

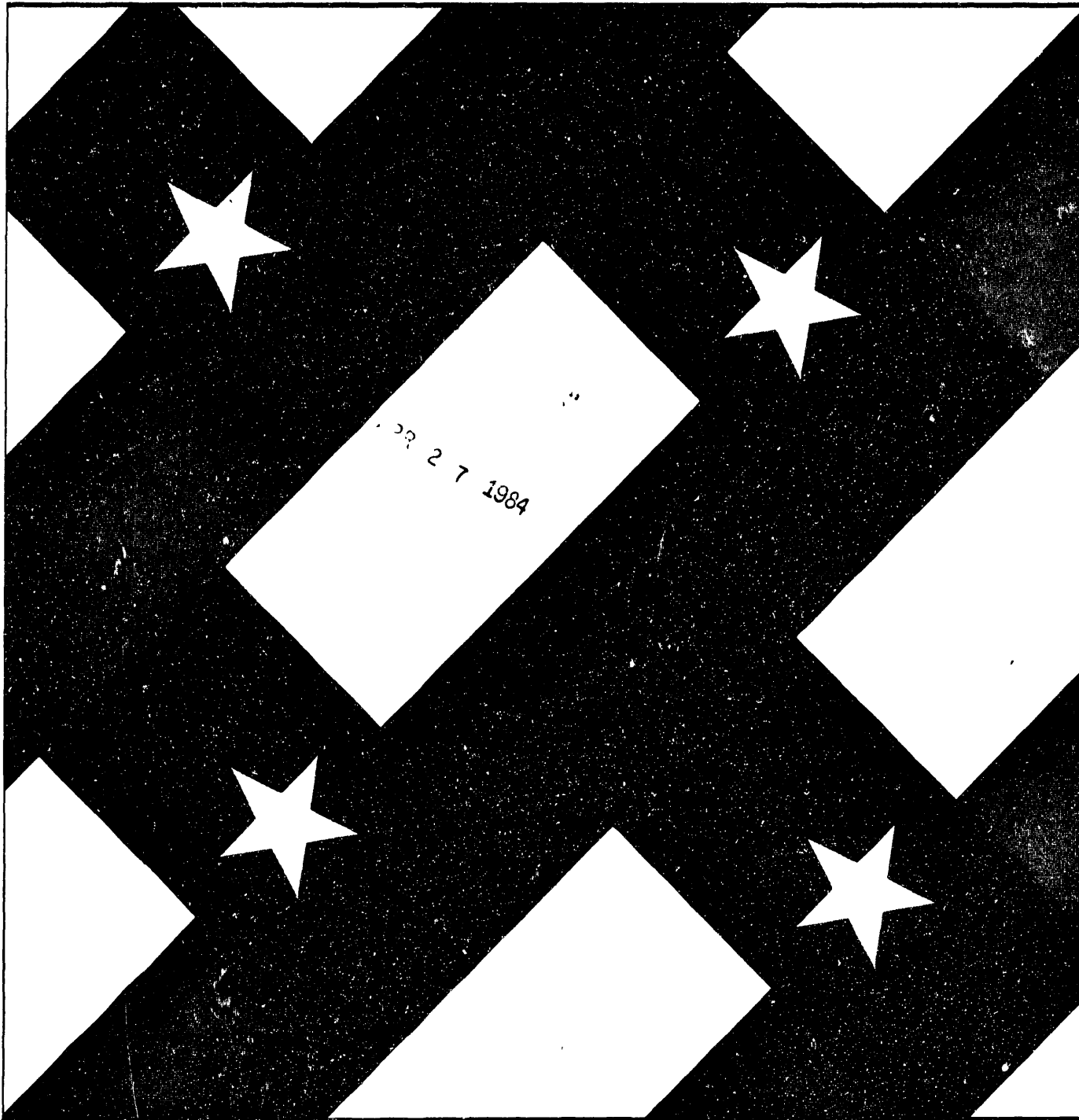
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Texas Register

Volume 9, Number 32, April 27, 1984

Pages 2341 - 2408



Highlights

The Texas Education Agency adopts on an emergency basis amendments concerning general content requirements and manufacturing standards

Effective date - April 19 page 2351

The Texas Water Development Board proposes

new sections in a chapter concerning the Edwards Aquifer. Earliest possible date of adoption - May 28 page 2354

The Comptroller of Public Accounts proposes amendments concerning imposition of tax on effective date. Earliest possible date of adoption - May 28 page 2365

**Office of
the Secretary
of State**

Texas Register

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

- Governor—appointments, executive orders, and proclamations
- 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- Withdrawn Rules—rules withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date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
- Open Meetings—notices of open meetings
- In Addition—miscellaneous information required to be published by statute or provided as a public service

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

How To Cite: Material published in the *Texas Register* is referenced by citing the volume in which a document appears, the words "TexReg," and the beginning page number on which that document was published. For example, a document published on page 2402 of Volume 6 (1981) is cited as follows: 6 TexReg 2402.

In order that readers may cite material more easily, page numbers are now written as citations. Example: on page 2, in the lower left-hand corner of the page, would be written: "9 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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As required by Texas Civil Statutes, Article 6252-13a, §6, the *Register* publishes executive orders issued by the Governor of Texas. Appointments made and proclamations issued by the governor are also published. Appointments are published in chronological order

Additional information on documents submitted for publication by the Governor's Office can be obtained by calling (512) 475-3021.

The Governor

Appointments Made March 28

State Board of Barber Examiners

To represent the public for a term to expire January 31, 1987:

Vera LeBlanc
1517 Franklin
Nederland, Texas 77627

Ms. LeBlanc is replacing Dean D. Stanton of San Angelo, whose term expired.

Issued in Austin, Texas, on March 28, 1984.

TRD-844354 Mark White
Governor of Texas

Interstate Oil Compact Commission

To the Regulatory Practices Committee for a term to continue at the pleasure of this governor:

Kenneth Loep
President
American National Petroleum Company
P.O. Box 42175
Houston, Texas 77242

To the Public Lands Committee for a term to continue at the pleasure of this governor:

Garry Mauro
Land Commissioner
Stephen F. Austin Building
1700 North Congress Avenue
Austin, Texas 78701

Issued in Austin, Texas, on March 28, 1984.

TRD-844355, Mark White
844356 Governor of Texas

Appointments Made March 30

Lamar University

To the Board of Regents for a term to expire October 4, 1987:

Joseph D. Deshotel
1585 Cartwright
Beaumont, Texas 77701

Mr. Deshotel is replacing Hubert Oxford III, who resigned.

To the Board of Regents for terms to expire October 4, 1989:

A. H. (Bob) Montagne
P.O. Box 249
Orangefield, Texas 77639

Mr. Montagne is being reappointed.

Lloyd L. Hayes
3737 Park Lane
Port Arthur, Texas 77642

Mr. Hayes is being reappointed.

Thomas Maes II
1590 Continental Lane
Beaumont, Texas 77706

Mr. Maes is being reappointed.

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

TRD-844357- Mark White
844360 Governor of Texas



Appointments Made April 2

112th Judicial District

To be judge of the 112th Judicial District, Crockett, Pecos, Reagan, Sutton, and Upton Counties, until the next general election and until his successor shall be elected and duly qualified.

M. Brock Jones, Jr.
35 Juno Route
Ozona, Texas 76943

Judge Jones is replacing Troy D. Williams of Ozona, who resigned.

Issued in Austin, Texas, on April 2, 1984.

TRD-844361 Mark White
Governor of Texas

13th Judicial Court of Appeals

To be judge of the 13th Judicial Court of Appeals, until the next general election and until his successor shall be elected and duly qualified:

Robert J. Seerden
P.O. Drawer E
Victoria, Texas 77902

Mr. Seerden is replacing Gerald T. Bissett of Corpus Christi, who resigned.

Issued in Austin, Texas, on April 2, 1984.

TRD-844362 Mark White
Governor of Texas

Appointments Made April 3

Texas Air Control Board

For a term to expire September 1, 1989:

Hubert Oxford III
P.O. Box 150
Beaumont, Texas 77704

Mr. Oxford is replacing Frank H. Lewis of Bay City, who resigned.

Issued in Austin, Texas, on April 3, 1984.

TRD-844363 Mark White
Governor of Texas

Galveston Bar and Houston Ship Channel

To be branch pilots for terms to expire February 29, 1988:

Don A. Clark
4008 Chile Drive
Pasadena, Texas 77504

Michael P. Gale
1114 West Meyer
Seabrook, Texas 77586

Thomas E. Phelps
1015 Woodhorn Drive
Houston, Texas 77062

Joseph W. Warfield
4102 Elderwood
Seabrook, Texas 77586

Issued in Austin, Texas, on April 3, 1984.

TRD-844365 Mark White
Governor of Texas

Ports of Galveston County

To be branch pilots for terms to expire November 1, 1987:

John M. Lane
2506 Gerol Circle
Galveston, Texas 77551

Charles R. Gilchrist II
565 Warsaw
Hitchcock, Texas 77563

Issued in Austin, Texas, on April 3, 1984.

TRD-844367 Mark White
Governor of Texas

Texas Rehabilitation Commission

For a term to expire August 31, 1989:

Ernestine Washington
4450 Cartwright
Beaumont, Texas

Ms. Washington is replacing Jack Dale of Houston, whose term expired.

To be chairman for a term to continue at the pleasure of this governor and pursuant to the Human Resources Code, §111.013(c):

Jerry Kane
1017 Sudan
Corpus Christi, Texas 78408

Mr. Kane is replacing Dr. George H. McCullough of Fort Worth.

Issued in Austin, Texas, on April 3, 1984.

TRD-844364, Mark White
844368 Governor of Texas

Interagency Council on Sex Offender Treatment

For a term to expire February 1, 1985:

Collier M. Cole
2905 Cottonwood Drive
Dickinson, Texas 77539

Dr. Cole is replacing Tom Burditt, Jr., of Austin, who resigned.

Issued in Austin, Texas, on April 3, 1984.

TRD-844366 Mark White
Governor of Texas

Appointments Made April 4

Brazos Santiago Pass, Bar, and Tributaries

To be a branch pilot for a term to expire December 31, 1987:

Captain Douglas M. Grant
P.O. Box 1887
Port Isabel, Texas 78578

Issued in Austin, Texas, on April 4, 1984.

TRD-844374 Mark White
Governor of Texas

Galveston Bar and Houston Ship Channel

To be branch pilots for terms to expire March 30, 1988:

Captain James J. Donnelly, Jr.
16801 Guinn
Houston, Texas 77044

Captain Raymond J. Fincher
15003 Sun Harbor
Houston, Texas 77062

To be a branch pilot for a term to expire October 31, 1987:

P. J. Neely, Jr.
8150 South Loop East
Houston, Texas 77017

Issued in Austin, Texas, on April 4, 1984.

TRD-844370, Mark White
844378 Governor of Texas

Gulf States Marine Fisheries Commission

For a term to expire March 17, 1987:

Leslie E. Casterline, Jr.
P.O. Box 249
Fulton, Texas 78358

Mr. Casterline is replacing Walter Zimmerman of Port Isabel, whose term expired.

Issued in Austin, Texas, on April 4, 1984.

TRD-844369 Mark White
 Governor of Texas

Texas Board of Land Surveying

For a term to expire January 31, 1989:

Milton Hanks
2822 Kingsdale
Deer Park, Texas 77536

Mr. Hanks is replacing James O. Belcher of Liberty, whose term expired.

Issued in Austin, Texas, on April 4, 1984.

TRD-844375 Mark White
 Governor of Texas

Sabine Bar, Pass, and Tributaries

To be branch pilots for terms to expire January 19, 1988:

Leroy Rudolph Kurtz
4030 Sunset
Port Arthur, Texas 77640

James O. Meeks
1606 32nd Street
Nederland, Texas 77627

Wayne H. Parker
6999 Olympic
Groves, Texas 77619

To be a branch pilot for a term to expire January 14, 1988:

Donald C. Ferguson
5520 Frost Avenue
Beaumont, Texas 77706

To be branch pilots for terms to expire February 28, 1988:

George C. Reeser
Route 2, Box 255
Beaumont, Texas 77905

Henry H. Guidry
2711 Merriman
Port Neches, Texas 77651

Issued in Austin, Texas, on April 4, 1984.

TRD-844371- Mark White
844373 Governor of Texas

Executive Order MW-21

Establishing with Commissioner Jim Hightower the Texas Family Farm and Ranch Advisory Committee.

WHEREAS, the number of family-owned farms and ranches has declined significantly and continues to decline; and

WHEREAS, state and primarily federal law and policy largely will determine the role of family farms and ranches in U.S. agriculture; and

WHEREAS, the advice of family farmers and ranchers should contribute to the formulation of governmental policies;

NOW, THEREFORE, I, Mark White, governor of Texas, under the authority vested in me, have joined Commissioner Hightower in establishing the Texas Family Farm and Ranch Advisory Committee.

The committee consists of 26 members, with six appointed by the governor and 20 appointed by Commissioner Hightower. Each member serves at the pleasure of the one making appointment.

The committee is charged with advising the governor and commissioner of agriculture on any and all matters relating to agriculture in the United States. Recommendations and reports of the committee shall be forwarded to the governor and commissioner.

The members of the committee serve without salary, but may be reimbursed for their necessary, actual travel expenses incurred while attending meetings of the committee.

All agencies of state government are hereby directed to cooperate and assist the committee in the performance of its duties.

This executive order shall be effective this date and shall remain in full force and effect until modified or rescinded by me.

Issued in Austin, Texas, on April 18, 1984.

