provisions of this section govern the method of establishing blighted areas for the purpose of administering the Act by the commission. The commission will not approve the financing of projects, which are to be used for commercial purposes, except in or adjacent to eligible blighted areas established under this section and subject to other limitations contained in the rules of the commission.]

(i) **The commission will not approve the designation of any area as a blighted area unless:** [To establish an eligible blighted area, the governing body of a city shall notify the commission of its intention to hold a public hearing under the Act and this chapter for the purposes of establishing one or more eligible blighted areas. The notice to the commission shall be given in writing not less than 15 days prior to the date of the public hearing. Notice of such hearing shall be given to the public by publishing once a week for two consecutive weeks in a newspaper of general circulation in the city and posting a copy of the same at the city hall not later than 15 days prior to the date thereof. Such notice shall contain a description of the area or areas proposed by the city to be designated as eligible blighted areas, and the date, time, and location of such hearing.]

(I) **the governing body of a city shall first notify the commission of its intention to hold a public hearing under the Act and these rules for the purpose of establishing one or more eligible blighted areas. The notice**

**to the commission shall be given in writing not less than 15 days prior to the date of the public hearing; and**

(II) **notice of such hearing is given to the public by publishing once a week for two consecutive weeks in a newspaper of general circulation in the city, the date of the first publication being not less than 15 days prior to the hearing, and posting a copy of the same at the city all not later than 15 days prior to the date thereof. Such notice shall contain a description of the area or areas proposed by the city to be designated as eligible blighted areas, and the date, time, and location of such hearing.**

(ii) **The commission may refuse to approve all or any part of an area designated by a city as an eligible blighted area if the governing body of such city does not find that the designated area (whether one or more) is in a tax incremental district established by the city pursuant to and in accordance with the provisions of Texas Civil Statutes, Article 1066d, or contains a substantial number of substandard, slum, deteriorated, or deteriorating structures, or suffers from a high relative rate of unemployment, or any combination of the foregoing. If the area or areas proposed to be designated as eligible blighted areas are not located in a tax incremental district as provided in Texas Civil Statutes, Article 1066d, the determination of the existence of either a substantial number of slum, deteriorated, or deteriorating structures or a high relative rate of unemployment shall be in accordance with the following criteria. [The commission may, but shall not be required to, suggest limitations to the city as to amount or type of projects to be financed for commercial uses under the Act and this chapter in or adjacent to the proposed eligible blighted area.]**

(I) **Substandard structures. A geographic area constituting all or less than all of the geographic area within the corporate limits of a city may be designated as an eligible blighted area if:**

(-a-) **the area is designated as a reinvestment zone pursuant to Texas Civil Statutes, Article 1066e, or Texas Civil Statutes, Article 1066f;**

(-b-) **the area is designated as an enterprise zone by the city and the state Enterprise Zone Board as provided in House Bill 1125, 68th Legislature, 1983, and such designation is based in whole or in part on substandard structures; or**

(-c-) **twenty-five percent or more of the structures in such area are found by the governing body of a city to constitute substandard, slum, deteriorated, or deteriorating structures as defined by local law. If local law does not define what constitutes a substandard, slum, deteriorated, or deteriorating structure, the governing body of a city may consider as substandard a structure which:**

(-1-) **is abandoned;**

(-2-) **does not have plumbing;**

(-3-) **has been condemned or cited for building or fire code violations by appropriate city authority;**

(-4-) **is in an inadequate state of repair under applicable public health, safety, fire, or building codes;**

(-5-) **is the subject of a tax or special assessment delinquency stated as a percentage of total**

taxes assessed, which exceeds the fair market value of the land involved and the improvements thereon; or

(-6-) is functionally or economically obsolete as determined by a qualified appraiser.

**(II) Unemployment.**

(-a-) A geographic area constituting all of the geographic area within the corporate limits of a city may be designated as an eligible blighted area if the governing body of the city finds that the city's actual civilian labor force unemployment rate for the most recent month for which data has been published by the Texas Employment Commission is equal to or in excess of one and one-half times the actual state unemployment rate for the same month, or the city's actual civilian labor force unemployment rate for the most recent calendar quarter or calendar year for which data has been published by the Texas Employment Commission is equal to or in excess of one and one-half times the average actual state unemployment rate for the same calendar quarter or calendar year, provided that in no event shall the resulting product be less than 9.0%.

(-b-) A geographic area constituting less than all of the geographic area within the corporate limits of a city may be designated as an eligible blighted area if the governing body of the city finds that the percentage of unemployment of the civilian labor force residing in such area is equal to or in excess of the percentage of unemployment which would otherwise justify a designation of the entire corporate limits of the city as a blighted area as provided in item (-a-) of this subclause, or that such area has been designated by the city as an enterprise zone and approved by the state Enterprise Zone Board as provided in House Bill 1125, 68th Legislature, 1983, or that such area constitutes all or part of an area designated by any state or federal agency as an area of economic distress, blighted area, targeted area, or other similar designation, and which designation is based in whole or in part on unemployment, or any combination of the foregoing.

(iii) If the governing body of a [the] city shall conclude to request the commission to approve projects for commercial uses, it shall adopt a resolution, citing the Act and this chapter, and further containing:

(I) (No change.)

(II) a statement specifying the particular provision(s) of the Act and these rules relied upon by the governing body in designating each area (whether one or more) as an eligible blighted area [detailed findings of the governing body of the city as to the reasons for such designation by the city, together with a description of the overall objectives of the city for redevelopment and recovery of the eligible blighted area];

(III) detailed findings of the governing body of the city regarding, as applicable, the number and percentage of substandard, slum, deteriorated, or deteriorating structures in the designated area, or the number and percentage of unemployed persons in the civilian labor force residing in the designated area, together with a description of the overall objectives of the city for redevelopment and recovery of the designated area;

(IV)[(III)] a finding and representation to the commission that the availability of financing of projects for commercial uses under the Act will contribute

significantly to the alleviation of the blighted conditions found to exist in the designated area or areas;

(V)[(IV)] a description of the type of projects for commercial uses desired and authorized by the city to enhance its redevelopment efforts in the eligible blighted area together with a description of any exclusions or limitations by type or amount of commercial uses which the city would consider detrimental to its efforts to redevelop the area designated;

(VI)[(V)] a representation on the part of the governing body of the city that it will review all project descriptions for approval of specific projects for commercial uses in order to determine whether such projects are consistent with the city's objectives for redevelopment of the eligible blighted area; and

(VII)[(VI)] based upon the city's best estimates at the time of adoption of the resolution, a description of proposed public improvements, if any, to be made in the eligible blighted area, the estimated commencement date for such public improvements, the approximate schedule for such improvements, and the sources of funds the city will use for such purposes.

(iv) Unless the city shall be notified by the commission to the contrary in writing within 30 days from the date of receipt of such resolution, the eligible blighted area described in such resolution shall be deemed accepted by the commission. After final acceptance of a resolution under this provision, the commission will approve projects for commercial uses in and adjacent to the eligible blighted area only after the applicant demonstrates to the satisfaction of the commission that:

(I) (No change.)

(II) the city, after posting notice and holding public hearing, has approved the project and has made the determinations and findings required by this chapter;

(III) (No change )

(v) The designation of an eligible blighted area under this section shall continue for a period ending on the date of the earlier of written notice to the commission by the governing body of the city of the termination of such designation, or two [five] years from the effective date of such designation, notice of which is given in writing to the commission by the city. All eligible blighted areas designated by the governing body of a city and not disapproved by the commission prior to the effective date of this amendment shall be deemed as having been created on the next occurring annual anniversary date of such previous designation for purposes of this rule. If a designation is terminated or expires [lapses] under this provision, the city may revive the designation, in whole or in part, by following the procedures prescribed in this section for the original designation; provided that the termination or expiration of the designation will not affect or impair the ability of a corporation to issue bonds for any project located or to be located in such area for which a corporation has adopted an inducement resolution or taken other similar official action with respect to the project (whether one or more) prior to termination or expiration of the eligible blighted area designation.

(vi) (No change.)

(B) (No change.)

(10)-(12) (No change.)  
(c) (No change.)

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

Issued in Austin, Texas, on March 30, 1984

TRD-843717      Kent Yeates  
                            General Counsel  
                            Texas Economic Development  
                            Commission

Earliest possible date of adoption  
May 11, 1984

For further information, please call (512) 472-5059.

pharmacy shall meet to qualify for the licensing or relicensing as a pharmacy in each classification.

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 29, 1984

TRD-843746      Fred S Brinkley, Jr., R.Ph.  
                            Executive Director/Secretary  
                            Texas State Board of Pharmacy

Earliest possible date of adoption  
May 11, 1984

For further information, please call (512) 478-9827.

**TITLE 22. EXAMINING BOARDS**  
**Part XV. Texas State Board of**  
**Pharmacy**  
**Chapter 291. Pharmacies**  
**Clinic Pharmacy (Class D)**  
**22 TAC §291.95**

*(Editor's note. The Texas State Board of Pharmacy proposes for permanent adoption the amendment it adopts on an emergency basis in this issue. The text of the amendment is published in the Emergency Rules section of this issue.)*

The Texas State Board of Pharmacy proposes an amendment to §291.95, concerning the drug/clinic formulary of a Class D Pharmacy. This proposed amendment outlines the limitations of the drug formulary needed to meet the medical objectives of the clinic.

Fred S. Brinkley, Jr., R.Ph., executive director/secretary, has determined that for the first five-year period the section will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the section

Mr. Brinkley also has determined that for each year of the first five years the section as proposed is in effect the public benefit anticipated as a result of enforcing the section as proposed is the regulation and control of clinic pharmacy practice to further protect the public health, safety, and welfare. There is no anticipated economic cost to individuals who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Fred S. Brinkley, Jr., R.Ph., Executive Director/Secretary, 211 East Seventh Street, Suite 1121, Austin, Texas 78701

The amendment is proposed under Texas Civil Statutes, Article 4542a-1, §29, which provide the Texas State Board of Pharmacy with the authority to establish by rule the standards that each pharmacy and its employees or personnel involved in the practice of

**TITLE 40. SOCIAL SERVICES AND ASSISTANCE**  
**Part I. Texas Department of**  
**Human Resources**  
**Chapter 15. Medicaid Eligibility**  
**Subchapter CCC. Vendor Payments in**  
**Title XIX Long-Term Care Facilities**  
**40 TAC §15.5417**

The Texas Department of Human Resources proposes amendments to §15.5417, concerning restitution, in its Medicaid eligibility chapter. The rule is amended to include additional situations in which restitution is appropriate. The caseworker pursues restitution if ICF, SNF, or ICF-MR vendor payments have been continued for an ineligible recipient pending an appeal, and the hearing officer upholds the denial. The caseworker also seeks restitution if applied income has been continued at a lower level pending appeal of an increase, and the hearing officer sustains the increase.

Section 15.5417 is also amended to clarify that restitution applies only to Medicaid recipients in intermediate and skilled nursing facilities and in community-based ICF-MR facilities

David Hawes, programs budget and statistics director, has determined that there will be fiscal implications as a result of enforcing or administering the rule. The anticipated reduction in cost for state government is estimated to be \$14,508 in fiscal year 1984; \$30,909 in fiscal year 1985; \$33,868 in fiscal year 1986; \$35,748 in fiscal year 1987, and \$39,622 in fiscal year 1988. There are no fiscal implications for units of local government, and there is no anticipated effect on small businesses

Mr. Hawes has also determined that for each year of the first five years the amendment as proposed is in effect the public benefit will be additional funds to the state from voluntary restitution. There are no anticipated economic costs to individuals required to comply with the amendments.



Written comments may be sent to Cathy Rossberg, Acting Administrator, Policy Development Support Division-182, Texas Department of Human Resources 153-B, P.O. Box 2960, Austin, Texas 78769, within 30 days of publication in this *Register*

The amendments are proposed under the Human Resources Code, Title 2, Chapter 22 and Chapter 32, which authorizes the department to administer public and medical assistance programs

**§15.5417. Restitution Defined.**

(a) Restitution is securing payment from an individual if the individual is undercharged applied income because of previously unreported or under-reported monthly income or resources, and fraud is not indicated or not pursued. Restitution payments by an individual must be made in the form of a cashier's check or money order payable to the Texas Department of Human Resources. **Restitution applies only to recipients in intermediate and skilled nursing facilities and in community-based ICF-MR facilities.**

(b) The department seeks restitution from MAO and SSI clients in the following situations:

(1)-(4) (No change )

(5) The client is advised of the correct amount of applied income on the appropriate notification form, but a lower [wrong] amount appears on the patient status and payment plan notice because of a processing or coding error

(6) The client is determined to be ineligible for the [a] month because of unreported or under-reported resources in excess of program limits.