TRD-844519

*Mark White
Governor of Texas*

Under provisions set out in the Texas Constitution, Texas Civil Statutes (Article 4399), and numerous statutes, the attorney general is authorized to write advisory opinions for state and local officials. These advisory opinions are requested by agencies or officials when they are confronted with unique or unusually difficult legal questions. The attorney general also determines, under authority of the Texas Open Records Act, whether information requested for release from governmental agencies may be held from public disclosure.

Requests for opinions, opinions, and open record decisions are summarized for publication in the *Register*.

Questions on particular submissions, or requests for copies of opinion requests should be addressed to Susan L. Garrison, Opinion Committee chairwoman, Office of the Attorney General, Supreme Court Building, Austin, Texas 78711, (512) 475-5445. Published opinions and open records decisions may be obtained by addressing a letter to the file room, fourth floor, P.O. Box 12548, Austin, Texas 78711-2548, or by telephoning (512) 475-3744. A single opinion is free; additional opinions are \$1.00 a copy.

The Attorney General

Requests for Opinions

RQ-302. Request from Gibson D. Lewis, speaker, Texas House of Representatives, Austin, concerning whether audit documents in the custody of a legislative audit committee are subject to disclosure under the Open Records Act.

TRD-844419

RQ-303. Request from John B. Holmes, district attorney, Houston, concerning whether a district attorney is subject to the Open Records Act.

TRD-844420

RQ-304. Request from Sam D. Millsap, Jr., Bexar County district attorney, San Antonio, concerning the availability of death benefits to survivors of a reserve deputy sheriff.

TRD-844421

RQ-305. Request from Mike Driscoll, Harris County attorney, concerning the venue of criminal proceedings in justice courts.

TRD-844422

RQ-306. Request from Jim Mapel, criminal district attorney, Angleton, concerning whether a hospital district may acquire by lease or purchase real property outside its boundaries.

TRD-844423

RQ-307. Request from James S. McGrath, criminal district attorney, Beaumont, concerning whether a single individual may serve simultaneously as county

court-at-law judge and trustee of an independent school district.

TRD-844401

RQ-308. Request from Frank Blazek, district attorney, Huntsville, concerning whether a county may reimburse a commissioner for payment of a traffic fine made on behalf of a county employee.

TRD-844402

RQ-309. Request from Robert Bernstein, M.D., commissioner, Texas Department of Health, Austin, concerning whether certain records relating to Agent Orange are available to the public under the Open Records Act.

TRD-844403

RQ-310. Request from Mike Driscoll, Harris County attorney, Houston, concerning whether the Harris County Health Department may charge for certain services.

TRD-844404

RQ-311. Request from Patrick J. Ridley, Bell County attorney, Belton, concerning whether a sheriff must accept a bail bond to obtain the release of a person held on a warrant issued in another county.

TRD-844405

RQ-312. Request from Robert Bernstein, M.D., commissioner, Texas Department of Health, Austin, concerning whether information furnished to a state agency by a federal agency, and which is confidential under federal law, is available to the public under the Open Records Act.

TRD-844406

RQ-313. Request from Ron Patterson, executive director, State Property Tax Board, Austin, concerning whether confidential information obtained pursuant to the Education Code, §11.87, is also confidential for purposes of the Tax Code, §5.10.

TRD-844407

RQ-314. Request from John L. Hutchison, Hansford County attorney, Spearman, concerning whether a county may lease a building to a district appraisal office for a nominal consideration

TRD-844408

RQ-315. Request from Rafael Quintanilla, executive director, Texas Department of Community Affairs, Austin, concerning the authority of the Texas Department of Community Affairs to administer the Housing Bond Allocation Procedure pursuant to the federal Tax Exempt Bond Limitation Act of 1984.

TRD-844409

RQ-316. Request from Margaret Moore, Travis County attorney, Austin, concerning whether a commissioners court may create a road district which has two or more noncontiguous segments.

TRD-844410

RQ-317. Request from Fred M. Barker, Parker County attorney, Weatherford, concerning whether an auxiliary county courthouse is subject to city zoning ordinances.

TRD-844411

RQ-318. Request from Vernon M. Arrell, commissioner, Texas Rehabilitation

Commission, Austin, concerning whether a retiree who resumes employment with the Texas Rehabilitation Commission may continue to draw retirement pay from the Teacher Retirement System of Texas.

TRD-844412

RQ-319. Request from Tim Curry, criminal district attorney, Fort Worth, concerning whether a county bail bond board may limit the number of bail bond licenses granted in that county.

TRD-844413

RQ-320. Request from Robert Bernstein, M.D., F.A.C.P., commissioner of health, Texas Department of Health, Austin, concerning the authority of a joint city-county public health district to issue licenses, exact fees, and impose fines for noncompliance with its rules.

TRD-844414

RQ-321. Request from Gary E. Miller, M.D., commissioner, Texas Department of Mental Health and Mental Retardation, Austin, concerning whether information regarding injuries to residents of the Fort Worth State School is available to the public under the Open Records Act.

TRD-844415

RQ-322. Request from Bob Bullock, comptroller of public accounts, Austin, concerning whether a state agency may suspend or terminate an employee who is arrested on felony charges.

TRD-844416

RQ-323. Request from Bill Messer, chairman, House Committee on Business and Commerce, Texas House of Representatives, Austin, concerning immunity granted to political subdivisions under the Free Enterprise and Antitrust Act of 1983.

TRD-844417

RQ-324. Request from Robert O. Viterna, executive director, Commission on Jail Standards, Austin, concerning the authority of the Commission on Jail Standards over a county work release facility.

TRD-844418

Opinions

JM-140 (RQ-198). Request from Clayton T. Garrison, executive director, Employees Retirement System of Texas, Austin, concerning whether a state law enforcement officer injured while working as a private security guard is entitled to occupational disability benefits from the State of Texas.

Summary of Opinion. A commissioned peace officer is on duty at all times insofar as he has a duty to prevent any breach of the peace which he observes in his jurisdiction. In an instance in which a commissioned peace officer is secondarily employed by a private third party and is injured while acting in furtherance of his official duties, such peace officer is considered to be injured while in the course of his employment for the state. The risk of being disabled through injury incurred while in the course of attempting to apprehend a suspected felon is a risk clearly peculiar to a commissioned peace officer's duties as a state trooper. Our conclusions would in no way be affected by the fact that the private third party hires only "off-duty" state troopers.

TRD-844377

JM-141 (RQ-279). Request from Oscar H. Mauzy, chairman, Senate Committee on Jurisprudence, Texas Senate, Austin, concerning whether a county commissioner may be appointed to the Texas Sesquicentennial Commission.

Summary of Opinion. A county commissioner is not barred by the Texas Constitution, Article II, §1, or Article XVI, §40, or by the common law doctrine of incompatibility from serving on the Texas Sesquicentennial Commission.

TRD-844378

JM-142 (RQ-132). Request from Luther Jones, El Paso County attorney, El Paso, concerning whether a water district may use excess bond monies levied for the interest and sinking fund for a water project not described in the bond issue.

Summary of Opinion. In the absence of statutory authority directing the disposition of any surplus monies levied for the interest and sinking fund after the redemption of bonds outstanding, the El Paso County Water Control and Improvement District 4 may refund such excess to taxpayers or, in the event that such refund is impracticable, transfer such monies to the maintenance fund.

TRD-844379

JM-143 (RQ-199). Request from Carl A. Parker, chairman, Senate Education Committee, Austin, concerning whether a community college may establish a "cafeteria plan" of employee benefits in accordance with the Internal Revenue Code, §125.

Summary of Opinion. A community college may set up a "cafeteria plan" for its

employees consisting of a selection of taxable and nontaxable fringe benefits in the area of life, accident and health, and disability insurance.

TRD-844380

JM-144 (RQ-247). Request from Jim Bob Darnell, criminal district attorney, Lubbock, concerning whether a rule of the Texas Juvenile Probation Commission violates the Texas Constitution or statutes.

Summary of Opinion. The Texas Juvenile Probation Commission standard in 37 TAC §341.4(d), which requires that juvenile probation officers not be paid less than adult probation officers in the county or district, violates neither Texas statutes nor the Texas Constitution.

TRD-844381

JM-145 (RQ-253). Request from Charles Evans, chairman, Committee on House Administration, Texas House of Representatives, Austin, concerning acquisition of land for Gateway State Park.

Summary of Opinion. The property specified in House Bill 63, Acts of the 66th Legislature, 1979, Chapter 542, page 1131, and established as Gateway State Park by House Bill 2061, Acts of the 68th Legislature, 1983, Chapter 983, page 5354, may be deeded to the state in parcels. However, except as provided for roadways and waterways, the state must accept, first, land described herein as Tracts 1 and 2; second, land that is connected to Tract 1; and third, land that is contiguous in turn with land which is connected to Tract 1 and which has already been accepted. Additionally, the state may accept land that is connected to Tract 2.

TRD-844382

JM-146 (RQ-260). Request from Joe Warner Bell, Trinity County attorney, Groveton, concerning whether a person arrested prior to January 1, 1984, for driving while intoxicated may be granted a deferred judgment after January 1, 1984.

Summary of Opinion. The amendments to the Code of Criminal Procedure, Article 42.13, §3d, contained in Senate Bill 1, Acts of the 68th Legislature, 1983, Chapter 303, page 1594, which prohibit courts from granting a deferred adjudication to a defendant charged with a misdemeanor DWI under Texas Civil Statutes, Article 67011-1, do not apply to defendants who were charged prior to the January 1, 1984, effective date of the amendments.

TRD-844383

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

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

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

Emergency Rules

TITLE 19. EDUCATION Part II. Texas Education Agency Chapter 81. Instructional Resources Subchapter D. State Textbook Program General Content Requirements and Manufacturing Standards

19 TAC §81.71

The Texas Education Agency adopts on an emergency basis amendments to §81.71, concerning the general content requirements and limitations for textbooks adopted by the State Board of Education for use in Texas public schools. These amendments also are being proposed for permanent adoption in this issue of the *Texas Register*.

The amendments add the following sentence to paragraph (a)(2) of the section: "Theories shall be clearly distinguished from fact and presented in an objective educational manner."

Paragraph (a)(5) of the section, which contained specific requirements concerning the treatment of the theory of evolution, is deleted, and subsequent paragraphs are renumbered.

In Attorney General Opinion JM-134, the attorney general expressed concern about the constitutionality of the rule in its present form. The amendments, which should avoid the constitutional problems presented by the present section, are adopted on an emergency basis because of the impending textbook adoptions, to give publishers the maximum possible notice of requirements applicable to that adoption.

These amendments are adopted on an emergency basis under the Texas Education Code, §12.24, which

authorizes the State Board of Education to adopt textbooks for use in the state, and the Texas Education Code, §12.16(b), which authorizes the board to make specific rules as to the manner of selection of textbooks.

§81.71. General Content Requirements and Limitations.

(a) All adopted textbooks shall meet the following content requirements and limitations:

(1) (No change.)

(2) All textbooks offered for adoption shall present the most current factual information accurately and objectively without opinionated statements or biased editorial judgments by the authors. **Theories shall be clearly distinguished from fact and presented in an objective educational manner.**

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

(5) Textbooks that treat the theory of evolution shall identify it as only one of several explanations of the origins of humankind and avoid limiting young people in their search for meanings of their human existence.

[(A) Textbooks presented for adoption which treat the subject of evolution substantively in explaining the historical origins of man shall be edited, if necessary, to clarify that the treatment is theoretical rather than factually verifiable. Furthermore, each textbook must carry a statement on an introductory page that any material on evolution included in the book is clearly presented as theory rather than verified.

[(B) Textbooks presented for adoption which do not treat evolution substantively as an instructional topic, but make reference to evolution indirectly or by implication, must be modified, if necessary, to ensure that the reference is clearly to a theory and not to a verified fact. These books will not need to carry a statement on the introductory page.

[(C) The presentation of the theory of evolution shall be done in a manner which is not detrimental to other theories of origin.]

(5)[(6)] Textbooks shall treat divergent groups fairly without stereotyping and reflect the positive contribution of all individuals and groups to the American way of life. Illustrations and written materials shall avoid bias toward any particular group or individual and should present a wide range of goal choices. Particular care should be taken in the treatment of ethnic groups, roles of men and women, the dignity of workers, and respect for the work ethic.

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

(6)[(7)] Authors of all textbooks offered for adoption shall have expertise and experience which provide authoritative credibility to their work. No author shall be an employee of the Texas Education Agency.

(7)[(8)] All textbooks shall, when appropriate, include illustrations that are informative, closely related to the content, and placed where they can be easily used in conjunction with the written text. Where appropriate, illustrations shall be Texas-based.

(8)[(9)] Textbook content shall be organized to facilitate both teaching and learning.

(b) (No change.)

Issued in Austin, Texas, on April 19, 1984.

TRD-844436 Raymon L. Bynum
Commissioner of Education

Effective date: April 19, 1984
Expiration date: August 17, 1984
For further information, please call (512) 475-7077.

TITLE 28. INSURANCE

Part I. State Board of Insurance

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

bers. However, the rules will be published under the agency's correct TAC title and part.)

Powers and Duties

Examination and Corporate Custodian and Tax

059.01.15.226

The State Board of Insurance is renewing the effectiveness of the emergency adoption of new Rule 059.01.15.226 for a 60-day period effective May 9, 1984. The new rule was originally adopted on an emergency basis in the January 17, 1984, issue of the *Texas Register* (9 TexReg 366).

Issued in Austin, Texas, on April 19, 1984.

TRD-844453 James W. Norman
Chief Clerk
State Board of Insurance

Effective date: May 9, 1984
Expiration date: July 8, 1984
For further information, please call (512) 475-2950.