(7) **ICF, SNF, or ICF-MR vendor payments have been continued for a denied recipient pending an appeal and the hearing officer upholds the denial. The caseworker seeks restitution for the total amount of the vendor payment made between the initial denial effective date and the date payment ceases after the hearing decision. If payments are discontinued because the recipient is denied a level of care, the caseworker requests restitution for vendor payments made after the original level-of-care denial date.**

(8) **Applied income has been continued at a lower level pending an appeal of an increase and the hearing officer sustains the increase. The caseworker seeks restitution for the difference between the old and new applied income amounts for the period from the effective date of the original increase until the date of the appeal decision.**

(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 4, 1984

TRD-843744      Marlin W Johnston  
Commissioner  
Texas Department of Human  
Resources

Earliest possible date of adoption

May 11, 1984

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

**Chapter 69. Purchased Social  
Services  
Subchapter F. Regional Monitoring and  
Management**

**40 TAC §69.94**

The Texas Department of Human Resources proposes an amendment to §69.94, concerning the termination and renewal of contracts. Texas Civil Statutes, Article 6252-13e, require that contractors receiving block grant funds must provide evidence that an annual audit of the agency has been performed. The amendment gives further instructions for contractors receiving block grant funds to comply with the statute.

David Hawes, programs budget and statistics director, has determined that for the first-year period the rules will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rule.

Mr. Hawes has also determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule will be more specific information about contract reductions, terminations, and nonrenewals. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed

Public comments may be sent to Cathy Rossberg, Acting Administrator, Policy Development Support Division-193, P O Box 2960, Austin, Texas 78769, within 30 days of publication in this *Register*

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

**§69.94. Renewal of Contracts.**

(a) (No change )

(b) The department may reduce or not renew a contract funded by the block grant if:

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

(5) The contractor does not provide the department with a copy [evidence] of the agency's [an] annual audit.

(6) (No change.)

(c)-(d) (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 4, 1984

TRD-843743      Marlin W Johnston  
Commissioner  
Texas Department of Human  
Resources

Earliest possible date of adoption

May 11, 1984

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

**TITLE 43. TRANSPORTATION**  
**Part I. State Department of**  
**Highways and Public**  
**Transportation**  
**Chapter 25. Maintenance Division**  
**General**  
**43 TAC §25.7**

The State Department of Highways and Public Transportation proposes new §25.7, concerning highway crossings with oversize/overweight vehicles whereby the state is indemnified for costs of additional maintenance required to the roadway due to oversize/overweight vehicles crossing state-maintained highways.

Edward A. Davis, maintenance engineer, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the rule.

The cost of compliance with the rule for small businesses will be the cost of roadway maintenance on that portion of highway being crossed; the cost of required traffic control, insurance, payment bond, and rehabilitation cost if required. Maintenance requirements, traffic, control, insurance, payment bond, and rehabilitation will be approximately the same for large and small businesses when cost is compared per \$100 of sales. A small business will normally have less vehicles and transport less material across the highway and thus will cause less damage to the highway, require less insurance, traffic control, etc.

Mr. Davis also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is that the state will recover costs of additional roadway maintenance required due to oversize/overweight vehicles crossing state-maintained highways. The anticipated economic cost to individuals who are required to comply with the rule as proposed will vary depending on the amount of material transported and the number and size of the vehicles.

Comments on the proposal may be submitted to Edward A. Davis, Engineer of Maintenance, State Department of Highways and Public Transportation, 11th and Brazos Streets, Austin, Texas 78701.

The new section is proposed under Texas Civil Statutes, Article 6701d-11, which provide the State Highway and Public Transportation Commission with the authority to contract with a person, firm, or corporation to indemnify the State Department of Highways and Public Transportation for the cost of maintenance and repair of a portion of highway crossed (from private property to other private property) by any vehicle, operated by the person, firm, or corporation, which cannot comply with one or more of the restrictions of Texas Civil Statutes, Article 6701d-11, §3 and §5 (relating to vehicle size and weight). This statute also provides that the commission shall establish

rules and regulations to administer the provisions of this legislation.

**§25.7. Highway Crossings By Oversize/Overweight Vehicles.**

(a) A person, firm, or corporation will be permitted to operate a vehicle not in compliance with one or more of the restrictions of Texas Civil Statutes, Article 6701d-11, §3 and §5, to cross the width of any road or highway under the jurisdiction of the State Department of Highways and Public Transportation, other than a controlled access highway as defined in General Laws of the 55th Legislature, 1957, Chapter 300, Texas Civil Statutes, Article 6674W, with the vehicle from private property to other private property provided that the State Highway and Public Transportation Commission has contracted with such person, firm, or corporation to indemnify the department for the cost of repair and maintenance to the portion of such highway crossed by such vehicles.

(b) The private party to any contract authorized by this law shall, prior to exercising any rights thereunder, execute an adequate surety bond in such amount as may be determined by the commission to compensate for the cost of maintenance and repairs as provided herein, approved by the state treasurer and the attorney general, with a corporate surety authorized to do business in this state, conditioned on the private party fulfilling the obligations of the contract.

(c) The department will contract with a person, firm, or corporation (hereinafter referred to as "the company") to indemnify the state for the cost of maintenance or repair to that portion of the highway crossed by vehicles which cannot comply with one or more restrictions of Texas Civil Statutes, Article 6701d-11, §3 and §5, in accordance with the following policy:

(1) The department will, at the expense of the company making the crossing request, periodically maintain and repair the vehicle crossing in accordance with established departmental regulations, specifications, and engineering standards and practices

(2) If the proposed vehicle crossing requires initial upgrading or reconstruction to safely and adequately accommodate the vehicles which will be using the highway crossing, the company making the crossing request will bear the entire cost of such work. Construction plans, specifications, traffic control plans, and any other related work will be provided by the company at no cost to the state. At the sole option of the department, it may elect to do this work or provide for this work by separate contract with the company bearing the entire cost.

(3) The company making the crossing request will be responsible for furnishing, installing, maintaining, and removing when no longer required all traffic control devices which are required at the crossing to insure the safety of the traveling public. At the sole option of the department, it may elect to do this work or provide for this work by separate contract with the company bearing the entire cost. All traffic control devices and flaggers, if required, shall be in accordance with the *Texas Manual on Uniform Traffic Control Devices*.

(4) The company making the crossing request shall indemnify the department for the cost of mainte-

nance and repair to the vehicle crossing. The company shall, at the entire expense of the company, provide and keep in force a surety bond in an amount determined by the state to cover the cost of such maintenance and repair. The bond will require approval by the attorney general and state treasurer.

(5) The company shall keep the roadway free of debris and objectionable dust, lights, or noise.

(6) The company shall provide the department with the department's certificate of insurance covering the latest insurance requirements for contractors doing state contract work.

(7) The responsibilities of the company as set forth in the contract shall not be transferred, assigned, or conveyed to a third party without approval of the state.

(8) If, in the sole judgment of the department, it is determined at a future date that traffic conditions have so changed that the existence or use of the vehicle crossing is impeding maintenance, damaging the highway facility, impairing safety, or that the vehicle crossing is not being properly operated, or that it constitutes a nuisance, or if for any other reason it is in the state's judg-

ment that such a facility is not in the public interest, the vehicle crossing shall be modified if corrective measures acceptable to both parties can be applied to eliminate the objectionable features of the facility or terminated and the use of the area as a vehicle crossing discontinued.

(9) Upon termination of the contract the department shall make an inspection of the crossing site. If additional repairs, modifications, or rehabilitation is required to return the highway to its original condition, the company shall bear the entire expense of such work.

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, 1984.

TRD-843727

Diane L. Northam  
Administrative Technician  
State Department of Highways  
and Public Transportation

Earliest possible date of adoption:

May 11, 1984

For further information, please call (512) 475-2141.

# Withdrawn Rules

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

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

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

**TITLE 10. COMMUNITY  
DEVELOPMENT  
Part II. Texas Economic  
Development Commission  
Chapter 107. Industrial Projects  
General Rules and Industrial Revenue  
Bond Program  
10 TAC §107.2**

The Texas Economic Development Commission has withdrawn from consideration for permanent adoption

proposed amendments to §107.2, concerning general rules and the Industrial Revenue Bond Program. The text of the amended section as proposed appeared in the October 21, 1983, issue of the *Texas Register* (8 TexReg 4321).

Issued in Austin, Texas, on March 28, 1984

TRD-843719

Kent Yeates  
General Counsel  
Texas Economic Development  
Commission

Filed. April 3, 1984

For further information, please call (512) 472-5059.

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

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

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

# Adopted Rules



**TITLE 10. COMMUNITY DEVELOPMENT**  
**Part II. Texas Economic Development Commission**  
**Chapter 107. Industrial Projects**  
**General Rules and Industrial Revenue Bond Program**

**10 TAC §107.1**

The Texas Economic Development Commission adopts amendments to §107.1, without changes to the proposed text published in the October 21, 1983, issue of the *Texas Register* (8 TexReg 4321).

The amendments to §107.1 change the name of the agency. The amendments furnish correct information concerning general rules of the agency.

No comments were received regarding adoption of the amendments.

The amendments are adopted under Texas Civil Statutes, Article 5183, which changed the name of the Texas Industrial Commission to the Texas Economic

Development Commission, effective September 1, 1983.

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

Issued in Austin, Texas, on March 30, 1984

TRD-843718

Kent Yeates  
General Counsel  
Texas Economic Development  
Commission

Effective date April 24, 1984

Proposal publication date October 21, 1983

For further information, please call (512) 472-5059.

**TITLE 22. EXAMINING BOARDS**  
**Part XV. Texas State Board of Pharmacy**

**Chapter 281. General Provisions**  
**Practice and Procedure**

**22 TAC §§281.24, 281.25, 281.28, 281.51, 281.60**

The Texas State Board of Pharmacy adopts amendments to §281.24, with changes to the proposed text published in the January 20, 1984, issue of the *Texas Register* (9 TexReg 403). A change was made to paragraph (a)(22), deleting the term "verbal." Sections 281.25, 281.28, 281.51, and 281.60 are adopted without changes and will not be republished in this issue.

The amendments establish procedures for the proper institution, conduct, and determination of all proceedings and matters within the jurisdiction of the board.

Amendments to §281.28 and §281.60 are necessary to comply with statutory changes to the Administrative Procedure and Texas Register Act by the 68th Legislature, 1983. Amendments to §281.24 and §281.25 further define grounds for discipline for a pharmacist and pharmacy license. Amendments to §281.51 lists items the board may consider in determining the reinstatement of an applicant's previously revoked or cancelled pharmacist license.

One comment was received objecting to the use of the terminology "verbal abuse" in §281.24(a)(22). Removal of this terminology was recommended and, after board consideration, it was removed.

The Texas Society of Hospital Pharmacists submitted a comment in favor of the amended sections with the exception of terminology used in §281.24(a)(22). The agency agrees with the comment, and the terminology was changed.

The amendments are adopted under Texas Civil Statutes, Article 4542a-1, §16 and §17, which authorize the Texas State Board of Pharmacy to adopt rules for the proper administration and enforcement of this Act, consistent with this Act.

**§281.24. Grounds for Discipline for a Pharmacist License.**

(a) For the purposes of the Act, §26(a), "unprofessional conduct" shall include, but not be limited to:

(1)-(16) (No change.)

(17) obstructing a board employee in the lawful performance of such employee's duties of enforcing the Act;

(18) copying, retaining, repeating, or transmitting in any manner the questions contained in any examination administered by the board;

(19) violating the provisions of an agreed board order or board order;

(20) dispensing a prescription drug while not acting in the usual course of professional pharmacy practice;

(21) failing to provide or providing false or fraudulent information on any application, notification, or other document required under this Act, the Dangerous Drug Act, or Controlled Substances Act, or rules adopted pursuant to those Acts; or

(22) physically abusing a board employee during the performance of such employee's lawful duties.

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

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

Issued in Austin, Texas, on March 29, 1984

TRD-843748

Fred S. Brinkley, Jr., R.Ph.  
Executive Director/Secretary  
Texas State Board of Pharmacy

Effective date: April 25, 1984

Proposal publication date January 20, 1984

For further information, please call (512) 478-9827.

**Community Pharmacies (Class A)**

**22 TAC §291.33**

The Texas State Board of Pharmacy adopts amendments to §291.33, without changes to the proposed text published in the January 20, 1984, issue of the *Texas Register* (9 TexReg 404).

The amended section ensures that pharmacies licensed in the State of Texas are operating within the laws and rules governing the practice of pharmacy.

The amended section outlines the procedures whereby any Class A pharmacy licensed under the provisions of this title which also operates a Class B pharmacy which would otherwise be required to be licensed under §291.51-54 of this title is not required to secure a license for the Class B pharmacy.

No comments were received regarding adoption of the amendments.

The amendments are adopted under Texas Civil Statutes, Article 4542a-1, §29(d), which provide the Texas State Board of Pharmacy with the authority to establish by rule the standards that each pharmacy and its employee or personnel involved in the practice of pharmacy shall meet to qualify for the licensing or relicensing as a pharmacy in each classification.

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

Issued in Austin, Texas, on March 29, 1984

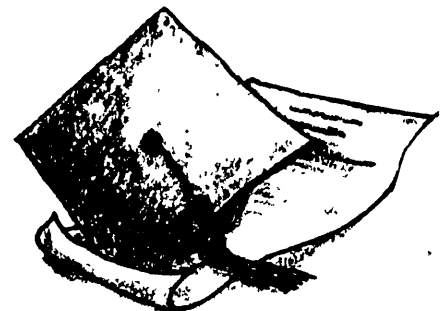
TRD-843749

Fred S. Brinkley, Jr., R.Ph.  
Executive Director/Secretary  
Texas State Board of Pharmacy

Effective date: April 25, 1984

Proposal publication date January 20, 1984

For further information, please call (512) 478-9827.



**Chapter 303. Regulations Governing the Destruction of Dangerous Drugs and Controlled Substances**

**22 TAC §303.2, §303.3**

The Texas State Board of Pharmacy adopts new §303.2, with changes to the proposed text published in the January 20, 1984, issue of the *Texas Register* (9 TexReg 404). A change was made to subparagraphs (3)(A) and (B) to correctly identify the pertinent schedules of the Controlled Substances Act. Section

303.3 is adopted without changes and will not be re-published.

The adoption of the new sections ensures that proper procedures are maintained for the disposal of stock prescription drugs to protect the public health and welfare.

The new sections outline procedures for the disposal of stock prescription drugs, including stock dangerous drugs and stock controlled substances. In addition, the new sections outline record keeping procedures for the inventory records and forms of disposed drugs.

No comments were received regarding adoption of the new sections.

The new sections are adopted under Texas Civil Statutes, Article 4542a-1, § 17, which provide the Texas State Board of Pharmacy with the authority to perform the duties, powers, and authority necessary to administer this Act.

**§303.2. Disposal of Stock Prescription Drugs.**

(a) Definition of stock. "Stock" as used in these rules means dangerous drugs or controlled substances which are packaged in the original manufacturer's container.

(b) Disposal of stock dangerous drugs. A pharmacist, licensed by the board, is authorized to destroy stock dangerous drugs owned by a licensed pharmacy if such dangerous drugs are destroyed in a manner to render the drugs unfit for human consumption; provided, however, the following procedures shall be followed in destroying any brand or dosage form of Tripeleminamine (PBZ), Butorphanol (Stadol), or Nalbuphine (Nubain):

(1) the dangerous drugs are inventoried; and

(2) the destruction is witnessed by another licensed pharmacist or a commissioned peace officer.

(c) Disposal of stock controlled substances. A pharmacist, licensed by the board, may dispose of stock controlled substances owned by a licensed pharmacy in accordance with procedures authorized by the Federal and Texas Controlled Substances Acts and rules adopted pursuant to such Acts. Disposal of controlled substances is deemed to be in accordance with the Federal and Texas Controlled Substances Acts and rules adopted pursuant to such Acts if any one of the following actions is taken:

(1) transfer to a controlled substances registrant authorized to possess controlled substances; if transferred, the stock controlled substances shall be documented by appropriate invoices, Federal Drug Enforcement Administration (DEA) order forms, or other documents legally transferring the controlled substances;

(2) inventorying the controlled substances to be destroyed on an appropriate form and delivering the controlled substances to a DEA regional office or agent, either in person or by a common carrier;

(3) inventorying the controlled substance on an appropriate form for destruction of the controlled substances by a DEA agent or in the presence of:

(A) commissioned peace officers authorized by the DEA to destroy controlled substances listed in Schedules III-V of the Controlled Substances Act; or

(B) agents of the Texas State Board of Pharmacy authorized by the DEA to destroy controlled sub-

stances listed in Schedules I-V of the Controlled Substances 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 March 29, 1984

TRD-843750

Fred S. Brinkley, Jr., R.Ph.  
Executive Director/Secretary  
Texas State Board of Pharmacy

Effective date: April 25, 1984

Proposal publication date: January 20, 1984

For further information, please call (512) 478-9827.

## TITLE 40. SOCIAL SERVICES AND ASSISTANCE

### Part I. Texas Department of Human Resources Chapter 9. Food Stamps

The Texas Department of Human Resources (DHR) adopts the amendments to §§9.2320, 9.2616, 9.3302, 9.4026, and 9.4027, in its food stamp rules concerning client delays, notice of expiration of certification, exemptions to work registration, and deductible expenses. The DHR also adopts the repeal of §§9.6101-9.6108 and 9.6111-9.6121 and new §§9.6101-9.6103, concerning the responsibility of food stamp clients to provide verification. The amendments, repeals, and new rules are adopted without changes to the proposed text published in the January 6, 1984, issue of the *Texas Register* (9 TexReg 167).

The comment period on the proposed rules ended February 5, 1984. No comments were received regarding adoption of the amendments, repeals, and new rules.

### Subchapter X. Non-PA Eligibility

#### 40 TAC §9.2320

The amendments are adopted under the Human Resources Code, Title 2, Chapter 22 and Chapter 33, which authorizes the department to administer public assistance programs.

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, 1984.

TRD-843696

Marlin W. Johnston  
Commissioner  
Texas Department of Human Resources

Effective date: April 23, 1984

Proposal publication date: January 6, 1984

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

**Subchapter AA. PA Application**

40 TAC §9.2616

The amendment is adopted under the Human Resources Code, Title 2, Chapter 22 and Chapter 33, which authorizes the department to administer public assistance programs.

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, 1984

TRD-843695      Marlin W. Johnston  
                         Commissioner  
                         Texas Department of Human  
                         Resources

Effective date: April 23, 1984  
Proposal publication date January 6, 1984  
For further information, please call (512) 441-3355,  
ext. 2037.

**Subchapter HH. Work Registration  
Requirement**

40 TAC §9.3302

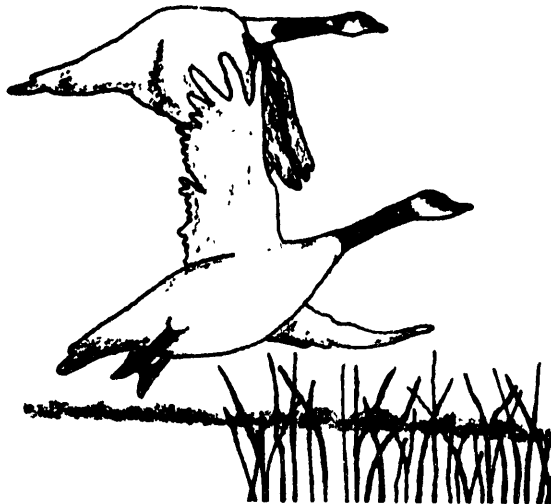
The amendment is adopted under the Human Resources Code, Title 2, Chapter 22 and Chapter 33, which authorizes the department to administer public assistance programs.

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, 1984

TRD-843697      Marlin W. Johnston  
                         Commissioner  
                         Texas Department of Human  
                         Resources

Effective date April 23, 1984  
Proposal publication date January 6, 1984  
For further information, please call (512) 441-3355,  
ext 2037



**Subchapter OO. Definition of Income**

40 TAC §9 4026, §9 4027

The amendments are adopted under the Human Resources Code, Title 2, Chapter 22 and Chapter 33, which authorizes the department to administer public assistance programs

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, 1984

TRD-843698      Marlin W. Johnston  
                         Commissioner  
                         Texas Department of Human  
                         Resources

Effective date April 23, 1984  
Proposal publication date January 6, 1984  
For further information, please call (512) 441-3355,  
ext 2037

**Subchapter CCC. Verification**

40 TAC §§9.6101-9.6108, 9.6111-9.6121

The repeals are adopted under the Human Resources Code, Title 2, Chapter 22 and Chapter 33, which authorizes the department to administer public assistance programs

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, 1984

TRD 843699      Marlin W. Johnston  
                         Commissioner  
                         Texas Department of Human  
                         Resources

Effective date April 23, 1984  
Proposal publication date January 6, 1984  
For further information, please call (512) 441-3355,  
ext 2037

40 TAC §§9.6101-9.6103

The new rules are adopted under the Human Resources Code, Title 2, Chapter 22 and Chapter 33, which authorize the department to administer public assistance programs

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, 1984

TRD 843700      Marlin W. Johnston  
                         Commissioner  
                         Texas Department of Human  
                         Resources

Effective date April 23, 1984  
Proposal publication date January 6, 1984  
For further information, please call (512) 441-3355,  
ext 2037



**TITLE 43. TRANSPORTATION  
Part III. Texas Aeronautics  
Commission  
Chapter 65. Aviation Facilities  
Development and Financial  
Assistance Rules**

**43 TAC §65.15**

The Texas Aeronautics Commission adopts amendments to §65.15, without changes to the proposed text published in the November 25, 1983, issue of the *Texas Register* (8 TexReg 4912).

The commission instituted a loan program for improvements at public airports in fiscal year 1983. The changes to §65.15 codify the requirements for payment under the program and cause the rule to accurately reflect the agency's practice concerning both grant and loan assistance payments.

The section requires that, prior to payment of the amount of any loan, the following conditions must be met: approval of the work performed on the project by the agency, creation of a special airport fund by the loan recipient, passage of an airport hazard zoning

ordinance by the recipient, and proof of property damage insurance for the project naming the Texas Aeronautics Commission loan fund as beneficiary for the amount of the loan.

No comments were received regarding adoption of the amendments.

The amendments are adopted under Texas Civil Statutes, Article 46c-6, Subdivision 10, which provide the commission with the authority to provide funds through loan agreements or grant contracts to any state agency or political subdivision statutorily authorized to operate an airport for construction and improvement of the airport, and to promulgate rules governing the expenditure of the funds.

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, 1984

TRD-843747

Thomas L. Butler  
Staff Attorney  
Texas Aeronautics Commission

Effective date: April 25, 1984

Proposal publication date: November 25, 1983

For further information, please call (512) 476-9262.

**State Board of Insurance Exempt Filings**

**State Board of Insurance  
Notification Pursuant to the  
Insurance Code, Chapter 5,  
Subchapter L**

*(Editor's note: As required by the Insurance Code, Article 5.96 and Article 5.97, the Register publishes notices of actions taken by the State Board of Insurance pursuant to Chapter 5, Subchapter L, of the Code. Board action taken under these articles is not subject to the Administrative Procedure and Texas Register Act, and the final actions printed in this section have not been previously published as proposals.*

*These actions become effective 15 days after the date of publication or on a later specified date.*

*The text of the material being adopted will not be published, but may be examined in the offices of the State Board of Insurance, 1110 San Jacinto Street, Austin.*

The State Board of Insurance has approved a filing by the Surety Association of America of the form and rate for oil and gas well bonds for 16 TAC §3.14(b)(2) exceptions of the Railroad Commission of Texas rules

Statewide §3.14(b)(2) of the Railroad Commission of Texas provides, among other things, that plugging operations on each dry or inactive oil or gas well must be commenced within a period of 90 days after drilling or operations have ceased. The director of field operations may grant an exception to plug a nonpol-

lutant well; provided the operator has presented a viable plan for utilizing the well within a reasonable time; or the operator posts a performance bond or other form of financial security (letter of credit) in an amount acceptable to the commission to ensure that the commission will not have to plug the well with state funds.