059.01.15.251

The State Board of Insurance is renewing the effectiveness of the emergency adoption of new Rule 059.01.15.251 for a 60-day period effective May 11, 1984. The rule was originally adopted on an emergency basis in the January 20, 1984, issue of the *Texas Register* (9 TexReg 398).

Issued in Austin, Texas, on April 19, 1984.

TRD-844454 James W. Norman
Chief Clerk
State Board of Insurance

Effective date: May 11, 1984
Expiration date: July 10, 1984
For further information, please call (512) 475-2950.

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

The proposal, as published in the *Register*, must include a brief explanation of the proposed action; a fiscal statement indicating effect on state or local government and small businesses; 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 19. EDUCATION Part II. Texas Education Agency Chapter 81. Instructional Resources Subchapter D. State Textbook Program General Content Requirements and Manufacturing Standards

19 TAC §81.71

(Editor's note. The Texas Education Agency 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 Education Agency proposes amendments to §81.71, concerning general content requirements and limitations for textbooks adopted by the State Board of Education for use in Texas public schools.

The proposed amendments add the following sentence to paragraph (a)(2) of the section: "Theories shall be clearly distinguished from fact and presented in an objective educational manner." Paragraph (a)(5) of the section, which contained specific requirements concerning the treatment of the theory of evolution, is deleted, and subsequent paragraphs are renumbered. The amendments are being simultaneously adopted on an emergency basis in this issue of the *Texas Register*.

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

Beverly J. Bardsley, policy development director, and Mr. Bennett have determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is amendment of a requirement the constitutionality of which was uncertain. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

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

change in rules has been published in the *Texas Register*.

This amendment is proposed under the Texas Education Code, § 12.24, which authorizes the State Board of Education to adopt textbooks for use in the state, and the Texas Education Code, § 12.16(b), which authorizes the board to make specific rules as to the manner of selection of textbooks.

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 19, 1984

TRD-844437 Raymon L. Bynum
 Commissioner of Education

Proposed date of adoption
June 9, 1984

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

**TITLE 22. EXAMINING BOARDS
Part XII. Board of Vocational Nurse
Examiners
Chapter 233. Education
Vocational Nursing Education Standards
22 TAC §233.68**

The Board of Vocational Nurse Examiners proposes an amendment to §233.68, concerning vocational nursing education standards related to the schedule of clinical practice.

Joyce A. Hammer, executive director, 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.

Ms. Hammer 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 to enable the schools to have more flexibility in attaining clinical practice for their students

Comments on the proposal may be submitted to Joyce A. Hammer, Executive Director, Board of Vocational Nurse Examiners, 1300 East Anderson Lane, Building C, Suite 285, Austin, Texas 78752, (512) 835-2071.

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

§233.68. *Schedule of Clinical Practice.* Schools shall not permit utilization of students for hospital staffing. Students may be assigned by the school to evening and

night clinical practice with faculty. After seven months students may be assigned by the school to evening and night clinical practice with faculty or designate supervisor. Assignments for evening and night experience are not required.

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 18, 1984.

TRD-844456 Joyce A. Hammer
 Executive Director
 Board of Vocational Nurse
 Examiners

Earliest possible date of adoption:
May 28, 1984

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

**TITLE 31. NATURAL RESOURCES
AND CONSERVATION
Part X. Texas Water Development
Board
Chapter 331. Edwards Aquifer
Subchapter A. Edwards Aquifer in
Medina, Bexar, Comal, Kinney,
Uvalde, Hays Counties**

31 TAC §§331.1-331.11

The Texas Department of Water Resources has proposed the repeal of §§331.1-331.9, concerning Bexar County, §§331.31-331.49, concerning Comal County, §§331.61-331.79, concerning Hays County, §§331.91-331.109, concerning Kendall County, §§331.121-331.130, concerning Kinney County, §§331.171-331.180, concerning Uvalde County, (see 8 TexReg 4891), and now proposes new §§331.1-331.11, concerning the Edwards Aquifer in Medina, Bexar, Comal, Kinney, Uvalde, and Hays Counties.

The repeal of §§331.1-331.19, 331.31-331.49, 331.61-331.79, 331.91-331.109, 331.121-331.130, 331.141-331.159, and 331.171-331.180 and the adoption of new §§331.1-331.11 allow the rules regarding the Edwards Aquifer to be modified to reflect the knowledge and experience obtained by the Texas Department of Water Resources (TDWR) since the rules were originally adopted. These modifications strengthen the rules by clarifying and simplifying those requirements. The rules are further clarified by eliminating language that is only a duplication of requirements enforced by other state agencies or local governments.

Specifically, the modifications are that new §331.2 sets out the definitions for the words and terms used in the subchapter. The definition of recharge zone in §331.2 is changed to provide for case-by-case deter-

minations by the executive director as to whether a particular area lies within the recharge zone. Since the official map was developed using best available geological information, some areas not delineated as being within the recharge zone by the official map may in fact be areas that contribute to the recharge of the aquifer. If an on-site geological inspection by the department shows that in a particular area the Edwards does crop out, the executive director would have the discretion to designate that area as constituting part of the recharge zone for purposes of this chapter. New §331.3 requires regulated developments to obtain, prior to construction, an approved water pollution abatement plan designed to minimize and remove pollutants from stormwater runoff and to dispose of wastewater in an approved manner. The term "regulated development" replaces the term "subdivision," and as such more clearly requires all activities, such as factories, shopping centers, schools, and office complexes, that pose threats to the Edwards Aquifer to obtain approved water pollution abatement plans.

New §331.4 requires collection systems to be approved by the appropriate reviewing authority, rather than both the TDWR and the Texas Department of Health, thereby eliminating a duplication of effort.

New §331.5 eliminates any new or increased discharges of wastewater on the recharge zone and states that the consideration of no discharge disposal methods will be considered on a case-by-case basis. The TDWR feels that the present discharge parameters for the recharge zone are of questionable attainability and do not address nitrates, which is the parameter of primary concern in dealing with groundwater. This new section also prohibits the percolation of effluent, other than for private sewage facilities under approved conditions, as a disposal method.

New §331.6 allows county commissioners courts to regulate private sewage facilities on the recharge zone according to rules the commissioners courts adopt

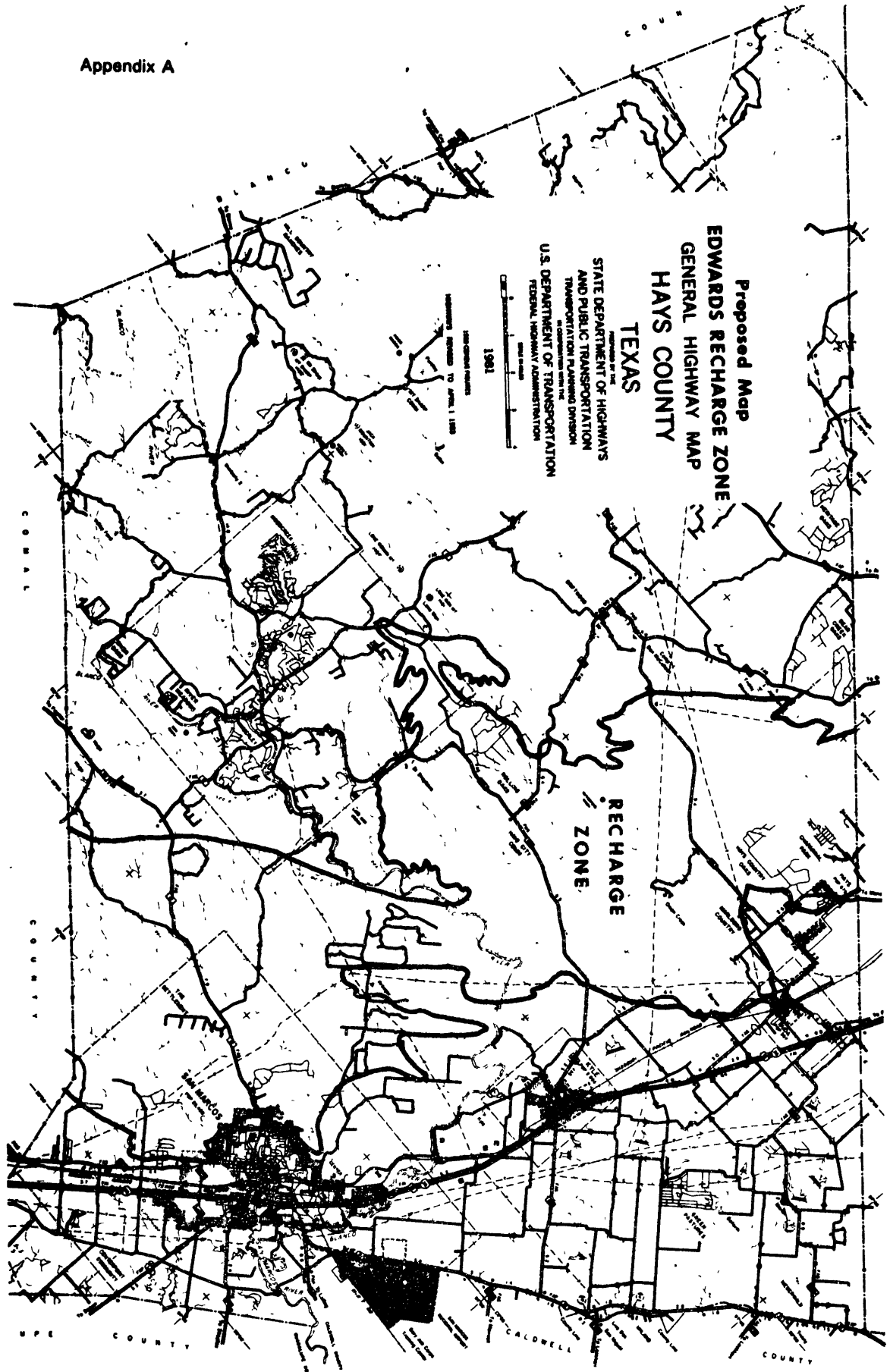
pursuant to the Texas Water Code, §26.032, if the executive director certifies that those rules are as stringent as these sections.

New §331.7 prohibits waste disposal wells; new confined animal feeding operations; industrial solid waste, including hazardous waste, disposal, unauthorized sewage holding tanks on the recharge zone, and new municipal solid waste disposal facilities.

These new sections were originally proposed in the November 25, 1983, issue of the *Texas Register* (8 TexReg 4891). On December 16, 1983, a representative of the Texas Water Development Board held a public hearing in San Antonio, to take comments on the original proposal. As a result of those comments and additional staff recommendations, the original proposal has been withdrawn, and these new sections proposed.

The department is proposing to extend the applicability of the Edwards Aquifer rules to an area of the Edwards in northern Hays County that is not hydrologically connected to the areas presently covered by these rules. This extension will be effected through appropriate changes in the maps located in the offices of the executive director and Edwards Underground Water District (EUWD). This extension will provide protection of the water quality of the Edwards Aquifer in the new area that is necessary due to increased development over the recharge area in northern Hays County. A public hearing will be held at 7 p.m., May 17, 1984, at City Council Chambers, City Hall, 630 East Hopkins, San Marcos, to receive comments on this proposed extension. Appendix A illustrates in general fashion the recharge area that will be regulated in northern Hays County under these revised rules. (Appendix A should not be considered definitive. Appendix A is illustrative only, and any person interested in reviewing the precise area to be regulated in Hays County should consult one of the maps located in the offices of the executive director and the Edwards Underground Water District.)

Appendix A



Kendall County has been dropped from the definition of recharge zone in response to comments by the commissioners court of Kendall County and the EUWD and after a geological review that shows that the previously designated area in Kendall County is in the Glen Rose formation and not in the Edwards, Comanche Peak, or Georgetown formations. This area, however, will still be subject to regulation under new §331.5(c) and §331.10.

The definition of significant recharge area has been changed in response to comments by the EUWD, the City of San Antonio, and the San Antonio River Authority (SARA), and to reflect the original intent of the TDWR. A definition for substantial modification has been added to clarify the use of that term. The map required by §331.3(b)(2)(D) will now be required to show the location of all wells in a regulated development. This change was in response to comments by the EUWD and the City of San Antonio and to provide a more efficient means to accomplish the goals of the EUWD's mapping program.

New §331.3(b)(3)(C)(iii) has been changed to require that for regulated developments for which private sewage facilities are proposed to be used, the applicant for a water pollution abatement plan justify the decision not to use an organized disposal system. New §331.3(b)(3)(D) has been changed to require non-residential developments of more than five acres to submit an assessment of area geology. This change was made in response to comments by the EUWD, the City of San Antonio, June Kachtik, and the SARA. The TDWR feels that nonresidential developments, even down to five acres in size, can contribute significant amounts of run-off with significant amounts of pollutants.

New §331.3(c), §331.4(b)(1), §331.8(a), and §331.9(b)(2) have been changed or added to now require submittals to include a copy to be forwarded to the EUWD. This change is in response to comments by the EUWD and the SARA and to assist the EUWD to efficiently accomplish their mapping program. New §331.3(h), which states that approved water pollution abatement plans will expire two years after issuance unless, prior to expiration, they are renewed or construction has begun, was added to avoid unnecessary applications and in response to comments by the EUWD.

New §331.4(b) has been modified by adding the words "owners of" before the words "sewage collection systems" to clarify who is responsible to meet the requirements of this section and in response to comments by the City of San Antonio. New §331.4(b)(5) has also been modified for the same purpose. The requirement in the previously proposed §331.4(b)(7) that required contractors to have appropriate licenses before blasting for sewer lines was deleted, because no licensing system for blasting exists and as a response to comments by the EUWD.