In the past, the commission has granted exceptions with no financial security where a plan for utilizing a well within a reasonable time was presented. Many of these wells have not been plugged or returned to active use, such that the commission may have to use state funds to plug these wells. To safeguard itself against having to plug future wells with state money, effective November 1, 1983, the commission adopted the requirement that applications for §3.14(b)(2) exceptions for wells which are not associated with active enhanced recovery projects must be covered by letters of credit or surety bonds to assure that the wells will not have to be plugged with state funds.

The commission has developed a bond form to be used with the new requirement which is conditioned that the wells shall be maintained in compliance with §3.14 by either properly plugging the wells, or restoring the wells to beneficial use, or obtaining or continuing the §3.14(b)(2) exception for the wells; and the wells shall be maintained so as to prevent the pollution of any ground or surface water in the state, or any uncontrolled escape of fluids from the strata in which they were originally located.

The bond may be used to cover a single well or an unlimited number of wells on a schedule basis. When used to cover a single well, the bond is based upon the estimated cost of plugging the well. When used to cover a number of wells, it is based upon the estimated costs of plugging the wells, or \$250,000 whichever is the less. The commission may, however, decline to accept a blanket bond with a limit of \$250,000, if such amount is insufficient to insure that the state funds will not have to be used to plug the wells listed on the bond schedule. In determining the sufficiency of the amount, the following factors may be considered: the financial condition of the operator requesting the exception; the operator's history of compliance with the commission rules; the ratio of the operator's inactive wells to active wells; and other factors relevant to assessing the risk that state funds will not have to be used to plug the listed wells.

This requirement differs from other oil and gas well plugging requirements in a number of ways:

(1) Bonds over \$250,000 may be required under a "selection" basis.

(2) A surety has seven days after written demand within which to pay for the plugging of a well or wells. Sureties, however, would be notified 30 days in advance that a well's exception is about to expire. A new exception application and bond would be required to be filed within this time. Should the well exception expire, or situations where pollution or escaping fluids occur, the seven-day demand would be made.

(3) The bond amount is based upon the "estimated costs" of plugging wells, or \$250,000, whichever is less. Plugging costs are currently averaging \$6,300 per well. Operators are initially responsible for estimating the costs of plugging their wells. These costs are then reviewed by the Railroad Commission's district and Austin offices for sufficiency. A surety company which elects to plug a well on its own is liable for the

original estimated cost for the well; even though the actual plugging cost may have been less or more than the estimated cost. If the estimated cost was more than the actual cost, the difference is placed in a state fund to offset costs associated with plugging other wells. On the other hand, if the estimated cost proves less than the actual cost, the surety would still be liable for the (lesser) estimated cost and the state would pay for the difference.

(4) The bond also provides that the:

State of Texas shall have the right to sue on and otherwise enforce the obligations of this bond without first resorting to or exhausting its remedies against the properties and assets of the principal;

and

If the bond amount is not paid in accordance with the terms of this bond and if judgment for any part of the bond amount is awarded through action of the attorney general in bankruptcy, probate, or any other court, then the state shall be entitled to court costs and reasonable attorney's fees awarded by the court. Surety's liability for such costs and fees shall not be limited by the penal sum of this bond

These bonds are in effect, demand payment instruments providing for forfeiture payments per well, while allowing for court costs and attorney's fees above the limit of the bond.

The bond rate is \$10 per thousand per annum.

This filing is effective 15 days after it is published in the *Texas Register*.

Issued in Austin, Texas, on March 30, 1984.

TRD-843682      James W. Norman  
                                 Chief Clerk  
                                 State Board of Insurance

Effective date: April 26, 1984  
For further information, please call (512) 475-2950.

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

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

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

# Open Meetings

## **Texas Adult Probation Commission**

**Thursday, April 12, 1984, 1 p.m.** Committees of the Texas Adult Probation Commission will meet at the Harris County Adult Probation Department, Annex 21, 49 San Jacinto Street, Houston. Rooms, committees, and agendas follow.

In Room 443, the Audit Review Committee will hear fiscal audit reports concerning final reviews for Gonzales, Johnson, Jones, Hardin, San Patricio, Lubbock, Navarro, Uvalde, and Dickens Counties; initial reviews for Bell, Galveston, Caldwell, Maverick, Travis, Montgomery, Angelina, Jack, Dawson, Jim Wells, Kaufman, Bell, and Hunt Counties; and a monitoring report concerning an initial review for Jim Wells County.

In Room 619, the Program Services Committee will consider the chart of fiscal year 1984 grant awards; grant applications concerning restitution center planning for Bell and Taylor Counties; budget adjustments, including supplemental funding for San Patricio and Wheeler Counties, special program funding for court residential treatment centers in McLennan and Tarrant Counties, and restitution center funding for Jefferson

and Tarrant Counties; waivers for Rusk and Victoria Counties; and issues involving special program funding categories, standard conditions for special program funding, and supplemental funding for fiscal year 1985; and the commission meeting schedule through August 1984.

**Contact:** Virginia Grote, 812 San Antonio Street, Suite 400, Austin, Texas 78701, (512) 475-1374.

**Filed:** April 3, 1984, 4:36 p.m.  
TRD-843740, 843471

**Friday, April 13, 1984, 9 a.m.** The Texas Adult Probation Commission will meet at the Hilton Southwest Hotel, 6780 Southwest Freeway, Houston. According to the agenda summary, the commission will consider the minutes; the financial report; reports on the Harris County Adult Probation Department from Director Tom Callanan and the Galveston County Adult Probation Department from Director Foster Spurlock; the program services report, including a chart of fiscal year 1984 grant awards, restitution center planning grant applications for Bell and Taylor Counties, budget adjustments, including supplemental funding for San Patricio and Wheeler Counties, special program funding for court residential treatment centers in McLennan

and Tarrant Counties, and restitution center funding for Jefferson and Tarrant Counties, waivers for Rusk and Victoria Counties, issues involving special program funding categories and standard conditions for special program funding for fiscal year 1985, and the commission meeting schedule through August 1984; hear the executive director's report, including a review of the status of litigation, the adoption of proposed standards, statistical information, and the budget review work session; and set the date and site of the next meeting.

**Contact:** Virginia Grote, 812 San Antonio Street, Suite 400, Austin, Texas 78701, (512) 475-1374.

**Filed:** April 3, 1984, 4:37 p.m.  
TRD-843742

## **Texas Commission on the Arts**

**Tuesday, April 10, 1984, 7:30 p.m.** The Executive Committee of the Texas Commission on the Arts will meet in a rescheduled emergency session at the Driskill Hotel, 117 East Seventh Street, Austin. Items on the agenda include a public hearing; approval of the December 5, 1983, minutes; and a

review of the Texas Arts Exchange and development of a recommendation. The emergency rescheduling was necessary due to a death in the family of the commission chairman.

**Contact:** Richard E. Huff, P.O. Box 13406, Austin, Texas 78711, (512) 475-6593.

**Filed:** April 5, 1984, 9:40 a.m.  
TRD-843820

## State Board of Canvassers

**Thursday, April 12, 1984, 9:15 a.m.** The State Board of Canvassers will meet in Room 127, State Capitol, Austin. According to the agenda, the board will conduct the official canvass of the April 7, 1984, special elections for State Representative, District 49, and State Representative, District 91, in accordance with the Texas Election Code, Article 8.38 and Article 4.12, §3.

**Contact:** Kim Tolar, Sam Houston Building, Room 915, 201 East 14th Street, Austin, Texas 78711, (512) 475-3091.

**Filed:** April 4, 1984, 3:49 p.m.  
TRD-843819



## Coordinating Board, Texas College and University System

**Thursday, April 26, 1984.** Committees of the Coordinating Board, Texas College and University System will meet in the board room, Bevington A. Reed Building, 200 East Riverside Drive, Austin. Times, committees, and agendas follow.

**9:30 a.m.** The Financial Planning Committee will consider matters on the ratification of investment transactions since January 27, 1984; revision of the Coordinating Board operating budget for fiscal year 1984; and procedures for allocation of a purchase utility contingency appropriation for public senior colleges and universities and health-related institutions for the 1984-1985 biennium.

**9:40 a.m.** The Student Services Committee will consider matters related to final adoption of amendments to the rules and regu-

lations for the Tuition Equalization Grants Program regarding the definition of a resident of Texas (19 TAC §21.123) and eligible student criteria (19 TAC §21.125), and procedures for the allocation of federal funds to be received through the State Student Incentive Grants Program for use in fiscal year 1985.

**9:50 a.m.** The Health Affairs Committee will consider matters related to the applications from the Texas Tech University-Health Science Center for planning grants for the Odessa Family Practice Residency Program, a report on the Victoria Family Practice Residency Program, a report on the Bachelor of Science in Nursing Outreach Program at Texarkana by the University of Texas at Arlington, and requests for new degree programs or administrative changes relating to the Health Affairs Committee (University of Texas Health Science Center at Houston).

**10:15 a.m.** The Campus Planning and Facilities Committee will consider matters related to requests for endorsement of construction and rehabilitation projects with Texas Tech University, Texas A&M University, the University of Texas at Austin, and the University of Texas Cancer Center; requests for endorsement of acquisition of real property with Southwest Texas State University, the University of Houston-Downtown, Lamar University-Beaumont, and Texas A&M University; and the rule change concerning authority of the board's Emergency Committee (19 TAC §17.30).

**10:45 a.m.** The Community Junior College Committee will consider matters related to the annual plans for lower division out-of-district and off-campus classes for the 1984-1985 academic year, approval of the transfer curriculum in broadcasting, film, and related fields, and the transfer curriculum in criminal justice.

**11:30 a.m.** The Senior College and University Committee will consider matters relating to nonexempt private degree-granting institutions operating in Texas and public senior colleges and universities.

**Contact:** Kenneth H. Ashworth, P.O. Box 12788, Austin, Texas 78711, (512) 475-4361.

**Filed:** April 3, 1984, 2:18 p.m.  
TRD-843728-843733

**Friday, April 27, 1984, 9 a.m.** The Coordinating Board, Texas College and University System will meet in the board room, Bevington A. Reed Building, 200 East Riverside Drive, Austin. According to the agenda

summary, the board will consider matters relating to the Financial Planning and Administration, Health Affairs, Facilities and Campus Planning, Student Services, Community Junior Colleges, and Senior Colleges and Universities Committees, and nonexempt private degree-granting institutions operating in Texas.

**Contact:** Kenneth H. Ashworth, P.O. Box 12788, Austin, Texas 78711, (512) 475-4361.

**Filed:** April 3, 1984, 2:18 p.m.  
TRD-843734

## Texas Commission for the Deaf

**Saturday, April 14, 1984, 9:30 a.m.** The Texas Commission for the Deaf (TCD) will meet at 5151 McArtle, Corpus Christi. Items on the agenda include action on the previous meeting minutes, reports from the chairperson of the Board for Evaluation of Interpreters, the director and staff, and the chairman; and reviews of Sunset Commission activities and TCD hearings/testimony with recommendations for action. The commission also will meet in executive session to consider personnel matters.

**Contact:** Fred R. Tammen, 510 South Congress, #300, Austin, Texas 78704, (512) 475-2492.

**Filed:** April 3, 1984, 3:25 p.m.  
TRD-843736

## Texas State Board of Dental Examiners

**Saturday, April 14, 1984, 9 a.m.** The Texas State Board of Dental Examiners will meet at the Sheraton Crest Hotel, 111 East First Street, Austin. According to the agenda, the board will discuss the 1984 examinations, grading procedures, and general board business and elect a board secretary.

**Contact:** William S. Nail, P.O. Box 13165, Austin, Texas 78711, (512) 475-2443

**Filed:** April 4, 1984, 2:11 p.m.  
TRD-843784

## Select Committee on Public Education

**Wednesday, April 11, 1984, 9 a.m.** The Select Committee on Public Education will meet in Crystal Ballroom 8, Registry Hotel, 15201 Dallas Parkway, Dallas. According

to the agenda, the committee will work on the first draft of the committee report.