New §331.5(a) has been modified to require that facilities be designed, constructed, and operated so as to prevent any discharge or bypass of untreated or partially treated wastewater. The requirement in §331.5(c) that all waste discharges within five stream miles upstream from the recharge zone attain effluent set

two as defined in Chapter 327 (relating to effluent standards) was extended to 10 upstream miles to allow the TDWR to more fully assess possible impacts on the Edwards Aquifer. Some intermittent streams may be effluent dominated as a result of discharges, and the effects therefrom need to be assessed beyond a five-mile limit. New §331.5(c) has also been modified to state that more frequent monitoring may be required in these situations to reflect the TDWR's original intent and as a response to comments by the EUWD.

New §331.7 has been modified to make it clear that the approval of sewage holding tanks by licensing authorities is limited to those for single-family residences or the equivalent. Also, new municipal solid waste disposal facilities are prohibited by new §331.7, because of the high risk that they pose to the Edwards Aquifer and as a response to comments by the EUWD and the City of San Antonio.

New §331.11(4) has been added to reflect the EUWD's mapping program.

Mike Hodges, Fiscal Services Section chief, has determined that for the first five-year period the sections 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 sections.

Mr. Hodges also has determined that for each year of the first five years the sections as proposed are in effect the public benefit anticipated as a result of enforcing the sections as proposed is that the clarifications to and prohibitions in the sections will allow the Edwards Aquifer to be protected from pollution in a more effective and efficient manner. The anticipated economic cost to individuals who are required to comply with the sections as proposed is an average of \$120 per residence and \$850 per acre for nonresidential developments.

The comments submitted to the TDWR concerning the original proposal will be treated as comments to this proposal and need not be resubmitted. Comments on this proposal may be submitted to Kenneth L. Petersen, Jr., Assistant General Counsel, Texas Department of Water Resources, P. O. Box 13087, Austin, Texas 78711, (512) 475-7841.

These new sections are proposed under the Texas Water Code, §5.131 and §5.132, which provides the Texas Water Development Board with the authority to promulgate rules.

§331.1. Purpose. This subchapter is adopted to regulate activities with the potential for causing pollution of the Edwards Aquifer. The activities addressed are those that pose direct threats to water quality and which are not adequately addressed in other rules of the board or regulations adopted by the various city and county governments with jurisdiction in the geographic area covered by this subchapter. Nothing in this subchapter is intended to restrict the powers of the board or any other governmental entity to act, prevent, correct, or curtail activities that result or might result in pollution of the Edwards Aquifer.

§331.2. Definitions. The definitions for the words and terms in the Texas Water Code, §26.001, and Chapter

335 of this title (relating to Industrial Solid Waste) are applicable to this subchapter. Those words and terms, when used in this subchapter, shall have those definitions, unless the context clearly indicates otherwise. The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise:

Edwards Aquifer—That portion of an arcuate belt of porous, waterbearing limestones composed of the Comanche Peak, Edwards, and Georgetown formations trending from west to east to northeast through Kinney, Uvalde, Medina, Bexar, Comal, and Hays Counties.

Edwards Underground Water District (EUWD)—The conservation and reclamation district created pursuant to the Texas Water Code Auxiliary Laws, Article 8280-219, for the purpose of conserving, protecting, and recharging the waterbearing formations within its jurisdiction and for the prevention of waste and pollution of underground water.

License—A license to operate as required by §331.6 of this title (relating to Private Sewage Facilities).

No discharge system—A wastewater disposal system that does not result in a discharge of wastewater directly into a surface drainageway. Comment: No discharge systems that rely on percolation for wastewater disposal, except for licensed private sewage facilities, are prohibited in the recharge zone.

Permit—A permit to construct as required by §331.6 of this title (relating to Private Sewage Facilities).

Private sewage facilities—Septic tanks, pit privies, cesspools, sewage holding tanks, injection wells used to dispose of sewage, chemical toilets, treatment tanks, and all other facilities, systems, and methods used for the disposal of sewage other than disposal systems operated under a waste discharge permit issued by the commission or its predecessor.

Recharge zone—Generally, that area where the Edwards and associated limestones crop out in Kinney, Uvalde, Medina, Bexar, Comal, and Hays Counties, and the outcrops of other formations in proximity to the Edwards limestone, and the area in Uvalde County within 500 feet of the Nueces, Dry Frio, Frio, and Sabinal Rivers downstream from the northern Uvalde County line to the recharge zone as otherwise defined. The recharge zone is specifically that geological area delineated on official maps located in the offices of the executive director and the Edwards Underground Water District. If an on-site geological inspection by the department shows that in a particular area the Edwards does crop out, the executive director has the discretion to designate that area as constituting part of the recharge zone for purposes of this chapter.

Regulated development—Any residential subdivision or any public or private industrial, commercial, or multifamily construction, with the exception of residential subdivisions, in which every lot is larger than five acres and no more than one single-family residence is allowed on each lot. Industrial, commercial, or multifamily construction is considered a regulated development regardless of lot size.

San Antonio office—The district office of the Texas Department of Water Resources located in San Antonio, Texas.

Sewage holding tank—A tank or other containment structure used to receive and store sewage until its ultimate disposal to an approved treatment facility.

Significant recharge areas—Sinkholes, caverns, faults, and other geological features where rapid infiltration to the subsurface may occur.

Stub out—A wye, tee, or other manufactured appurtenance placed in a sewage collection system providing a location for a private service lateral to connect to the collection system.

Substantial modification—A 25% or more increase in the volume of or a change in the nature of the wastewater being treated by a private sewage facility, or a reduction of the facility's capacity by 25% or more.

§331.3. Water Pollution Abatement for Regulated Developments.

(a) **Water pollution abatement plan.** For all regulated developments that are proposed to be located on or adjacent to the recharge zone, a water pollution abatement plan must be prepared and approval from the executive director obtained prior to the commencement of any construction in the development. A water pollution abatement plan shall include the items specified under subsection (b) of this section and address other areas as required by the executive director.

(b) **Contents of a water pollution abatement plan.** To be eligible for approval, a water pollution abatement plan shall contain, at a minimum, the following.

(1) The names, addresses, and telephone numbers of the developer and any agents, such as consulting engineers, authorized to act for the developer in the process of obtaining approval of a water pollution abatement plan.

(2) **Maps, including:**

(A) a general location map, showing the site location on a U.S. Geological Survey 7½ minutes by 15 minutes quadrangular map or the equivalent;

(B) a site plan, showing the layout of the development and finished contours at appropriate, but not greater than five foot, contour intervals;

(C) a drainage plan, showing the path of drainage from the development to the boundary of the recharge zone; and

(D) a map, showing the location of any wells (the term wells refers to all wells; including water wells, oil wells, unplugged and abandoned wells, etc.), and any sinkholes or other significant recharge areas located within the development.

(3) **A technical report addressing:**

(A) the nature of the development (whether residential, commercial, etc.), the size of the development, projected population, the volume and character of wastewater expected to be produced, and the character in stormwater runoff;

(B) a description of the measures that will be taken to prevent pollution of stormwater runoff;

(C) a description of the measures that will be taken to prevent pollutants from entering significant recharge areas;

(D) the disposal of wastewater from the development.

(i) If wastewater is to be disposed of by conveyance to a sewage treatment plant for treatment and

disposal, then the holder of the waste discharge permit for that treatment facility shall be identified; or

(ii) If wastewater is to be disposed of in private sewage facilities, then the application must be accompanied by a written statement fully justifying the decision not to use an organized sewage collection, treatment, and disposal system and a written statement from the appropriate licensing authority (see §331.6 of this title (relating to Private Sewage Facilities)), stating that the land in the development is suitable for the use of private sewage facilities or identifying those areas that are not suitable.

(E) An assessment of area geology. For regulated developments consisting of more than 100 family units, nonresidential developments more than five acres in size, and other developments selected by the executive director, a qualified geologist shall prepare a report that describes the significant geologic units present in the development and that identifies the location and extent of any significant recharge areas in the development. The report should also identify the location and extent of significant recharge areas within the 100-year floodplain of the drainageways that carry stormwater runoff from the development across the recharge zone for a distance of one mile downstream from the development.

(F) The proposed method for plugging wells identified in paragraph (2)(D) of this subsection. These should be methods approved by the executive director or the EUWD.

(c) Procedure for submission of a water pollution abatement plan. Water pollution abatement plans shall be submitted to the San Antonio office in triplicate. One copy will be forwarded to the EUWD for mapping purposes. A plan will not be processed until all information required to properly consider the plan has been obtained. If the applicant fails to submit additionally requested information in a timely manner, the plan may be returned.

(d) Approval of water pollution abatement plans. The applicant must obtain from the executive director written approval of water pollution abatement plans. As a condition of approval, the executive director may include any other provisions deemed necessary to protect the Edwards Aquifer from pollution.

(e) Notice.

(1) The owner or developer of a regulated development shall, upon receiving written approval of the water pollution abatement plan for that development, record in the county deed records that the property is subject to that water pollution abatement plan, and shall also, upon transferring title to that property, place a restriction in the deed that states that the property is subject to that water pollution abatement plan. The owner or developer of a regulated development shall submit, within 30 days after receiving written approval of the water pollution abatement plan, proof of recordation of notice in the county deed records to the executive director.

(2) Prior to commencing any construction, except vegetation clearing for surveying, on a regulated development, the owner or developer shall notify the San Antonio office when the construction will commence and under which approved water pollution abatement plan.

(f) Modification of previously approved water pollution abatement plans. The present owner of any prop-

erty for which a water pollution abatement plan has previously been approved must notify the San Antonio office in writing and obtain approval from the executive director prior to:

(1) any physical modification to any waste treatment facility located on the recharge zone;

(2) any physical modification to any water pollution abatement structure;

(3) any modification in procedures for any facility designed to prevent pollution from entering significant recharge areas;

(4) any change in the nature or character of the development from that which was originally approved; and

(5) any development of land identified as undeveloped in the original water pollution abatement plan.

(g) Reporting. During construction, the holder of an approved water pollution abatement plan shall submit quarterly progress reports outlining the status of construction in the development to the San Antonio office.

(h) Term. The executive director's approval of a water pollution abatement plan will expire two years after the date of issuance, unless, prior to the expiration date, construction has commenced on the development or a renewal application has been submitted.

§331.4. Sewage Collection Systems.

(a) General design of collection systems. Design of sewage collection systems on the recharge zone shall be in accordance with Chapter 325 of this title (relating to Design Criteria for Sewerage Systems); 25 TAC §§301.51-301.63, adopted by the Texas Department of Health (relating to Design Criteria for Sewerage Systems); and the latest revision of the City of San Antonio *Standard Specifications for Public Works Construction* or its equivalent, as approved by the San Antonio office, as appropriate.

(b) Special requirements for collection systems. In addition to the requirements in subsection (a) of this section, owners of sewage collection systems on the recharge zone shall meet the following special requirements.

(1) Plans and specifications for all collection systems will be submitted in triplicate to the San Antonio office. One copy will be forwarded to the EUWD for mapping purposes. The plans shall include one sheet that depicts the sewer collection system lay-out overlaid by topographic contour lines using an interval of not greater than five feet and the five-year floodplain area.

(2) Approval of the design of sewage collection systems shall be obtained from the appropriate reviewing authority, as defined in §325.21 of this title (relating to General Provisions), prior to the commencement of construction.

(3) All manholes for new construction shall be monolithic, cast-in-place concrete structures, or of equivalent construction, with watertight rings and covers.

(4) All sewer pipes shall have compression or mechanical joints, with the exception of private service laterals, in which case solvent weld joints may be used if the pipe diameter is no more than six inches and the pipe meets the applicable standards of the American Society of Testing and Materials for sewer pipe.

(5) All new sewer systems having a diameter greater than four inches, including private collection sys-

tems, shall be tested for infiltration/exfiltration and certified by a registered professional engineer to meet or exceed the requirements of the latest revision of the City of San Antonio *Standard Specifications for Public Works Construction* Item 518, or its equivalent, as approved by the reviewing authority. The certification shall be reported to the San Antonio office.

(6) All new and existing sewer lines on the recharge zone shall be tested every two years to detect excessive infiltration and exfiltration. The type of test must receive approval from the executive director prior to the initiation of testing. The results of such testing shall be certified by a registered professional engineer as having been correctly performed and shall be reported to the San Antonio office. Upon a determination that the results of such tests show excessive infiltration or exfiltration, the owner of the sewage collection system shall submit a plan for remedying the infiltration or exfiltration for review by the executive director. Upon approval by the executive director, the owner shall implement the remedial plan.

(7) Blasting for sewer line excavation shall be done only by qualified contractors. Blasting shall be done in accordance with appropriate criteria established by the National Fire Protection Association. Should such blasting result in damage to an already in-place sewer or its appurtenances, the responsible party shall repair and retest such sewers and appurtenances.

(8) New collection lines shall be constructed with stub outs for the connection of anticipated private service laterals. The location of such stub outs shall be marked on the ground. Such stub outs shall be manufactured wyes or tees that are compatible in size and material with both the sewer line and the private service lateral. At the time of original construction, sufficient private service lateral shall be constructed to extend beyond the edge(s) of any street pavement under which they must pass. Private service laterals that were not anticipated at the time of original construction or that are to be connected to an existing sewer line not furnished with stub outs shall be connected using a manufactured saddle and done in accordance with accepted plumbing techniques and any instructions from the owner of the collection system.

(9) Sewer lines shall not be located in areas where the ground surface would be inundated by a five-year storm event. In areas where such location is not feasible, sewer lines shall be concrete encased using three bag mix concrete with a minimum thickness of six inches.

(10) Prior to connecting the private service lateral into an organized sewage collection system, a registered professional engineer, registered sanitarian, or appropriate city inspector, as determined by the holder of the waste discharge permit for the sewage treatment system, shall visually inspect the private service lateral after installation and prior to covering, and certify it to have been constructed in conformity with the applicable provisions of this section. The holder of the waste discharge permit for the facility to which the collection system connects shall receive such certifications and forward copies to the San Antonio office.

(11) Sewer lines that bridge caverns or solution channels shall be constructed in a manner that will maintain the structural integrity of the line across the void.

When such voids are encountered, the location and extent of the voids shall be reported to the San Antonio office.

(12) Where fully supported by relevant information, the executive director may allow the substitution of an alternate procedure for any of the requirements of this subsection.

(13) Notwithstanding the requirements of paragraphs (1)-(12) of this subsection, sewer collections systems shall operate in a manner so as not to cause pollution to the Edwards Aquifer, and any failure, for any cause whatsoever, shall be required to be corrected in a manner satisfactory to the executive director.

§331.5. *Wastewater Treatment and Disposal Systems.*

(a) General. No new or increased discharges of treated effluent will be permitted on the recharge zone. Wastewater treatment plants that receive a waste discharge permit after the adoption of this subchapter shall convey effluent to a point downstream from the recharge zone prior to discharge. New wastewater treatment plants located on the recharge zone shall be designed, constructed, and operated such that there will be no bypass of the treatment facilities nor any discharge of untreated or partially treated effluent.

(b) No discharge systems. Wastewater disposal systems utilizing no discharge methods, such as evaporation or land application, for disposal of wastewater on the recharge zone will be considered on a case-by-case basis. At a minimum, those systems shall attain secondary treatment as defined in Chapter 327 of this title (relating to Effluent Standards). Percolating of effluent as a disposal method will not be permitted, except for licensed private sewage facilities.

(c) Discharges upstream from the recharge zone. All waste discharges within 10 stream miles upstream from the recharge zone and any other discharges that the executive director determines may affect the Edwards Aquifer shall, at a minimum, attain Effluent Set Two as defined in Chapter 327 of this title (relating to Effluent Standards). More stringent treatment or more frequent monitoring may be required on a case-by-case basis.

(d) General design of waste treatment plants. Design of waste treatment plants shall be in accordance with Chapter 325 of this title (relating to Design Criteria for Sewerage Systems) and 25 TAC §§301.51-301.63 adopted by the Texas Department of Health (relating to Design Criteria for Sewerage Systems).

§331.6. *Private Sewage Facilities*

(a) Licensing authorities. The commissioners courts of Medina, Bexar, Comal, Uvalde, Kinney, and Hays Counties are designated as the licensing authorities for the area of their respective counties regulated in this subchapter, exclusive of those areas within the corporate limits of Hollywood Park, Shavano Park, and Hill Country Village, in which those municipalities are respectively designated as licensing authorities. Upon receiving written certification from the executive director that the order and rules adopted by a commissioners court of one of these counties pursuant to the Texas Water Code, §26.032, are as stringent as this subchapter, the commissioners court of that county may regulate private sewage

facilities on the recharge zone according to those rules rather than this subchapter.

(1) The licensing authority shall perform or direct the performance of such inspections and tests as may be necessary in the design and construction of a private sewage facility

(2) The licensing authority shall develop the necessary procedures, including development of application forms, establishment of reasonable fees, and record keeping, to carry out the functions of this subchapter.

(3) The licensing authority may inspect licensed private sewage facilities at reasonable times for the purpose of determining compliance with the conditions of the license and this subchapter.

(4) The licensing authority shall require a malfunctioning system to be repaired in a satisfactory manner and may pursue such legal action as is necessary to achieve such repairs

(b) Prohibited systems Pit privies, cesspools, and injection wells used to dispose of sewage, and any other system utilizing naturally or artificially produced holes, cavities, or drilled wells to ease the disposal of sewage are prohibited Private sewage holding tanks shall not be utilized without the approval of the licensing authority. No private sewage facility may be installed within 200 feet of the Nueces, Dry Frio, Frio, or Sabinal Rivers downstream from the northern Uvalde County line to the recharge zone

(c) Requirements for new private sewage facilities.

(1) A permit to construct must be obtained from the licensing authority prior to commencing the construction or installation of, or a substantial modification to, a private sewage facility on the recharge zone, and will be issued upon a finding that construction can commence.

(2) A license to operate must be obtained from the licensing authority prior to operating a new private sewage facility on the recharge zone, and will be issued after satisfactory completion and approval of construction.

(d) Conditions for a permit to construct. To obtain a permit to construct, the following conditions must be met

(1) The design of private sewage facilities shall, at a minimum and when not in conflict with this subchapter, meet the requirements of the latest edition of *Construction Standards for Private Sewage Facilities* as published by the Texas Department of Health.

(2) The lot or tract in question must be large enough, considering the soil and drainage conditions and volume of sewage to be disposed, to permit the use of a private sewage facility without causing pollution, nuisance conditions, or danger to public health.

(3) Lots or tracts of land on the recharge zone on which private sewage facilities are to be located must have an area of at least one acre, unless an exception is granted in accordance with §331.9 of this title (relating to Exceptions), or unless exempted under subsection (1) of this section

(4) Whenever the natural percolation rate is faster than one minute per inch or slower than 60 minutes per inch, an alternate site or an alternate method to soil absorption disposal, such as an evapotranspiration system, should be considered. If no suitable alternate site

exists, the licensing authority shall grant or deny a permit on the basis of all relevant factors.

(5) No permit may be granted for private sewage facilities on lots with excessive slopes, unless proper construction techniques to overcome the effects of the slope will be utilized.

(6) When disposal by soil absorption is proposed, a minimum of six percolation tests spaced uniformly over the proposed absorption field site shall be performed to verify that soil conditions are satisfactory. Percolation tests shall be performed in accordance with the latest edition of *Construction Standards for Private Sewage Facilities* as published by the Texas Department of Health.

(e) Conditions for a license to operate.

(1) The construction, installation, or substantial modification of a private sewage facility shall be made in accordance with the approved design and requirements of the permit issued therefor.

(2) Except as provided herein, no components of a private sewage facility may be covered until an inspection has been made and a license issued by the licensing authority. Absorption trenches or beds or evapotranspiration beds may be partially backfilled, provided all ends and other critical areas shall not be covered until the licensing authority has determined, as evidenced by the issuance of a license, that the installation, construction, or substantial modification complies with this subchapter and the special conditions in the permit to construct.

(f) Terms for licenses.

(1) Licenses shall be issued for a period of time determined by the licensing authority.

(2) Upon notice to the licensing authority, licenses may be transferred to succeeding owners, if the private sewage facility has not been substantially modified, when ownership of the private sewage facility is transferred.

(3) Licenses may be renewed upon a finding by the licensing authority that the system is functioning properly.

(g) Revocation or suspension of licenses The licensing authority or the executive director may revoke or suspend a license for any of the causes listed in paragraphs (1)-(6) of this subsection. Neither revocation of license nor any other provision of this subchapter shall impede the executive director or any governmental entity in taking proper steps to prevent or curtail pollution of the Edwards Aquifer, to abate a nuisance, or to protect the public health.

(1) An increase in the volume of or change in the nature of the wastewater being treated by the private sewage facility, or a reduction of the capacity of the facility;

(2) failure of the holder of the license to properly maintain or operate the private sewage facility,

(3) malfunction of the private sewage facility;

(4) evidence that the private sewage facility is causing or will cause pollution of the Edwards Aquifer;

(5) failure to comply with the terms and conditions of the license or this subchapter; and

(6) any other reason which the executive director determines to be reason to revoke or suspend

(h) Existing private sewage facilities. Private sewage facilities licensed by or registered with the appropri-

ate licensing authority at the time of adoption of this subchapter shall remain licensed or registered under the terms and conditions of the current license or registration. Any relicensing shall be under the terms and conditions of this subchapter. A private sewage facility located in either Uvalde or Kinney Counties existing on the recharge zone on April 11, 1977, is not required to be licensed, provided the facility is not causing pollution, a threat to the public health, or nuisance conditions, and has not been substantially modified.

(i) Exceptions for certain lots. Any private sewage facility on a lot less than one acre and not required to connect to an organized collection system under subsection (j) of this section and that was platted and recorded in the office of the county clerk prior to March 26, 1974, is exempted from the one acre minimum lot size requirement. A license may be obtained for a private sewage facility located on such lot if all other requirements of this subchapter are met.

(j) Connection to an organized sewage collection system. The board encourages the development of organized sewage collection systems to serve developments on the recharge zone requires:

(1) No person may cause or allow the installation of a private sewage facility when any part of the facility is to be within 300 feet in horizontal distance (measured on the closest practicable access route) of an existing organized disposal system, unless one of the following requirements has been met:

(A) the person has received a written denial of service from the owner or governing body of the organized disposal system; or

(B) the person has received a written determination from the licensing authority that it is not feasible for the person to connect to the organized disposal system.

(2) Whenever an organized disposal system is developed within 300 feet in horizontal distance (measured on the closest practicable access route) from any part of a private sewage facility, that facility shall be connected to the organized disposal system within 120 days after receiving notice from the owner or governing body of the organized disposal system that the person can connect, unless one of the requirements in paragraph (1)(A) or (B) of this subsection has been met.

(k) Notice by subdividers. Any person, or his agents or assignees, desiring to create a residential development on the recharge zone with two or more lots in which private sewage facilities will be utilized, in whole or in part, and sell, lease, or rent the lots therein, shall inform in writing each prospective purchaser, lessee, or renter:

(1) that the subdivision is subject to the terms and conditions of this subchapter;

(2) that a permit to construct shall be required before a private sewage facility can be constructed in the subdivision;

(3) that a license to operate shall be required for the operation of such a private sewage facility; and

(4) whether or not an application for a water pollution abatement plan has been made, and whether or not it has been approved, including any restrictions or conditions placed on that approval.

§331.7. *Prohibited Activities.* The following activities are prohibited on the recharge zone:

(1) waste disposal wells;

(2) new confined animal feeding operations;

(3) industrial solid waste, including hazardous waste, disposal;

(4) the use of sewage holding tanks for single-family residences or the equivalent without the approval of the licensing authority, and all other sewage holding tanks without the approval of the executive director; and

(5) new municipal solid waste disposal facilities.

§331.8. *Hydrocarbon and Hazardous Material Storage and Transmission Facilities.*

(a) Storage facilities. Approval of the design of storage facilities for hydrocarbon or hazardous material, leak detection systems, spill containment areas, or other control measures, as described in paragraph (1) and paragraph (2) of this subsection, shall be obtained from the executive director prior to construction. To secure approval, the applicant shall file a written request with the San Antonio office in triplicate. One copy will be forwarded to the EUWD for mapping purposes.

(1) Underground storage facilities. Facilities for the underground storage of hydrocarbon or hazardous material shall be of double-walled construction or of an equivalent method approved by the executive director. The storage facility may be fabricated or constructed on site, utilizing various construction materials and methods to achieve this type of construction. Methods for detecting leaks in the wall of the storage facility shall be included in the facility's design and construction.

(2) Aboveground storage facilities. Facilities used for the aboveground storage of hydrocarbon or hazardous material shall be constructed within controlled drainage areas that are sized to capture any spillage that may result from ruptures or leakage from the facilities or appurtenances thereto, and that direct such spillage to a point convenient for the collection and recovery of the spillage. The controlled drainage area shall be constructed of, or in a material suitably impervious to, the material being stored. Any spillage from such storage facilities shall be removed from the controlled drainage area for disposal in accordance with Chapter 343 of this title (relating to Hazardous Substances Release Prevention and Response) within 24 hours of spillage. Temporary storage facilities on site for less than one year which do not require a permit from the department and permanent storage facilities smaller than 1,000 gallons are exempt from this paragraph.

(b) Transmission lines. Transmission lines for hydrocarbon or hazardous material shall be constructed in accordance with department specifications in the absence of the specifications of another state or federal agency having the jurisdiction to so regulate. Department specifications should be based solely on the protection of the Edwards Aquifer.

§331.9. *Exceptions.*

(a) General. This subchapter will be strictly enforced; however, situations will arise on occasion that are sufficiently different from those normally encountered or anticipated in this area of regulation. Those situations may justify a departure from this subchapter to avoid

hardships or the use of regulatory resources which would not provide protection for the Edwards Aquifer. Under no circumstances shall an exception to §331.5(a) of this title (relating to Wastewater Treatment and Disposal Systems) or an exception that will cause or threaten to cause pollution of the Edwards Aquifer be granted.

(b) Procedures.

(1) A person desiring an exception to this subchapter shall file a written request with the executive director stating:

(A) the nature of the exception requested;
(B) the reason that justifies the granting of the exception; and

(C) any information that the executive director or the supervisor of the San Antonio office reasonably requests.

(2) All requests not pertaining to private sewage facilities shall be submitted in triplicate. One copy will be submitted to the EUWD for mapping purposes.

(3) Decisions regarding exceptions to §331.6 of this title (relating to Private Sewage Facilities) may be made by the supervisor of the San Antonio office. All other decisions regarding exceptions to this subchapter shall be made by the executive director. All decisions regarding exceptions made by the supervisor of the San Antonio office are appealable to the executive director by following the procedures of this subsection.

§331.10. *Areas Above the Recharge Zone.* The executive director shall exercise surveillance and control over the quality of water in all streams flowing into and across the recharge zone and all waste sources entering those streams to ensure that the water recharging the Edwards Aquifer will not degrade the water quality in the Edwards Aquifer.