**Contact:** Rebecca Jones, 1000 Mercantile Dallas Building, 10th Floor, Dallas, Texas, (214) 760-5791

**Filed:** April 3, 1984, 4:15 p.m.  
TRD-843737

### **Texas Education Agency**

**Friday, April 13, 1984.** Committees of the State Board of Education of the Texas Education Agency (TEA) will meet at the Region XIX Education Service Center, 6611 Boeing Drive, El Paso. Times, rooms, and agendas follow.

**7:30 a.m.** In the board room, the Committee for Internal Rules will discuss amendments to the board operating rules concerning agendas and rules of order, and the new board operating rule concerning the State Board of Education honors list; discuss travel for members of the board; and hear from the official advisory groups concerning the status report and sunset review.

**8:30 a.m.** In Room 603, the Committee for Rules, Budget, and Finance and the Committee for Special Populations will discuss kindergarten; the petition for adoption or amendment of a rule; Texas Education Agency contracts and agreements; occupational education and technology proposed new rules and the proposed repeal of existing rules; and legislative recommendations.

**8:30 a.m.** In the board room, the Committee for Vocational Education and High Technology will consider the annual program plan for vocational education for fiscal year 1985, the accountability report for fiscal year 1983, responses to recommendations in the 14th annual report of the Advisory Council for Technical-Vocational Education in Texas, recommended appointments to the Apprenticeship and Training Advisory Committee, and proposed evaluation topics addressing concerns in technical-vocational education.

**9:30 a.m.** In Rooms 616-618, the Committee of the Whole will discuss student absences for extracurricular or other activities; the 1984 standards for approval of institutions offering undergraduate teacher education programs for certification; the 1984 standards for approval of institutions offering graduate professional education programs for certification; 1984 program requirements for the preparation of school personnel for provisional certificates and endorsements; 1984 requirements for provisional certificates and specialized assign-

ments or programs; and Attorney General Opinion JM-134, regarding rules of the State Board of Education concerning the subject of evolution. The committee will meet in executive session for consultation with counsel concerning prospective litigation, pursuant to Texas Civil Statutes, Article 6252-17, §2(e).

**2 p.m.** In Room 603, the Committee for Instruction, Research, and Evaluation will discuss requirements for summer school programs; the state commission on school accreditation; the establishment and modification of a district's accreditation status; teaching certificates for persons with a criminal background; reprimand, suspension, cancellation, and reinstatement of certificates; hearings and appeals rules; recommended objectives and test procedures for the 1986 Texas Assessment of Basic Skills (TABS); and recommendations for appointment to the 1984 State Textbook Committee.

**2 p.m.** In Room 602, the Committee for Investment of the Permanent School Fund will review securities transactions and the investment portfolio; discuss a recommended investment program for April, estimated funds available for the April program, and performance measurement as required by House Bill 1699; and hear the investment officer's report.

**2 p.m.** In the board room, the Committee for Teacher Preparation, Support Services, and Litigation/Appeals will discuss requirements for the assignment of teachers and teacher certification tests; and hear an update on two meetings of the Preservice Competency, Remediation, and Improvement Advisory Committee.

**Contact:** Raymon L. Bynum, 201 East 11th Street, Austin, Texas 78701, (512) 475-3271.

**Filed:** April 4, 1984, 10:38 a.m.  
TRD-843766-843772

**Saturday, April 14, 1984, 8:30 a.m.** The State Board of Education of the Texas Education Agency (TEA) will meet in Rooms 616-618, Region XIX Education Service Center, 6611 Boeing Drive, El Paso. According to the agenda summary, the board will consider appeals on decisions of the commissioner of education; motions for the rehearing of State Board of Education decisions; agency administration; the appointment of a trustee; the Randolph Field Independent School District; good neighbor scholarships for the 1984 summer sessions; kindergarten; a petition for adoption or amendment of a rule; TEA contracts and agreements; occupational education and

technology proposed new rules and proposed repeal of existing rules; the annual program plan for vocational education for fiscal year 1985; the accountability report for fiscal year 1983; responses to recommendations in the 14th annual report of the Advisory Council for Technical-Vocational Education in Texas; recommended appointments to the Apprenticeship and Training Advisory Committee; requirements for summer school programs; the State Commission on School Accreditation; the establishment and modification of a district's accreditation status; teaching certificates for persons with a criminal background; the reprimand, suspension, cancellation, and reinstatement of certificates; hearings and appeals rules; recommended objectives and test procedures for the 1986 Texas Assessment of Basic Skills (TABS); recommendations for appointment to the 1984 State Textbook Committee; estimated funds available for the April program; student absences for extracurricular or other activities; 1984 standards for approval of institutions offering undergraduate teacher education programs for certification; 1984 standards for approval of institutions offering graduate professional education programs for certification; 1984 program requirements for the preparation of school personnel for provisional certificates and endorsements; 1984 requirements for provisional certificates and specialized assignments or programs; requirements for the assignment of teachers; State Board of Education operating rules concerning rules of order and the State Board of Education honors list; travel for board members; a resolution for Dr. B. J. Stamps; requests by the staff to hold other positions of honor, trust, or profit; and the status of the permanent school fund as of March 29, 1984.

**Contact:** Raymon L. Bynum, 201 East 11th Street, Austin, Texas 78701, (512) 475-3271.

**Filed:** April 4, 1984, 10:39 a.m.  
TRD-843773

### **Joint Select Committee on Fiscal Policy**

**Thursday, April 12, 1984, 10 a.m.** The Joint Select Committee on Fiscal Policy will meet in Room E, John H. Reagan Building, 105 West 15th Street, Austin. According to the agenda, the committee will discuss state and local fiscal trends and issues.

**Contact:** Tom Scott, P O. Box 12068, Austin, Texas 78711, (512) 475-3106.

**Filed:** April 4, 1984, 1:05 p.m.  
TRD-843776

**Texas Department of Health**

**Friday, April 13, 1984, 10 a.m.** The Texas Emergency Medical Services Advisory Council of the Texas Department of Health will meet on the second floor, Kebekeh Baines Johnson Building, 15 Waller Street, Austin. According to the agenda summary, the council will approve the January minutes; hear committee reports concerning the Medical Directors Committee's recommendations to the Texas State Board of Medical Examiners, the Trauma Committee, and goals for the Medical Directors and Poison Center Committees; and consider Ad Hoc Committee appointments, equivalency for Red Cross training, repropoed rules on the Emergency Medical Services Program, additional rules to be recommended, and announcements and comments which require no council action.

**Contact:** Charles H Gregory, M.D., 1100 West 49th Street, Austin, Texas 78756, (512) 458-1393

**Filed:** April 3, 1984, 4:17 p.m.  
TRD-843738



**Texas Health Facilities  
Commission**

**Thursday, April 12, 1984, 1:30 p.m.** The Texas Health Facilities Commission made additions to the agenda of a meeting to be held in Suite 305, Jefferson Building, 1600 West 38th Street, Austin. According to the agenda summary, the additions concern consideration of the following applications

**Certificates of Need**

Sierra Medical Center, The Family Hospital of El Paso, Inc.;  
Ysleta General Hospital, Inc.; and  
South El Paso Hospital, Inc., El Paso  
AH82-0730-034

Golden Years Lodge, Mount Pleasant  
AN83-0527-548

Villa Nursing Center, Mount Pleasant  
AN83-0718-042

**Petition for Reissuance**

Windsong Village Convalescent Center,  
Pearland  
AN83-0427-410R(012684)

**Amendment of Certificate of Need Order**  
McKenna Memorial Hospital, Inc., and  
Comal County Hospital Authority,  
New Braunfels  
AH81-0217-021A(122983)

**Notices of Intent to Acquire Existing Health  
Care Facilities**

The Hillhaven Corporation,  
Tacoma, Washington  
AN84-0216-116  
AN84-0216-117

William Preston Gray and Florence  
Gray, San Antonio  
AN84-0301-141

Jewell Enterprises, a Texas general  
partnership, Arlington  
AN84-0301-134

Summit Care-Texas, Inc.,  
Burbank, California  
AN84-0229-133  
AN84-0229-132

Anistad Nursing Home, Inc., a Texas  
corporation, Uvalde  
AN84-0306-148

Los Ebanos Surgicenter, Inc., a wholly-  
owned subsidiary of Surgicare  
Corporation, Houston  
AS84-0302-144

Medical 21 Corporation, Dallas  
AS84-0302-145

**Motions for Rehearing/Reconsideration**  
Brackenridge Hospital, Austin  
AH83-0408-316

Seton Northwest Community Hospital,  
Austin  
AH83-0615-628

South Austin Community Hospital,  
Austin  
AH83-0617-630

Alhones Community Hospital, Austin  
AH83-0701-001

**Contact:** Judith A. Monaco, P.O. Box  
50049, Austin, Texas 78763.

**Filed:** April 4, 1984, 9:25 a.m.  
TRD-843751

**State Department of Highways  
and Public Transportation**

**Wednesday and Thursday, April 11 and 12,  
1984, 9 a.m. daily.** The State Highway and  
Public Transportation Commission of the  
State Department of Highways and Public  
Transportation will meet in the auditorium,  
Room 101, first floor, and Room 207, sec-  
ond floor, DeWitt C. Greer Building, 11th  
and Brazos Streets, Austin. According to  
the agenda summary, in Room 101 the com-  
mission will review presentations by the  
public for various highway, bridge, and FM  
road requests concerning Travis County.  
The docket is available in the second floor  
commission office. Upon completion of the  
public hearings, the commission will meet  
in Room 207, second floor, to execute con-  
tract awards and routine minute orders;  
consider decisions on presentations from  
public hearing dockets; and review staff re-  
ports relative to planning and construction  
programs and projects. The agenda is avail-  
able in the second floor office of the minute  
clerk.

**Contact:** Lois Jean Turner, Dewitt C. Greer  
Building, Room 203, 11th and Brazos  
Streets, Austin, Texas, (512) 475-3525.

**Filed:** April 3, 1984, 1:29 p.m.  
TRD-843726

**Texas Department of Labor and  
Standards**

**Wednesday, April 11, 1984, 2 p.m.** The  
Labor/Licensing and Enforcement Division  
of the Texas Department of Labor and  
Standards will meet in the conference room,  
11th floor, E. O. Thompson Building, 920  
Colorado Street, Austin. According to the  
agenda, the division will discuss the profes-  
sional boxing rules, 16 TAC §61.5(e)(6)(R).

**Contact:** Larry Kosta, P.O. Box 12157,  
Austin, Texas, (512) 475-7001.

**Filed:** April 3, 1984, 10:34 a.m.  
TRD-843721

**Texas Legislative Council**

**Thursday, April 19, 1984, 10 a.m.** The Ad-  
visory Committee on Codification of Local  
Government Laws of the Texas Legislative  
Council will meet in Room 510, John H.  
Reagan Building, 105 West 15th Street,  
Austin. According to the agenda, the com-  
mittee will review and comment on the first

group of chapters of the local government title of the government code.

**Contact:** Mark Brown, P.O. Box 12128, Austin, Texas 78711, (512) 475-2736.

**Filed:** April 3, 1984, 12:35 p.m.  
TRD-843725

### **Texas State Board of Medical Examiners**

**Thursday, April 26, 1984, noon.** The Ad Hoc Committee for Liaison with the National Board of Medical Examiners of the Texas State Board of Medical Examiners will meet at 300 East Travis, San Antonio. According to the agenda, the committee will discuss the availability of National Board of Medical Examiners subject examinations to osteopaths. The committee may also meet in executive session under authority of Texas Civil Statutes, Article 6252-17, as related to Article 4495b, §4.05(d), §5.06(e)(1), and Attorney General Opinion H-484, 1974.

**Contact:** Jean Davis, 1101 Camino La Costa, Suite 201, Austin, Texas 78701, (512) 452-1078.

**Filed:** April 4, 1984, 9:18 a.m.  
TRD-843752

**Saturday, April 28, 1984, 12:15 p.m.** The Texas State Board of Medical Examiners will meet at 300 East Travis, San Antonio. According to the agenda, the board will discuss findings of the Long-Range Planning Committee, District Review Committee methods of operation, and approval of the minutes. The board may also meet in executive session under authority of Texas Civil Statutes, Article 6252-17, as related to Article 4495b, §4.05(d), §5.06(e)(1), and Attorney General Opinion H-484, 1974.