§331.11. *Edwards Underground Water District.* The Edwards Underground Water District, in exercising the water quality management powers as set forth in the Texas Water Code Auxiliary Laws, Article 8280-219, may carry out the following functions:

(1) assist the licensing authorities in carrying out the provisions of this subchapter;

(2) conduct such geologic investigations as are necessary to update the official recharge zone maps;

(3) monitor the quality of water in the Edwards Aquifer; and

(4) maintain maps of activities on the recharge zone.

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 20, 1984.

TRD-844507 Susan Plettman
General Counsel
Texas Department of Water
Resources

Earliest possible date of adoption:
May 28, 1984

For further information, please call (512) 475-7845.



**TITLE 34. PUBLIC FINANCE
Part I. Comptroller of Public
Accounts**

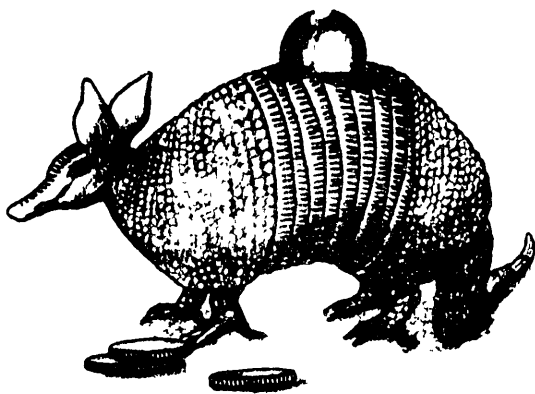
**Chapter 3. Tax Administration
Subchapter E. Miscellaneous Tax
Division—Miscellaneous Taxes Based
on Gross Receipts**

34 TAC §3.57

The Comptroller of Public Accounts proposes new §3.57, concerning car companies not subject to gross receipts tax. The purpose of the new section is to provide notice that the Texas attorney general's office issued Attorney General Opinion JM-83 on October 28, 1983, declaring the Texas Tax Code, §182.042, unconstitutional. That statute imposed a 3.0% tax on the gross receipts of car companies residing or incorporated outside this state. The attorney general has held that this statute violates the equal protection clause of the 14th Amendment of the United States Constitution by discriminating against out-of-state car companies in favor of domestic car companies. The Comptroller of Public Accounts is proposing this section to inform taxpayers of this change.

Billy Hamilton, revenue estimating director, 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. The effect on state government will be a revenue loss of \$281,512 in 1984, \$68,000 in 1985, \$72,000 in 1986, \$76,000 in 1987, and \$80,000 in 1988. There is no anticipated economic effect on local government.

This rule is promulgated under the Texas Tax Code, Title II, and no statement of effect on small businesses is required.



**Subchapter T. Motor Vehicle Sales Tax
Division—Manufactured Housing
Sales and Use Tax**

34 TAC §3.482

The Comptroller of Public Accounts proposes an amendment to §3 482, concerning imposition of tax on effective date. The amendment reflects a reduction in the tax rate from 6.5% to 5.0% effective September 1, 1983. This reduction in tax rate was part of the original Manufactured Housing Sales and Use Tax enacted in 1981. (See Texas Tax Code, §158.051) The amendment also eliminates parts of this section which are now obsolete.

Billy Hamilton, revenue estimating director, 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. The fiscal impact is a result of the statutory change rather than the amendment of the rule. The net loss in revenue caused by the change would be realized in the General Revenue Fund. The fiscal implication for state government will be a loss to General Revenue Fund 001 of \$8,269,845 in 1984, \$8,996,880 in 1985, 9,564,030 in 1986, \$10,137,450 in 1987, \$10,745,925 in 1988, and \$11,390,880 in 1989. Similar revenue loss would continue as long as the provisions of the bill are in effect. There will be no fiscal implications for local government.

This rule is promulgated under the authority of the Texas Tax Code, Title 2, therefore, no analysis of the effect on small businesses is required.

The anticipated public benefit is savings for purchasers of manufactured homes resulting from having to pay a lower sales tax rate. There are no additional anticipated public costs.

Comments on the proposal may be submitted to Richard Montgomery, P.O. Box 13528, Austin, Texas 78711.

These amendments are proposed under the authority of the Texas Tax Code, §111.002, which provides that the comptroller may prescribe, adopt, and enforce rules relating to the enforcement and administration of the Code.

§3.482. Imposition of Tax [on Effective Date].

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

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

(4) Retailer—Any person engaged in the business of buying for resale, selling, or exchanging manufactured homes or offering them [such] for sale, exchange, or lease-purchase to consumers. No person will [shall] be considered a retailer unless engaged in the sale, exchange, or lease-purchase of two or more manufactured homes to consumers in any consecutive 12-month period.

(5) (No change.)

(b) The manufactured housing sales tax is due on all new manufactured homes sold by manufacturers on or after March 1, 1982, regardless of the date the manufacturing process was started or when the order for the home was placed.

(1) Invoices dated September 1, 1983 [March 1, 1982], or after, for all new manufactured homes sold by manufacturers, must set forth the amount of [the] tax imposed at the rate of 5.0% [, which is 6.5%] of 65% of the sales price.

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

[(c) The manufactured housing use tax is due on all manufactured homes which were purchased or acquired for resale by the retailer prior to March 1, 1982, and held by retailers in inventory on March 1, 1982.

[(1) The tax applies to both new and used manufactured homes.

[(2) The tax due is 6.5% of 65% of the sales price paid by or the acquisition cost to the retailer.

[(A) If a retailer has acquired a manufactured home by way of a trade-in on another manufactured home sold prior to March 1, 1982, the taxable value of the trade-in is the amount allowed as a deduction from the selling price of the other manufactured home.

[(B) This tax shall be due and payable to the comptroller on August 31, 1982, or at the time the manufactured home is removed from inventory, whichever occurs first, and becomes delinquent if not paid on or before the last day of the month following removal from inventory or September 30, 1982, whichever occurs first.

[(d) Every retailer responsible for the use tax imposed on manufactured homes in inventory as of March 1, 1982, must prepare and send to the comptroller a report of all homes in inventory. The report must be provided by March 12, 1982, and must contain the following information:

[(1) comptroller's issued retailer's Texas taxpayer number or federal employer identification number or Social Security number;

[(2) name and address of the manufacturer of each home;

[(3) model designation of each home;

[(4) HUD label, Texas seal, or decal number issued by the Texas Department of Labor and Standards for each home;

[(5) serial numbers and size excluding the hitch of each section;

[(6) the sales price paid or the acquisition cost of each manufactured home.]

(c)(e) Any person who has purchased a mobile home for personal use and not for resale prior to March 1, 1982, and who has not paid the Motor Vehicle Sales and Use Tax imposed on mobile homes prior to March 1, 1982, will be held liable for the Motor Vehicle Sales and Use Tax rather than the Manufactured Housing Sales and Use Tax.

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 23, 1984

TRD-844509 Bob Bullock
Comptroller of Public Accounts

Earliest possible date of adoption:
May 28, 1984

For further information, please call (512) 475-1938.



TITLE 40. SOCIAL SERVICES AND ASSISTANCE
Part I. Texas Department of Human Resources
Chapter 48. CCAD

The Texas Department of Human Resources proposes amendments to §§48.3903, 48.9102, 48.9105, and 48.9106, concerning supervised living services in its community care for aged and disabled chapter. The rules are amended to add policies for terminating supervised living services without notice if a client threatens the health or safety of other individuals in the facility.

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

Mr. Hawes also has determined that for each year of the first five years the amendments as proposed are in effect the public benefit will be ensuring the safety of individuals in a supervised living facility by allowing the immediate discharge of a client who threatens the health or safety of others. There are no

anticipated economic costs to persons required to comply with the rules as proposed.

Written comments may be sent to Cathy Rossberg, Acting Administrator, Policy Development Support Division—218, Texas Department of Human Resources 153-B, P.O. Box 2960, Austin, Texas 78769, within 30 days of publication in this Register.

Case Management

40 TAC §48.3903

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

§48.3903. Denial, Reduction, or Termination of Services.

(a) An applicant/client may request an appeal of any decision which results in the denial, reduction, or termination of his benefits. Clients are entitled to be notified 10 days before reduction or termination of services, or in 12 days if the notice is mailed. **Services to a supervised living client who threatens the health or safety of other individuals may be terminated without advance notice.** The effective date of services reduced or terminated is shown in the following table:

If	Then
Termination or reduction is because of loss of eligibility as an income eligible, failure to meet the client needs assessment score or medical criteria for the service, or change in the client's need for the specific service,	Termination or reduction is effective 10 days (or 12 days if mailed) from the date of the notice unless appealed and then services continue until the hearing officer gives a decision. The cost of providing services during that period is subject to recovery from the client by the department [from the client].
Termination is because of a loss of AFDC, SSI, or Medicaid eligibility,	Services continue only to the end of the month in which the client is determined ineligible, even if appealed.
Termination is because of lack of physician's orders for the service,	Services continue only through the date the previous orders expire, even if appealed.
Termination or reduction is based on budgetary constraints and/or change in federal law or state regulations, and services are reduced or terminated for an entire categorical client group,	Services continue only through the date of termination of a categorical client group, even if appealed

<p>If</p> <p>Services continue only through the 30th day, even if appealed,</p> <p>Termination is because the supervised living client threatens the health or safety of other individuals.</p>	<p>Then</p> <p>Termination is because of failure to qualify as an income eligible after the 30-day period of expedited CCAD purchased services,</p> <p>Services are terminated immediately.</p>
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(b) (No change.)

(c) **The client is not eligible for supervised living services if he:**

(1) **refuses to follow the service plan developed for his own well-being;**

(2) **is able to contribute to his cost of care, but refuses to do so.**

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 20, 1984

<p>TRD-844476</p>	<p>Marlin W Johnston Commissioner Texas Department of Human Resources</p>
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Earliest possible date of adoption.

May 28, 1984

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

Minimum Standards for Supervised Living

40 TAC §§48.9102, 48.9105, 48.9106

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

§48.9102. *Required Services.*

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

(c) The contracted agency must:

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

(4) obtain the approval of the DHR caseworker before **discharging** [evicting] clients, except when the caseworker cannot be reached and the **client threatens** [client's presence may endanger] the health or safety of other individuals.

(d) (No change.)

§48.9105. *Clients' Rights and Responsibilities.*

(a) The contracted agency must inform the client in writing, before or at the time of admission, of his rights and responsibilities, all rules governing client conduct, and complaint procedures. If the contracted agency amends its policies on clients' rights and responsibilities, and its rules governing conduct, each client in the facility must be informed in writing before the change becomes effective. **The contracted agency must specify the effective date of the policy change.** A written copy of these policies must be given to the client to initial and date and then be filed in the case folder.

(b) The contracted agency must inform DHR and the client in writing of all available services in the facility and of the charges for services not paid for by DHR or not included in the facility's basic daily rate. The agency must include in the information the facility's bed-hold policy and the rate for reserving a client's space during hospital stays and during personal leave exceeding the allowed number of days. The agency must provide this information either before or at the time of admission, and on a continuing basis as changes occur in services or charges during the client's stay.

(c)-(g) (No change.)

(h) The contracted agency must have written discharge [eviction] procedures and must [fully] inform the client of these procedures upon admission to the facility. The contracted agency must give a supervised living client 30 days' notice of discharge [before eviction], except when the client threatens [in situations threatening] the health or safety of [the client or] other individuals. **Services to clients threatening the health or safety of others may be terminated and the client discharged immediately.** The notice requirement does not apply to emergency care clients whose approved service period is over.

§48.9106. *Reporting and Notification Requirements.*

(a) The contracted agency must report to DHR the following occurrences pertinent to client services by the next **workday** [working day] after they occur:

(1) (No change.)

(2) **discharge of clients who threaten the health or safety of other individuals in the facility;**

(3)[(2)] emergencies involving clients; or

(4)[(3)] deaths of clients.

(b) (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 20, 1984.

<p>TRD-844477</p>	<p>Marlin W Johnston Commissioner Texas Department of Human Resources</p>
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Earliest possible date of adoption:

May 28, 1984

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

Part IX. Texas Department on Aging

Chapter 257. Hearing Procedures Appeal Procedures for Service Providers and Applicants

40 TAC §257.75

The Texas Department on Aging proposes amendments to §257.75, concerning evidentiary hearing.

Comments on the proposal may be submitted to Craig F Sandling, P.O. Box 12786, Austin, Texas 78711.

The amendments are proposed under the Human Resources Code, §101.021, which provides the Texas Department on Aging with the authority to adopt rules governing the function of the department.

§261 2. *Composition.* The chairman of the Board on Aging shall appoint, with the advice and consent of the board, the members to the Citizens Advisory Council, using the following criteria.

(1) One member shall be appointed from each designated area agency on aging. **This member shall also be a member of the local area agency on aging's Advisory Board. Those present state Citizen Advisory Council**

members as of April 1, 1984, who do not serve on the Area Agency on Aging Citizens Advisory Board shall continue to serve on the state advisory council until their term expires.

(2)-(6) (No change.)

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

Issued in Austin, Texas, on April 17, 1984

TRD-844352 Tim Shank
 General Counsel
 Texas Department on Aging

Earliest possible date of adoption

May 28, 1984

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

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 16. ECONOMIC REGULATION

Part I. Railroad Commission of Texas

Chapter 5. Transportation Division Subchapter M. Motor Bus Companies

16 TAC §5.236

Pursuant to Texas Civil Statutes, Article 6252-13a, §5(b), and 1 TAC §91.24(b), the proposed repeal of §5.236 submitted by the Railroad Commission of Texas has been automatically withdrawn, effective April 19, 1984. The repeal as proposed appeared in the October 18, 1983, issue of the *Texas Register* (8 TexReg 4243).

TRD-844450
Filed April 19, 1984

TITLE 28. INSURANCE

Part I. State Board of Insurance General Provisions

059.21.20.001-.007

Pursuant to Texas Civil Statutes, Article 6252-13a, §5(b), and 1 TAC §91.24(b), the proposed new Rules 059.21.20.001-.007 submitted by the State Board of Insurance have been automatically withdrawn, effective April 19, 1984. The new rules as proposed appeared in the October 18, 1983, issue of the *Texas Register* (8 TexReg 4265).

TRD-844451
Filed April 19, 1984

TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part X. Texas Water Development Board

Chapter 331. Edwards Aquifer Subchapter A. Edwards Aquifer in Medina, Bexar, Kendall, Comal, Kinney, Uvalde, and Hayes Counties

31 TAC §§331.1-331.11

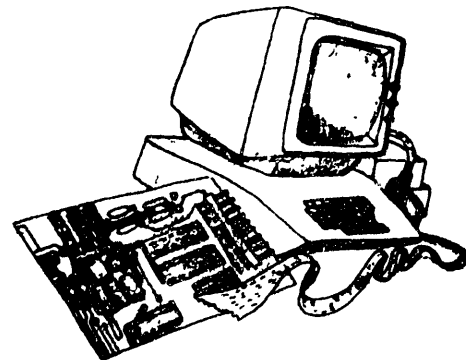
The Texas Water Development Board has withdrawn from consideration for permanent adoption proposed new §§331.1-331.11, concerning the Edwards Aquifer. The text of the new sections as proposed appeared in the November 25, 1983, issue of the *Texas Register* (8 TexReg 4892).

Issued in Austin, Texas, on April 20, 1984

TRD-844508 Susan Plettman
General Counsel
Texas Water Development Board

Filed April 23, 1984

For further information, please call (512) 475-7845



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 7. BANKING AND SECURITIES

Part II. Banking Department of Texas

Chapter 11. Miscellaneous Real Estate Loans

7 TAC §11.3

The Banking Department of Texas adopts amendments to §11.3, without changes to the proposed text published in the October 21, 1983, issue of the *Texas Register* (8 TexReg 4320):

Elimination of the requirement to obtain the written consent of the banking commissioner to exceed the limitation on real estate loans will reduce the regulatory burden on state banks.

The amendments allow state banks to make real estate loans in an aggregate amount which the board of directors of a state bank deems prudent.

No comments were received regarding adoption of the amendments.

The amendments are adopted under Texas Civil Statutes, Article 342-504, which authorize the Banking Department of Texas of the Finance Commission to

promulgate rules regarding real estate loans made by state banks.

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 20, 1984.

TRD-844475

Archie Clayton
General Counsel
Banking Department of Texas

Effective date: May 11, 1984

Proposal publication date: October 21, 1983

For further information, please call (512) 475-4451.

TITLE 16. ECONOMIC REGULATION

Part I. Railroad Commission of Texas

Chapter 5. Transportation Division

Subchapter H. Tariffs and Schedules

16 TAC §§5.145-5.149

The Railroad Commission of Texas adopts new §§5.146-5.148, with changes to the proposed text

published in the October 28, 1983, issue of the *Texas Register* (8 TexReg 4460). Section 5.145 and §5.149 are adopted without changes and will not be republished in this issue.

These sections concern collective rate-making procedures for all commodities and services for which the commission prescribes rates, charges, and classifications. The proposed amendments codify, in substance, the commission's existing rate-making practices. The proposed text was changed to simplify the language of the sections, making the requirements of the commission more understandable to the public.

The following comments generally in support of, but suggesting changes to, the sections as proposed were received: the sections should provide that the commission not only ascertain revenues and expenses but also the assets and liabilities of carriers; the sections should provide for proper accounting of lease expenses; the sections should provide that individual motor carriers only be required to submit their own data regarding revenues and expenses; the sections should not require that persons other than carriers (shippers, receivers, and other members of the affected public) submit carrier revenue and expense data in an application to change rates, charges, or classifications; the section should provide that location-specific or otherwise narrowly defined accessorial charges be set at a level which will cover the cost to the carrier which is providing that specific service; the sections should provide for consideration of factors other than operating ratios in determining whether specific rates, charges, or classifications are compensatory; the proposed sections should allow rates, charges, or classifications for application by one or more carriers for a specific movement, without requiring that such rate, charge, or classification be compensatory to carriers as a group; the term "nondiscriminatory" should be changed to "unduly discriminatory" to allow differences in rates, charges, and classifications where there is a difference in conditions while still precluding rates, charges, or classifications which are clearly preferential to one party; and the sections should not allow a motor carrier rate bureau to protest applications to change rates, charges, or classifications.

The following comments in opposition to the sections as proposed were received: the sections as proposed do not make clear that a carrier has the right to take independent action; the sections as proposed are not clearly within the limits of antitrust immunity; the sections are contrary to the legislative intent to lessen transportation regulation in Texas; and the sections as proposed require too broad a range of data for all rate applications.

Oil and Gas Well Supply Traffic Association, Phillips Petroleum Company, and Mobile Oil Corporation commented in favor of the sections. The NCH Corporation, Texas Association to Improve Distribution, and Texas Industrial Traffic League commented against the sections.

The commission's response to the comments generally supporting but suggesting modifications to the proposed sections are as follows. The sections were intended only to codify existing commission practice and procedure relating to rates, charges, and classifications. Those wishing to change such practice and procedure should file a petition for additional rule making. Discriminations which reflect differences in costs or conditions are not prohibited under the Motor Carrier Act. The term "undue" is implicit in the section as adopted. The sections as adopted do not allow an approved association to protest rate applications. However, approved associations would be permitted to provide expertise or logistical support as the agent for one or more proper parties on whose behalf the association acts.

The commission makes the following response to the comments received in opposition to the sections as proposed. Under the sections, an application to establish or change rates may be filed by any person, including carriers, shippers, receivers, and any other interested member of the public. The sections do not violate federal antitrust statutes. The sections are issued pursuant to the Texas Motor Carrier Act as amended by House Bill 593, Article 911b, and are in conformance with the language and intent of the provisions of that amended Act. The sections as adopted require only information necessary to determine whether the proposed rates, charges, or classifications are just, reasonable, and nondiscriminatory.

The new sections are adopted under Texas Civil Statutes, Article 911b, §4(a) which mandate that the Railroad Commission of Texas establish collective rate-making procedures for all commodities and services for which it prescribes rates, charges, and classifications to ensure nondiscriminatory rates, charges, and classifications for all shippers and users of regulated transportation services.

§5.146. Ascertaining Revenues and Expenses of Carriers.

(a) Evidence in support of applications to establish or change rates, charges, or classifications. Evidence submitted in support of applications to establish or change rates, charges, or classifications should include, but is not limited to, operating revenues at existing and proposed rates; operating expenses; operating ratios; any allocations, adjustments, or special studies useful to the commission in establishing or changing rates, charges, or classifications.

(b) Revenue and expense studies.

(1) Revenue studies. Revenues submitted in support of proposed rates, charges, or classifications should include a statement of actual revenues under existing rates and a restatement reflecting any appropriate adjustments attributable to prior or proposed rate changes.

(2) Expense studies. Expenses submitted in support of proposed rates, charges, or classifications should include total actual expenses incurred by the carrier(s). Operating expenses may also be restated to reflect the impact of known increases in unit costs or traffic volume which either occurred after the beginning of the study period but before the first day of the hearing, or will occur

after the first day of the hearing but before the proposed effective date of the rates, charges, or classifications.

(c) Representativeness of data. Applicants should submit, in support of proposed rates, charges, or classifications, data which is representative of the carrier(s) transporting or making an active offer to transport the commodity for a period which is representative of a typical test year. Data from a study period less than one year should be annualized.

(d) Underlying documents and workpapers. Documents and workpapers which underlie evidence submitted by a party shall, on request by a party or the commission, be made available for inspection.

§5.147. Applications to Establish or Change Rates, Charges, or Classifications.

(a) Generally. Applications to establish or change rates, charges, or classifications may be formulated, prepared, submitted, prosecuted, or opposed by any interested person, including carriers, shippers, receivers, and other members of the affected public, acting on its own behalf. Any person making application to establish or change rates, charges, or classifications should prepare and submit evidence showing the composite revenues and expenses of the representative study carrier(s) as a group.

(b) Collective applications. Applications to establish or change rates, charges, or classifications may be formulated, prepared, submitted, prosecuted, or opposed by an authorized carrier representative on behalf of a carrier or carriers pursuant to an agreement between carriers which has been approved by the commission under §5.315 of this title (relating to Approval of Agreements Between Carriers Concerning Group Representation). Applications or protests/interventions in opposition filed by an association pursuant to an agreement approved by the commission must disclose, by reference to documents on file with the commission or otherwise, on whose behalf the application or protest/intervention was filed.

§5.148. Rate-Making Standards.

(a) Generally. Rates set by the commission must be reasonable to the shipping public and compensatory to involved carriers as a group.

(b) Accessorial rates and charges. Accessorial rates and charges shall be set at a level which will cover the operating cost of involved carrier or carriers as a group.

(c) Rates and charges other than accessorial rates and charges. Rates and charges other than accessorial rates and charges shall be set at a level which will cover the operating expenses of involved carrier or carriers as a group and provide a reasonable margin in excess of operating expenses from which involved carrier or carriers as a group shall derive a reasonable return.

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

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

TRD-844395 Mack Wallace, Chairman
 Buddy Temple and Jim Nugent,
 Commissioners
 Railroad Commission of Texas

Effective date: May 9, 1984
Proposed publication date: October 28, 1983
For further information, please call (512) 445-1186.

**Subchapter Y. Special Rules of Practice
and Procedure in Rail Rate Cases
16 TAC §5.567**

The Railroad Commission of Texas adopts new §5.567, with changes to the proposed text published in the November 25, 1983, issue of the *Texas Register* (8 TexReg 4886).

A proposed section was published in the June 10, 1983, issue of the *Texas Register* (8 TexReg 1969). The publication in the *Texas Register* also scheduled a hearing for June 22-24, 1983. The hearing was held and testimony regarding the section was received. Briefs were received on August 15, 1983, and August 31, 1983. In response to the testimony taken at the hearing and the briefs filed, the proposed section was withdrawn in the November 25, 1983, issue of the *Texas Register* (8 TexReg 4914), and a second proposed section was published in lieu of the withdrawn section. Comments were filed to the substituted section, but no request for further hearing was received. The section as adopted is essentially the same as the proposed section. The changes in subsections (b) and (c) are minor and for clarification only.

The section establishes in rule form a commission practice articulated in general orders published by the commission under Circular 4300 and Circular 4201 in 1913. These orders provided that switching charges be absorbed by the railway carrier performing the line-haul transportation haul on the car switched out of the line-haul charges accruing under the authorized freight rate.

The following comments in favor of the section as originally proposed were received by the commission: it is not always possible to ship to a customer by the rail line serving the customer's business; it is difficult to keep track of all individual tariffs; substantial cancellations of reciprocal switching agreements on interstate traffic may spread to intrastate traffic; reciprocal switching encourages competitive rail services, reciprocal switching was encouraged under old commission orders; and cancellation of reciprocal switching agreements would assert an anti-competitive and discriminatory effect upon shippers.

The following comments in opposition to the section as originally proposed, or, if generally supporting the section, suggesting modifications in the text of the section, were received by the commission: cancellation of reciprocal switching has not occurred on intrastate traffic; shippers and receivers are, at this time, suffering no direct injury from cancellation of reciprocal switching agreements, so the section is superfluous; specific grievances regarding switching may be filed with the Railroad Commission of Texas on an individual basis; many current restrictions on reciprocal switching were implemented at the shippers' request to achieve a lower rate to meet competition, services may be priced differently where different services are involved; the section is contrary to the Staggers Act in that the Act does not contemplate a blanket rule, and the section will affect rates where the commission has no authority to set rates; RCT Railroad Freight Circular 4201 and Circular 4300 are not

controlling with regard to any issue before the RCT in this proceeding because the circulars were not filed with the secretary of state in 1976 at the time of implementation of Texas Civil Statutes, Article 6252-13a, and, even if in effect, they are superceded by the Staggers Rail Act of 1980; the section is anti-competitive; railroads need switching flexibility to remain profitable; adoption will cause rail rates to increase, and, as a result, rail service will not be competitive with the alternative modes of transportation; the term inter-terminal switching should be removed and reciprocal switching should be substituted; the definition of switching is too broad; subsection (b) regarding the provision of switching service is not required; and no exception provision is established to allow exceptions to the section where consistent with National Transportation Policy as established at 49 United States Code §10101a *et seq.*

The following agencies commented in favor of the new section: Anderson Clayton Company, Ralston Purina Company, Phillips Petroleum Company, and the Texas Industrial Traffic League. The following agencies commented against the new section: The Atchison, Topeka, and Santa Fe Railway Co., the Missouri Pacific Railway Company, Southern Pacific Transportation Company and St. Louis Southwestern Railway Company, and Missouri-Kansas-Texas Railroad Company.

The commission agrees with the comments in favor of the section as originally proposed and makes the following reply to comments in opposition to the section. Although widespread cancellation of reciprocal switching has not yet occurred in the state, this reason is insufficient to preclude the implementation of the section to preserve the competitiveness of intrastate markets. A specific grievance procedure alone is an inadequate remedy because the burden to provide reciprocal switching and absorption is upon the rail carrier. Some restrictions on reciprocal switching have been implemented at shippers' request. This fact does not, in and of itself, preclude the adoption of the section. The intent of the section is to provide an open and accessible rail system, not fractured, segregated rail systems. Furthermore, an exception provision to allow exceptions to the section where consistent with transportation policy, and the public interest will provide an avenue to limit the provision of reciprocal switching where feasible.