**Contact:** Jean Davis, 1101 Camino La Costa, Suite 201, Austin, Texas 78701, (512) 452-1078.

**Filed:** April 4, 1984, 9:18 a.m.  
TRD-843753

### **Board of Pardons and Paroles**

**Wednesday, April 11, 1984, 9:30 a.m.** The Board of Pardons and Paroles will meet in a rescheduled emergency session at 8610 Shoal Creek Boulevard, Austin. According to the agenda, the board will consider items on the agenda of April 3, 1984, which could

not be considered due to time constraints. Items on the agenda include a presentation of WITSEC placement and release procedure, a litigation report, and budgetary priorities and allocation of funds for fiscal years 1984-1987. The emergency status is necessary because consideration of these items, originally slated for the April 3, 1984, meeting, could not be completed due to time constraints. The meeting was originally scheduled for April 3, 1984, as published at 9 TexReg 1815.

**Contact:** Mike Roach, 8610 Shoal Creek Boulevard, Austin, Texas, (512) 459-2713.

**Filed:** April 4, 1984, 10:15 a.m.  
TRD-843763

### **Public Utility Commission of Texas**

**Monday, April 16, 1984, 10 a.m.** The Hearings Division of the Public Utility Commission of Texas will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin. According to the agenda, the division will conduct a rescheduled hearing in Docket 5192—petition of the City of Lucas for removal of restriction on General Telephone Company of the Southwest.

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

**Filed:** April 3, 1984, 2:18 p.m.  
TRD-843735

Additions to the previous agenda:

A second prehearing in Docket 5461—application of Clear Lake City Water Authority for a water and sewer certificate of convenience and necessity within Harris County.

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

**Filed:** April 5, 1984, 9:39 a.m.  
TRD-843821

A prehearing conference in Docket 5595—application of Guadalupe River Estates Water Company for a rate increase.

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

**Filed:** April 4, 1984, 9:19 a.m.  
TRD-843754

A prehearing conference in Dockets 5617, 5619, and 5629—applications of Houston Lighting and Power Company for certificates of convenience and necessity for Fair-

mont HA(E)-57 transmission line, Capitol Cogeneration HA(E)-57 transmission line, and Capitol Cogeneration HA(E)-56 transmission line.

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

**Filed:** April 4, 1984, 9:18 a.m.  
TRD-843775

**Tuesday, June 5, 1984, 10 a.m.** The Hearings Division of the Public Utility Commission of Texas will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin. According to the agenda, the division will conduct a hearing in Docket 5645—application of Associates Utility Company for a rate increase.

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

**Filed:** April 4, 1984, 2:12 p.m.  
TRD-843785

### **State Purchasing and General Services Commission**

**Thursday, April 5, 1984, 9:30 a.m.** The State Purchasing and General Services Commission made an emergency addition to the agenda of a meeting held in Room 916, LBJ Building, 111 East 17th Street, Austin. The addition concerned consideration of the authorizing of eminent domain proceedings to acquire property in the capitol complex. The emergency status was necessary because negotiations for the agreed purchase of the subject property broke down just prior to the commission meeting date and the necessity for acquiring the property made it necessary to consider eminent domain proceedings at this time.

**Contact:** Homer A. Foerster, P.O. Box 13047, Austin, Texas 78711, (512) 475-2211 or STS 822-2211.

**Filed:** April 4, 1984, 2:48 p.m.  
TRD-843788

### **State Committee of Examiners for Speech-Language Pathology and Audiology**

**Friday, April 13, 1984, 1:30 p.m.** The State Committee of Examiners for Speech-Language Pathology and Audiology will meet in Room T-407, Texas Department of Health, 1100 West 49th Street, Austin. Ac-

## Texas Register

ording to the agenda summary, the committee will approve the February 3, 1984, minutes; review comments received in the mail and at the public hearing concerning proposed rules published in the *Texas Register*; and consider matters relating to the development of the rule concerning continuing education, the review of application materials submitted to the committee, a report from the chair on the licensure forum held as a part of the annual Texas Speech-Language-Hearing Association meeting, other matters relating to committee operation, and the setting of the next meeting date.

**Contact:** June Robertson, 1100 West 49th Street, Austin, Texas, (512) 458-7531.

**Filed:** April 3, 1984, 4:17 p.m.  
TRD-843739

### Stephen F. Austin State University

**Monday, April 16, 1984, 1:30 p.m.** The Board of Regents Committees of Stephen F. Austin State University will meet in Room 307, Austin Building, university campus, Nacogdoches. According to the agenda summary, the board will approve the previous meeting minutes, consider personnel items, elect board officers, and approve budget adjustments, construction contracts, and summer and annual budgets, etc

**Contact:** Dr William R Johnson, Box 6078, Nacogdoches, Texas 75962, (409) 569-2201

**Filed:** April 4, 1984, 2:11 p.m.  
TRD-843786

**Tuesday, April 17, 1984, 9 a.m.** The Board of Regents of Stephen F. Austin State University will meet in Room 307, Austin Building, university campus, Nacogdoches. According to the agenda summary, the board will approve the previous meeting minutes, consider personnel items, elect board officers, and approve budget adjustments, construction contracts, and summer and annual budget, etc

**Contact:** Dr William R Johnson, Box 6078, Nacogdoches, Texas 75962, (409) 569-2201

**Filed:** April 4, 1984, 2:11 p.m.  
TRD-843787

### University System of South Texas

**Wednesday, April 11, 1984.** Committees of the Board of Directors of the University

System of South Texas will meet in the Shoreline Room, Sheraton Marina Inn, 300 North Shoreline Drive, Corpus Christi. Times, committees, and agendas follow.

**2 p.m.** The Committee for Naming Buildings will consider naming buildings at Corpus Christi State University and Texas A&I University

**2:15 p.m.** The Academic Programs Review Committee will consider new programs for institutions within the University System of South Texas.

**3 p.m.** The Planning Committee will consider a proposal for a planning grant.

**4 p.m.** The Building Committee will consider authorizing the award of contracts for renovation of Lynch Hall and the student family apartments at Texas A&I University, awarding a bid for a microcomputer laboratory and authorizing the administration to seek bids for street repair work at Corpus Christi State University, and other construction needs within the University System of South Texas.

**Contact:** William C. English, P.O. Box 1238, Kingsville, Texas 78363, (512) 595-2208.

**Filed:** April 4, 1984, 9:19 a.m.  
TRD-843755-843758

**Thursday, April 12, 1984, 8:30 a.m.** The Finance and Development Committee of the Board of Directors of the University System of South Texas will meet in Conference Room I, Student Center, Corpus Christi State University, 6300 Ocean Drive, Corpus Christi. Items on the agenda include coordination of system fund raising and consideration of an endowment

**Contact:** William C. English, P.O. Box 1238, Kingsville, Texas 78363, (512) 595-2208

**Filed:** April 4, 1984, 9:19 a.m.  
TRD-843759

**Thursday, April 12, 1984, 9:45 a.m.** The Board of Directors of the University System of South Texas will meet in Conference Room II, Student Center, Corpus Christi State University, 6300 Ocean Drive, Corpus Christi. Items on the agenda include consideration of the January 12, 1984, minutes; gifts and donations; small class reports; the spring semester 1984; budget changes; a signature change and the sale of surplus property at Laredo State University; reappointment of nine members of the Texas A&I Citrus Center Advisory Committee; personnel action; the proposed budget for the 1984-1985 fiscal year; recommendations of professor emeritus rank at Texas A&I Uni-

versity; the time and place of the next meeting; reports from standing committees, the presidents, and chancellor; and discussion of personnel matters, acquisition of real estate, and legal matters within the University System of South Texas

**Contact:** William C. English, P.O. Box 1238, Kingsville, Texas 78363, (512) 595-2208

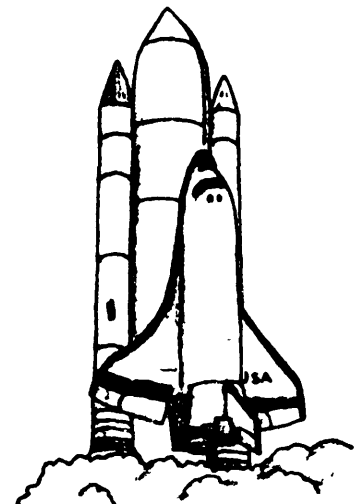
**Filed:** April 4, 1984, 9:19 a.m.  
TRD-843760

### Veterans Land Board

**Thursday, April 12, 1984, 4 p.m.** The Veterans Land Board of the General Land Office will meet in Room 831, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the board will approve the March 21, 1984, minutes; consider adoption of a resolution approving bidding instructions; an official notice and official statement for veterans land bonds, Series 1984A; adoption of a resolution authorizing the issuance of and sale of veterans land bonds, Series 1984A; bids and awarding contract for paying agent/registrar bids for bonds and take such action in connection with the sale of bonds as shall be consistent by the board to be appropriate and/or necessary; approval of rules for the Housing Assistance Program concerning straight \$20,000 loans, second lien loans, and "take out" loans; forfeiture action on delinquent board accounts, and general business.

**Contact:** Harmon Lisnow, Stephen F. Austin Building, Room 711, 1700 North Congress Avenue, Austin, Texas, (512) 475-3766

**Filed:** April 4, 1984, 2:14 p.m.  
TRD-843777





**Texas Water Commission**

**Tuesday, April 10, 1984, 10 a.m.** The Texas Water Commission made an emergency addition to the agenda of a meeting to be held in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. The addition concerned the filing and setting of a hearing date on an application by the City of Dallas and Dallas County Utility and Reclamation District to amend Certificate of Adjudication 08-2457. The emergency status was necessary for the applicant to meet contractual obligations.

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

**Filed:** April 4, 1984, 9:57 a.m.  
TRD-843762

**Wednesday, April 25, 1984, 10 a.m.** The Texas Water Commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the commission will conduct a hearing on a resolution for conversion of Post Oak Road Municipal Utility District.

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

**Filed:** April 4, 1984, 1:37 p.m.  
TRD-843778

**Thursday, May 17, 1984, 8:30 a.m.** The Texas Water Commission will meet in the Tyler City Council Room, second floor, city hall, 212 North Bonner, Tyler. According to the agenda summary, the commission will consider an application to the Texas Department of Water Resources by Wilbur Bugg, doing business as Paradise Mobile Home Park, Route 11, Box 823, Tyler, Texas 75709, for proposed Permit 12517-01 to authorize a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 15,000 gallons per day from the proposed Paradise Wastewater Treatment Plant, which is to serve a mobile home park.

Addition to the above agenda.

Application to the Texas Department of Water Resources by Gibraltar Chemical Resources, Inc. (formerly Gibraltar Wastewaters, Inc.), P O Box 1640, Kilgore, Texas 75662, for an amendment to Permit WDW-186 and for new Permit WDW-229, both to authorize the operations of commercial hazardous waste disposal wells and associated solid waste management facilities, comprised of the surface facilities to store and process hazardous and Class I and Class II solid wastes. Permit WDW-186 is being amended to conform the permit to the

department's existing underground injection control regulations to cover both the existing injection well and all preinjection surface facilities. Proposed Permit WDW-229 will authorize a new injection well. The surface facility components consist of storage and processing tankage with a total capacity of 473,000 gallons, a storage area for 1,500 containers with a total capacity of 82,500 gallons, and a thin-film evaporator with a maximum throughput rate of 500 gallons per hour. The types of wastes to be accepted at this facility for injection are liquid wastes, excluding PCB and radioactive wastes, which cannot be economically disposed of by methods other than deep well injections. The type of wastes to be accepted at this facility for reclamation are liquid waste solvents amenable to recovery. The volume of wastewater injected into each well shall not exceed 8,928 million gallons per month at a maximum injection rate not to exceed 200 gallons per minute. The annual volume for each well shall not exceed 105.12 million gallons. The proposed injection zone is the Woodbine Sand in the approximate subsurface interval between 4,850 and 5,500 feet. The applicant shall secure and maintain in full force and effect at all times a performance bond or other form of financial security to provide for proper plugging and abandonment of the waste disposal wells and for the proper closure of the surface facilities.

**Contact:** James K. Rourke, P O Box 13087, Austin, Texas 78711, (512) 475-1339.

**Filed:** April 3, 1984, 10:41 a.m.  
TRD-843722, 843723

**Regional Agencies****Meetings Filed April 3**

**The Bexar Appraisal District, Appraisal Review Board,** met in emergency session at 535 South Main, San Antonio, on April 4, 1984, at 9 a.m. The board also will meet at the same location on April 11-13, 17, 24, and 27, 1984, at 9 a.m. daily. Information may be obtained from Bill Burnette, 535 South Main, San Antonio, Texas 78204, (512) 224-8511.

**The Golden Crescent Regional Planning Commission, Executive and Budget Committees,** met jointly in emergency session in the conference room, second floor, 115 South Main, Victoria, on April 5, 1984, at 4 p.m. Information may be obtained from Patrick J. Kennedy, P O Box 2028, Victoria, Texas 77902, (512) 578-1587, ext. 7.

**The Golden Crescent Service Delivery Area, Private Industry Council,** met in the Texas Employment Commission Office, 1301 East Rio Grande, Victoria, on April 9, 1984, at 7 p.m. Information may be obtained from Patrick J. Kennedy, P O. Box 2028, Victoria, Texas 77902, (512) 578-1587.

**The Gray County Appraisal District, Board of Directors,** will meet in Suite 196-A, Hughes Building, 400 West Kingsmill, Pampa, on April 12, 1984, at 5:30 p.m. Information may be obtained from Charles Buzzard, P.O. Box 836, Pampa, Texas 79065, (806) 665-0791.

**The Hunt County Tax Appraisal District, Board of Directors,** will meet in the board room, 4815-B King Street, Greenville, on April 12, 1984, at 7 p.m. Information may be obtained from Henry J. Popp or Jeanne Penney, 4815-B King Street, Greenville, Texas 75401, (214) 454-3510.

TRD-843724

**Meetings Filed April 4**

**The Austin-Travis County Mental Health and Mental Retardation Center, Board of Trustees,** met in emergency session in the board room, 1430 Collier Street, Austin, on April 5, 1984, at 7 a.m. Information may be obtained from Sharon Taylor, 1430 Collier Street, Austin, Texas 78704, (512) 447-4141.

**The Bell County Appraisal District** will meet on the second floor, commissioners courtroom, county courthouse, Belton, on April 18, 1984, at 7 p.m. Information may be obtained from Tolly Moore, P O Box 390, Belton, Texas 76513-0390, (817) 939-3521, ext. 410.

**The Eastland County Appraisal District, Board of Directors,** will meet in the commissioners courtroom, county courthouse, Eastland, on April 18, 1984, at 3 p.m. Information may be obtained from Steve Thomas, P O Box 914, Eastland, Texas 76448, (817) 629-8597.

**The Garza County Appraisal District, Board of Directors,** will meet in the appraisal office, courthouse, Post, on April 12, 1984, at 9 a.m. Information may be obtained from Jean M. Westfall, P O Drawer F, Post, Texas 79356, (806) 495-3518.

**The Hansford County Appraisal District, Board of Directors,** met in emergency session at 13 West Kenneth Avenue, Spear-

## Texas Register

man, on April 5, 1984, at 9 a.m. Information may be obtained from Alice Peddy, 13 West Kenneth Avenue, Spearman, Texas 79081, (806) 659-5575.

**The High Plains Underground Water Conservation District 1, Board of Directors, will meet in the conference room, 2930 Avenue Q, Lubbock, on April 12, 1984, at 10 a.m. Information may be obtained from A. Wayne Wyatt, 2930 Avenue Q, Lubbock, Texas 79405, (806) 762-0181.**

**The Lower Colorado River Authority, Finance and Administration Committee, will meet at 3700 Lake Austin Boulevard, Austin, on April 11, 1984, at 9 a.m. Information may be obtained from Elof H. Soderberg, P.O. Box 220, Austin, Texas 78767, (512) 473-3200.**

**The Palo Pinto Appraisal District, Board of Directors, will meet at the Palo Pinto County Courtroom, Palo Pinto, on April 11, 1984, at 3 p.m. Information may be obtained from John Winters, 100 Southeast**

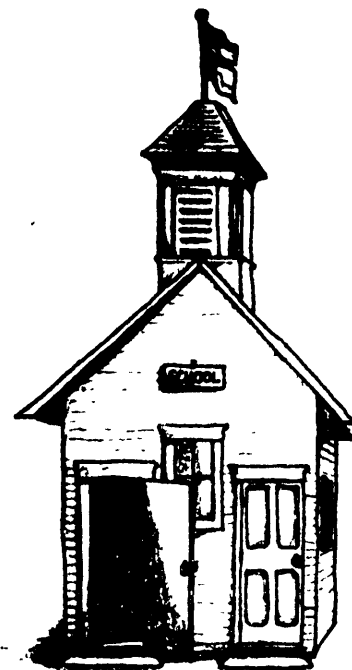
**Fifth Street, Mineral Wells, Texas 76067, (817) 659-3651.**

**The Swisher County Appraisal District, Board of Directors, will meet at 130 North Armstrong, Tulia, on April 12, 1984, at 8 p.m. Information may be obtained from Rose Lee Powell, 130 North Armstrong, Tulia, Texas 79088, (806) 655-4118.**

**The Central Tax Authority of Taylor County, Board of Directors, will meet at 340 Hickory Street, Abilene, on April 11, 1984, at 10 a.m. Information may be obtained from Richard Petree, RPA, P.O. Box 1800, Abilene, Texas 79604, (915) 676-9381.**

**The Tyler County Tax Appraisal District, Board of Review, will meet at 1004 West Bluff, Woodville, on April 16, 1984, at 7 p.m. Information may be obtained from Mary Mann, 1004 West Bluff, Woodville, Texas 75979, (409) 283-3736.**

TRD-843774



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

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

# In Addition

## Texas Health Facilities Commission Applications Accepted for Amendment, Declaratory Ruling, and Notices of Intent

Notice is hereby given by the Texas Health Facilities Commission of applications accepted as of the date of this publication. In the following list, the applicant is listed first, file number second, the relief sought third, and a description of the project fourth. DR indicates declaratory ruling; AMD indicates amendment of previously issued commission order; CN indicates certificate of need; PFR indicates petition for reissuance; NIE indicates notice of intent to acquire major medical equipment; NIEH indicates notice of intent to acquire existing health care facilities; NIR indicates notice of intent regarding a research project; NIE/HMO indicates notice of intent for exemption of HMO-related project; and EC indicates exemption certificate.

Should any person wish to become a party to any of the previously stated applications, that person must file a proper request to become a party to the application within 15 days after the date of this publication of notice. If the 15th day is a Saturday, Sunday, state or federal holiday, the last day shall be extended to 5 p.m. of the next day that is not a Saturday, Sunday, state or federal holiday. A request to become a party should be mailed to the chair of the commission at P.O. Box 50049, Austin, Texas 78763, and must be received at the commission no later than 5 p.m. on the last day allowed for filing of a request to become a party.

The contents and form of a request to become a party to any of these applications must meet the criteria set out in 25 TAC §515.9. Failure of a party to supply the nec-

essary information in the correct form may result in a defective request to become a party.

Richardson Medical Center/B. B. Owen  
Memorial Hospital, Richardson  
AH80-0911-007A(032884)

CN/AMD—Request for an extension of the completion deadline from March 31, 1984, to December 31, 1984, and to increase the project cost from \$13,497,500 to \$14,014,370 in Certificate of Need AH80-0911-007, which authorized the certificate holder to conduct an extensive construction and renovation project which includes a new three-floor building addition containing 77,620 square feet and renovation of 21,623 square feet of existing areas in the hospital.

Fort Worth Osteopathic Medical Center,  
Fort Worth  
AH82-0920-047A(032984)

CN/AMD—Request for an increase in the project cost from \$14.332 million to \$15.965 million in Certificate of Need AH82-0920-047, which authorized the certificate holder to conduct an extensive construction and renovation project.

The Methodist Hospital, Houston  
AN84-0328-188

NIR—Request for a declaratory ruling that a certificate of need is not required for The Methodist Hospital to purchase a 0.5 Tesla superconducting magnetic resonance imaging (MRI) system to be used solely for research purposes.

Wilson N. Jones Memorial Hospital, Sherman  
AH81-1230-021A(031584)

CN/AMD—Request for an amendment of Certificate of Need AH81-1230-021, which authorized the certificate holder to conduct an extensive construction and renovation project. The certificate holder

requests an increase in new construction from 52,900 square feet to 55,250 square feet.

Issued in Austin, Texas, on April 4, 1984

TRD-843761      Judith Monaco  
Assistant General Counsel  
Texas Health Facilities  
Commission

Filed April 4, 1984

For further information, please call (512) 475-6940.

## State Board of Insurance Company Licensing

The following applications have been filed with the State Board of Insurance and are under consideration:

(1) Application for incorporation of American Federation Life Insurance Company, to be a domestic life insurance company. The home office is proposed to be in Houston

(2) Application for a name change by United Standard Assurance Company, a foreign life insurance company. The home office is in Indianapolis, Indiana. The proposed new name is William Penn Life Insurance Company of America.

(3) Application for a name change by Prairie State Insurance Company, a domestic casualty insurance company. The home office is in Austin. The proposed new name is Insurance Company of the Prairie States.

(4) Application for a name change by John Alden Insurance Company, a foreign fire and casualty insurance company. The home office is in Greenville, South Carolina. The proposed new name is Great Western Insurance Company.

(5) Application for a name change by U.S. Life Insurance Company, a domestic life insurance company. The home office is in Waco. The proposed new name is Brazos Life Insurance Company.

(6) Application for admission to do business in Texas of Gerling Global Life Insurance Company, a foreign life insurance company. The home office is in Toronto, Canada.

(7) Application for admission to do business in Texas of American Central Insurance Company, a foreign fire and casualty insurance company. The home office is in Kansas City, Missouri.

(8) Application for admission to do business in Texas of Prairie State Farmers Insurance Association, a foreign fire and casualty insurance company. The home office is in Bloomington, Illinois

(9) Application for a name change by Tidelands Life Insurance Company, a domestic life insurance company. The home office is in Fort Worth. The proposed new name is United International Life Insurance Company.

Issued in Austin, Texas, on March 29, 1984

TRD-843683      James W. Norrnan  
Chief Clerk  
State Board of Insurance

Filed: April 2, 1984

For further information, please call (512) 475-2950.

## Texas State Library and Archives Commission Consultant Contract Reports

Senate Bill 737 of the 65th Legislature, Texas Civil Statutes, Article 6252-11c, requires state agencies and regional councils of governments to file with the Office of the Secretary of State invitations to bid and details on bidding on private consultant contracts expected to exceed \$10,000. Within 10 days of the award of the contract, the agency is required to file with the Office of the Secretary of State a description of the study to be conducted, the name of the consultant, the amount of the contract, and the due dates of the reports. Additionally, the Act directs the contracting agencies to file copies of the resulting reports with the Texas State Library. The library is required to compile a list of the reports received and submit the list quarterly for publication in the *Texas Register*.

Following is the list of reports received for the first quarter of 1984. The reports may be examined in Room 300, Texas State Library and Archives Commission, 12th and Brazos Streets, Austin.

Agency: Capital Area Planning Council  
Consultant: Traffic Engineers, Inc.  
Title: *Public Mass Transportation Feasibility Study—CAPCO West Subregion*

Agency: Central Texas Council of Governments.  
Consultant: McDonald Transit Associates, Inc.  
Title: *Transit Feasibility Study for the Killeen/Temple/Copperas Cove Urban Corridor.*

Agency: Heart of Texas Council of Governments.  
Consultant: Alexander Grant & Company.  
Title: *Financial Report, 1983FY.*

Agency: General Land Office.  
Consultant: Arthur Andersen & Company.  
Title: *General Land Office Financial Accounting System—Management Summary Report.*

Consultant: Peat, Marwick, Mitchell, & Company.  
Titles: *Field Audit of Bolivar Field with Respect to Royalties Due to the State of Texas from Tenneco Oil Company.*

*Field Audit of Mustang Island Field with Respect to Royalties Due to the State of Texas from Samean Oil Corporation.*

*Field Audit of Mustang Island Field with Respect to Royalties Due to the State of Texas from Oxy Petroleum, Inc.*

*Field Audit of El Gordo Block with Respect to Royalties Due to the State of Texas from Corpus Christi Oil & Gas.*

Agency: Texas Department of Mental Health and Mental Retardation.  
Consultant: Penelope Carragone  
Title: *Comparison of Case Management Work Activity and Current Models of Work Activity with the Texas Department of Mental Health and Mental Retardation.*

Agency North Central Texas Council of Governments.  
Consultant: Peat, Marwick, Mitchell, & Company.  
Titles: *Dallas Transit Financing Study, Final Report*  
*Dallas Transit Financing Study, Executive Summary*  
*Regional Transit Service Plan Financial Analysis.*  
*DTS Operations Management Study*  
Consultant: Booz-Allen and Hamilton, Inc.  
Title: *Dallas Transit System Maintenance Study.*  
Consultant: William G. Barker & Associates.  
Title: *Transit Development Program Update (Phase I) for the City of Fort Worth.*

Agency State Purchasing and General Services Commission  
Consultant Service Engineering Associates, Inc.  
Title: *Housekeeping Management Report for State of Texas*

Issued in Austin, Texas, on March 30, 1984.

TRD-843684 William D Gooch  
Assistant State Librarian  
Texas State Library and Archives  
Commission

Filed April 2, 1984

For further information, please call (512) 475-2166.

## Public Utility Commission of Texas Consultant Contract Award

This consultant award is filed under the provisions of Texas Civil Statutes, Article 6252-11c. The consultant proposal request was published in the January 27, 1984, issue of the *Texas Register* (9 TexReg 526).

**Description of Project.** The project consists of an evaluation of the effectiveness of a statewide residential energy cost program.

**Name and Address of the Consultant.** The consultant selected is Applied Research Consultant, 6894 Fox Point Drive, Peoria, Illinois 61614.

**Total Value and Dates of Contract.** The term of this contract began March 27, 1984, and shall terminate on November 16, 1984. The cost will not exceed \$20,100.

**Due Dates of Documents.** All drafts and reports prepared by the consultant under this contract shall be submitted upon completion throughout the period of performance of this contract.

Issued in Austin, Texas, on April 2, 1984

TRD-843690 Rhonda Colbert Ryan  
Secretary of the Commission  
Public Utility Commission of  
Texas

Filed: April 2, 1984

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

## Texas Department of Mental Health and Mental Retardation Public Hearing

At the request of the Texas State Employees Union, the Texas Department of Mental Health and Mental Retardation has rescheduled a public hearing to receive comments on a proposed rule governing client abuse and neglect in TDMHMR facilities (Texas Administrative Code, Title 25, Chapter 405, Subchapter O)

The hearing, originally scheduled for April 11, 1984, will be held at 10 a.m. on April 20, 1984, in the department's auditorium, 909 West 45th Street, Austin. Presentations may be time-limited at the discretion of the department.

Issued in Austin, Texas, on April 4, 1984

TRD-843764 Gary E. Miller, M.D.  
Commissioner  
Texas Department of Mental  
Health and Mental Retardation

Filed April 4, 1984

For further information, please call (512) 465-4670.

## Correction of Error

A proposed rule submitted by the Texas Department of Mental Health and Mental Retardation contained an error as submitted in the March 23, 1984, issue of the *Texas Register* (9 TexReg 1690) Section 403.558(a)(16) should read:

(16) Advocacy, Inc

## Texas Savings and Loan Department Charter Applications and Hearings

Application has been made to the savings and loan commissioner of Texas for the approval of the following charter:

Docket Number and Application	Applicant's Agent/Attorney
Number 279-83 National Savings Association for northwest corner of FM Road 149 and Gessner Harris County	Barry J. Palmer Dotson, Babcock, and Scotfield 4200 InterFirst Plaza Houston, Texas 77002

A hearing on the application will be held at 9 a.m. on April 12, 1984, in the hearing room of the Savings and Loan Department of Texas, 1004 Lavaca Street, Austin, pursuant to authority and jurisdiction granted by the Texas Savings and Loan Act, Texas Civil Statutes, Article 852a.

The nature and purpose of the hearing is to accumulate a record of pertinent information and data in support of the application and in opposition to the application, from which record the commissioner shall determine whether to grant or deny the application. The hearing may be con-

tinued from day to day at the same location if not concluded on the day it commences.

The particular sections of Article 852a involved are §§2.01-2.09 and 11.11. The particular rules involved are 7 TAC §§51.1-51.13 of the rules of the Texas Savings and Loan Department. Such rules are on file with the *Texas Register*, Office of the Secretary of State, or may be seen at the department's offices.

The applicants for charter assert that the prerequisites, where applicable, set forth in the Act, §§2.02-2.06, have been met; the character, responsibility, and general fitness of the persons named in the articles of incorporation are such as to command confidence and warrant belief that the business of the proposed association will be honestly and efficiently conducted and that the proposed association will have qualified full-time management; there is a public need for the proposed association, and the volume of business in the community in which the proposed association will conduct its business is such as to indicate a profitable operation; and the operation of the proposed association will not unduly harm any existing association.

Anyone desiring to oppose this application may do so by appearing at the scheduled hearing; however, it is requested and advisable that persons who plan to oppose this application notify the commissioner of their intentions at P.O. Box 1089, Austin, Texas 78767, by filing a written protest at least 10 days before the scheduled hearing. The protest should include the docket number of the application, and a copy should be sent to the applicant's agent or attorney previously listed.

Issued in Austin, Texas, on April 2, 1984

TRD-843710

Russell R. Oliver  
General Counsel  
Texas Savings and Loan  
Department

Filed: April 2, 1984

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

Application has been made to the savings and loan commissioner of Texas for the approval of a charter for First American Savings Banc—A Savings Association, northeast corner of Oak Ridge and Airport Freeway, North Richland Hills, Tarrant County.

A hearing on the application will be held at 9 a.m. on April 10, 1984, in the offices of the Savings and Loan Department of Texas, 1004 Lavaca Street, Austin, pursuant to authority and jurisdiction granted by the Texas Savings and Loan Act, Texas Civil Statutes, Article 852a.

The nature and purpose of the hearing is to accumulate a record of pertinent information and data in support of the application and in opposition to the application, from which record the commissioner shall determine whether to grant or deny the application. The hearing may be continued from day to day at the same location if not concluded on the day it commences.

The particular sections of Article 852a involved are §§2.01-2.09 and 11.11. The particular rules involved are

7 TAC §§51.1-51.13. Such rules are on file with the *Texas Register*, Office of the Secretary of State, or may be seen at the department's offices.

The applicants for charter assert that the prerequisites, where applicable, set forth in the Act, §§2.02-2.06, have been met; the character, responsibility, and general fitness of the persons named in the articles of incorporation are such as to command confidence and warrant belief that the business of the proposed association will be honestly and efficiently conducted and that the proposed association will have qualified full-time management; there is a public need for the proposed association, and the volume of business in the community in which the proposed association will conduct its business is such as to indicate a profitable operation; and the operation of the proposed association will not unduly harm any existing association.

Anyone desiring to oppose this application may do so by appearing at the scheduled hearing; however, it is requested and advisable that persons who plan to oppose this application notify the commissioner of their intentions at P.O. Box 1089, Austin, Texas 78767.

Issued in Austin, Texas, on January 23, 1984

TRD-843709

Russell R. Oliver  
General Counsel  
Texas Savings and Loan  
Department

Filed: April 2, 1984

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

## Texas Water Commission Applications for Waste Disposal Permits

Notice is given by the Texas Water Commission of public notices of waste disposal permit applications issued during the period of March 26-30, 1984

No public hearing will be held on these applications unless an affected person has requested a public hearing. Any such request for a public hearing shall be in writing and contain the name, mailing address, and phone number of the person making the request; and a brief description of how the requester, or persons represented by the requester, would be adversely affected by the granting of the application. If the commission determines that the request sets out an issue which is relevant to the waste discharge permit decision, or that a public hearing would serve the public interest, the commission shall conduct a public hearing, after the issuance of proper and timely notice of the hearing. If no sufficient request for hearing is received within 30 days of the date of publication of notice concerning the applications, the permit will be submitted to the commission for final decision on the application.

Information concerning any aspect of these applications may be obtained by contacting the Texas Water Commission, P.O. Box 13087, Austin, Texas 78711, (512) 475-2678.

Listed is the name of the applicant and the city in which each facility is located; type of facility; location of the facility; permit number; and type of application—new permit, amendment, or renewal.

**Period of March 26-30, 1984**

New Caney Truck Terminal, Inc., New Caney; Union 76 Truck Stop; in the southwest quadrant formed by the intersection of U.S. Highway 59 and FM Road 1485, near the town of New Caney, Montgomery County; 02690; new permit

Chasewood Water Supply Corporation, Houston; wastewater treatment plant; at 20131 FM Road 149, immediately northwest of the point where FM Road 149 crosses Cypress Creek in Harris County; 12541-01; amendment

Johany Nelms, Pasadena; dance hall; 6700 IH 10 East, approximately 1,000 feet south of IH 10 and approximately one mile west of Sjolander Road in Harris County; 12904-01; new permit

Catherine E. Smith, Harlingen; residential development; approximately 700 feet east of FM Road 800 and approximately 4,000 feet south of State Highway 374 in Cameron County; 12905-01; new permit

World/Houston, Inc., Houston; wastewater treatment plant; approximately one mile west of U.S. Highway 59, at 5000 North Belt Road, in the City of Houston in Harris County; 12026-01; renewal

Kirby Forest Industries, Inc., Bon Weir; bleached kraft pulp mill; approximately one mile south of FM Road 363, approximately 1.5 miles west of the town of Bon Weir in Newton County; 02106; renewal

City of Terrell; wastewater treatment plant; immediately north of the FM Road 2578 bridge across Bachelor Creek in Kaufman County; 10747-02; renewal

City of Clifton; wastewater treatment plant; on the west bank of the North Bosque River immediately south of FM Road 219 on the east side of Clifton in Bosque County; 10043-01; renewal

Texas Department of Corrections, Huntsville; wastewater treatment plant; on the east bank of Oys-

ter Creek approximately five miles west and ½ mile north of the intersection of State Highway 288 and FM Road 655 in Brazoria County; 11529-01; renewal  
Sam Hughes, Baytown; sewage treatment plant; east of Cedar Bayou, approximately 1,600 feet north of the confluence of Horsepen Bayou and Cedar Bayou, approximately 6,500 feet southwest of the intersection of IH 10 and State Highway 146, within Chambers County; 12043-01; renewal

City of Jacksboro; wastewater treatment plant; northwest of the intersection of Oakwood Avenue and North Bowie Street (State Highway 59) in the City of Jacksboro in Jack County; 10994-02; renewal

City of Groves; wastewater treatment plant; the southeast end of the Taft Street extension, approximately 2,000 feet northwest of the Sabine-Neches Canal in the City of Groves, Jefferson County; 10094-01; renewal

City of Comanche; wastewater treatment plant; southeast of the intersection of Fleming Avenue and Park Street and north of Indian Creek in Comanche County; 10719-01; renewal

City of Sweeny; wastewater treatment plant; approximately two miles northeast of Sweeny on the west bank of the San Bernard River in Brazoria County; 10297-01; renewal

City of Celina; wastewater treatment plant; on North Westway Drive, approximately 2,500 feet north of the intersection of Westway Drive and FM Road 455 in Collin County; 10041-01; amendment

City of Pasadena; wastewater treatment plant; on the east and west banks of Vince Bayou; west of McDonald Street and north of West Richey Access Road in Harris County; 10053-05; renewal

Issued in Austin, Texas, on March 30, 1984

TRD-843685            Mary Ann Hefner  
                                 Chief Clerk  
                                 Texas Water Commission

Filed: April 2, 1984  
For further information, please call (512) 475-4514.

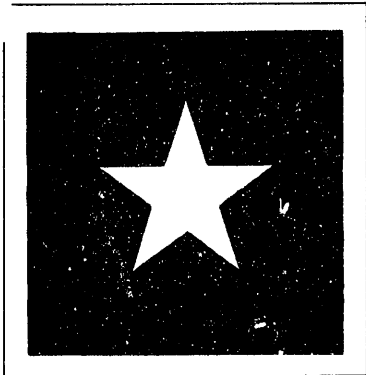
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