The section does not preclude the pricing of services differently where different services are involved. The section is not contrary to the Staggers Act. The United States Code, Title 49, §11103(c)(1) specifically contemplates regulations regarding reciprocal switching where agreements are practicable and in the public interest or where such agreements are necessary to provide competitive rail service. Although the ICC declined to adopt a general rule regarding reciprocal switching, the Railroad Commission, as a certified state agency, is not precluded from adopting a rule on its own. The section does not purport to set rates. Even if Railroad Freight Circular 4201 and Circular

4300 are not controlling in this proceeding, they are certainly persuasive regarding established commission practice. Witnesses for the railroads testified that the circulars are relied upon and used by the railroads themselves as the embodiment of intrastate switching practices. The section is not contrary to the Staggers Rail Act as stated. The section is not anti-competitive because it assures that all rail customers will have equal access to the intrastate rail system and all rail carriers will compete on a uniform basis.

The section does not preclude the necessary flexibility for rail carriers to maintain profit, but assures that a competitive environment will exist. An exception provision would assure flexibility where consistent with National Transportation policy and the public interest. The section will not necessarily require rail rates to increase in that it only affects switching practice. In those instances where the section may adversely affect rates, an exception may be sought. The commission concurs that the term "inter-terminal" in the originally proposed section should be removed and "reciprocal" be substituted. The commission concurs that the definition of switching is too broad. The commission concurs that subsection (b) regarding the provision of switching service may be unnecessary. All parties agree that it should be stricken. An exception provision would provide necessary flexibility to effectuate National Transportation Policy.

The following comments were filed in opposition to the section as repropoed by the commission. The proposed section is in conflict with federal law. The section will require increases in rates. No further comments in favor of the section as repropoed were received by the commission.

The Atchison, Topeka, and Santa Fe Railway Co., The Missouri Pacific Railway Company, The Missouri Pacific Railway Company, Southern Pacific Transportation Company and St. Louis Southwestern Railway Company, and Missouri-Kansas-Texas Railroad Company commented against the section.

The commission disagrees with the comments against the section as proposed and makes the following replies to comments in opposition to the section as proposed. The section is not in conflict with federal law. As a certified state agency, Texas has the right to establish standards for intrastate rail traffic notwithstanding the action of the ICC for interstate traffic. The section does not necessarily have to increase rates. In those instances where a requirement of reciprocal switching does not serve the public interest or National Transportation Policy, a carrier may apply for an exception.

The new section is adopted under Texas Civil Statutes, Article 6445 *et seq.*, which provide the Railroad Commission of Texas with the authority to provide reasonable regulations for governance of rail carriers, and 49 United States Code §10101 *et seq.*

§5.567. Reciprocal Switching.

(a) Reciprocal switching defined. Reciprocal switching is a switch performed by a rail carrier, not a party to the line-haul route specified, on behalf of the line-haul

carrier, either prior or subsequent to a line-haul movement from or to a corporation, firm, or individual not located on the trackage of the line-haul carrier, when the tracks of both carriers are within the switching limits of one location or industrial switching district.

(b) Absorption of switching charges for reciprocal switching. Reciprocal switching service shall, in all cases, be furnished when demanded, and said charges shall, except as otherwise provided in this section, be absorbed by the railroad or railroads performing the transportation line-haul on the cars switched, out of the charges accruing under the authorized line-haul freight rate applicable for the transportation of commodities shipped between origin and destination stations. If a car switched is loaded in both directions, a switching charge may be made for each movement.

(c) Exceptions. The Railroad Commission may, upon the application of a person affected by this section or on its own motion, grant exceptions to this section where the exception is shown to be consistent with the National Transportation Policy as a whole as embodied at 49 United States Code §10101a and in the public interest

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 16, 1984.

TRD-844394 Mack Wallace, Chairman
 Buddy Temple and Jim Nugent,
 Commissioners
 Railroad Commission of Texas

Effective date: May 9, 1984
Proposed publication date November 25, 1983
For further information, please call (512) 445-1186.

Part IV. Texas Department of Labor and Standards Chapter 69. Manufactured Housing Division Statement of Policy and Interpretation 16 TAC §§69.1-69.4

The Texas Department of Labor and Standards adopts the repeal of §§69.1-69.4, 69.11-69.15, 69.21-69.37, 69.51-69.65, and 69.104, without changes to the proposal published in the December 9, 1983, issue of the *Texas Register* (8 TexReg 5092).

The 68th Legislature, 1983, adopted certain amendments to the Texas Manufactured Housing Standards Act, Texas Civil Statutes, Article 5221f, House Bill 897, which necessitate an updating of the manufactured housing rules and regulations. The Manufactured Housing Division of the Texas Department of Labor and Standards has taken this opportunity to reorganize

Chapter 69, remove out-dated rules, and effect general editorial changes to foster clarity.

The repeal deletes obsolete language from the department's rules and regulations

No comments were received regarding adoption of the repeal.

The repeal is adopted under the Manufactured Housing Standards Act, Texas Civil Statutes, Article 5221f, §9, which provides the commissioner of the Texas Department of Labor and Standards with the authority to adopt rules and regulations and take all action necessary to assure compliance with the intent and purpose of the Act.

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

Issued in Austin, Texas, on April 20, 1984

TRD-844467 Allen Parker, Sr
 Commissioner
 Texas Department of Labor and
 Standards

Effective date: May 11, 1984
Proposal publication date December 9, 1983
For further information, please call (512) 475-0155.

Standards and Requirements

16 TAC §§69.11-69.15

The repeal is adopted under the Manufactured Housing Standards Act, Texas Civil Statutes, Article 5221f, §9, which provide the commissioner of the Texas Department of Labor and Standards with the authority to adopt rules and regulations and take all action necessary to assure compliance with the intent and purpose of the Act.

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

Issued in Austin, Texas, on April 20, 1984

TRD-844468 Allen Parker, Sr
 Commissioner
 Texas Department of Labor and
 Standards

Effective date: May 11, 1984
Proposal publication date December 9, 1983
For further information, please call (512) 475-0155.

Practice and Procedure

16 TAC §§69.21-69.37

The repeal is adopted under the Manufactured Housing Standards Act, Texas Civil Statutes, Article 5221f, §9, which provide the commissioner of the Texas Department of Labor and Standards with the authority to adopt rules and regulations and take all action

necessary to assure compliance with the intent and purpose of the Act.

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

Issued in Austin, Texas, on April 20, 1984

TRD-844469 Allen Parker, Sr.
Commissioner
Texas Department of Labor and
Standards

Effective date: May 11, 1984
Proposal publication date: December 9, 1983
For further information, please call (512) 475-0155.

Interpretations of the Texas Mobile Home Standards

16 TAC §§69.51-69.65

The repeal is adopted under the Manufactured Housing Standards Act, Texas Civil Statutes, Article 5221f, §9, which provide the commissioner of the Texas Department of Labor and Standards with the authority to adopt rules and regulations and take all action necessary to assure compliance with the intent and purpose of the Act.

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

Issued in Austin, Texas, on April 20, 1984

TRD-844470 Allen Parker, Sr.
Commissioner
Texas Department of Labor and
Standards

Effective date: May 11, 1984
Proposal publication date: December 9, 1983
For further information, please call (512) 475-0155.

Mobile Home Installation

16 TAC §69.104

The repeal is adopted under the Manufactured Housing Standards Act, Texas Civil Statutes, Article 5221f, §9, which provide the commissioner of the Texas Department of Labor and Standards with the authority to adopt rules and regulations and take all action necessary to assure compliance with the intent and purpose of the Act.

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

Issued in Austin, Texas, on April 20, 1984.

TRD-844471 Allen Parker, Sr.
Commissioner
Texas Department of Labor and
Standards

Effective date: May 11, 1984
Proposal publication date: December 30, 1983
For further information, please call (512) 475-0155.

16 TAC §69.201, §69.206

The Texas Department of Labor and Standards adopts amendments to §69.201 and new §69.206, without changes to the proposed text published in the December 30, 1983, issue of the *Texas Register* (8 TexReg 5516).

The 68th Legislature, 1983, adopted certain amendments to the Texas Manufactured Housing Standards Act, Texas Civil Statutes, Article 52216, which necessitate an updating of the manufactured housing rules and regulations. The Manufactured Housing Division of the Texas Department of Labor and Standards has taken this opportunity to reorganize Chapter 69, remove out-dated rules, and effect general editorial changes to foster clarity of the chapter

The section as amended will define for consumers how a damaged mobile home may be issued a document of title and how a lien may be assigned whether in single or multiple transactions

No comments were received regarding adoption of the amendments.

The amended section and new section are adopted under Texas Civil Statutes, Article 5221f, §9, which provide the commissioner of the Texas Department of Labor and Standards with the authority to adopt rules and regulations and take all action necessary to assure compliance with the intent and purpose of the Act.

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

Issued in Austin, Texas, on April 20, 1984

TRD-844472 Allen Parker, Sr.
Commissioner
Texas Department of Labor and
Standards

Effective date: May 11, 1984
Proposal publication date: December 30, 1983
For further information, please call (512) 475-0155

TITLE 22. EXAMINING BOARDS Part XI. Board of Nurse Examiners Chapter 215. Nurse Education

22 TAC §215.1

The Board of Nurse Examiners adopts amendments to §215.1, with minor changes to the proposed text published in the February 17, 1984, issue of the *Texas Register* (9 TexReg 971)

The amendments add two definitions to §215.1. These definitions are pertinent to amended §215.14

regarding clinical preceptorships. The definitions are necessary to help interpret §215.14(h).

The changes made in the text of the amended definitions allow any nursing program to use clinical preceptorships during a student's senior experiences in elective or independent study courses. The use of the term "senior experiences" is not necessarily restricted to the senior year of the nursing program. Some programs are so arranged that students are allowed to take electives and independent study courses during the junior year

Nine comments were received regarding the definitions. In each case, the commenter requested that the definitions be expanded to allow nursing students other than senior students in a baccalaureate program to be assigned to a clinical preceptorship. One of these also requested clarification of the term "senior year."

The following nursing programs, cooperating agencies, and individuals commented on the proposed rules: the Methodist Hospital of Houston; Texas Tech University Health Science Center School of Nursing in Lubbock, Baptist Memorial Hospital System School of Nursing in San Antonio, Galveston College Associate Degree Nursing Program; Pan American University Baccalaureate Degree Nursing Program of RNs in Edinburg; Southwestern Adventist College Baccalaureate Degree Nursing Program for RNs in Keene, El Centro College Associate Degree Nursing Program in Dallas; Schreiner College in Kerrville; and Judith Robinson. All of these cooperating agencies, nursing programs, and individuals were supportive of the proposed amendments; their comments addressed specific concerns, questions, and recommendations. The board has considered these comments and suggestions in the changes to the proposed amendments. Recommendations of commenters were incorporated into changes in the proposed text of the section.

The amendments are adopted under Texas Civil Statutes, Article 4514, §1, which provide the Board of Nurse Examiners with the authority to make and enforce all rules and regulations necessary for the performance of its duties and conducting of proceedings before it, to establish standards of professional conduct for all persons licensed under the provisions of this law in keeping with its purpose and objectives, to regulate the practice of professional nursing, and to determine whether or not an act constitutes the practice of professional nursing, not inconsistent with this Act. Such rules and regulations shall not be inconsistent with the provisions of this law.

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

Clinical preceptor—A registered nurse with clinical expertise employed by a cooperating agency as a health care provider who facilitates the learning of a nursing student in a specified clinical area.

Clinical preceptorship—An organized system of clinical laboratory assignment which allows a student assigned to a senior experience in a nursing program to be paired with a clinical preceptor for the purpose of attain-

ing specific learning objectives in elective or independent study courses.

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 18, 1984

TRD-844425

Margaret L. Rowland, R.N.
Executive Secretary
Board of Nurse Examiners

Effective date: May 10, 1984

Proposal publication date: February 17, 1984

For further information, please call (512) 835-4880.

22 TAC §215.14

The Board of Nurse Examiners adopts amendments to §215.14, with changes to the proposed text published in the February 17, 1984, issue of the *Texas Register* (9 TexReg 971).

The rationale for these amendments is to allow nursing programs flexibility in arranging for meaningful clinical learning opportunities for nursing students during certain senior experiences

These amendments set out the guidelines that must be followed by nursing programs implementing clinical preceptorship, and should safeguard patients, nursing students, clinical preceptors, cooperating agencies, and nursing programs.

Seven comments were received regarding §215.14(h)(1), concerning criteria for selecting clinical preceptors. One commenter raised a question about requiring licensure in the State of Texas since this is not a requirement in federal agencies. Several commenters requested clarification about how the "competency as a health care provider" criterion would be measured. Regarding the "minimum of a bachelor's degree in nursing or equivalent" criterion, questions were posed as to the meaning of equivalent. Three of the commenters were opposed to the requirement of a bachelor's degree and requested that the standard be lowered. One commenter requested that the standard be raised. Comments relating to §215.14(h)(1) D, E, and F were requests for clarification of how these criteria would be measured and by whom

The changes which the board made in the proposed text of this section reflect the concerns and recommendations offered by the commenters.

Regarding §215.14(h)(2)-(7), three comments were received. The primary concern was in relation to the maximum number of students for which a faculty member could be responsible. The board revised this requirement to be in line with the recommendations of those commenting.

Another area of concern was §215.14(h)(4), in which one commenter stated that responsibility for evaluation of the student must also rest with the faculty member. The board felt that it is clear as worded—that the faculty member is responsible for all aspects

of the student's learning experience, including evaluation. Several commenters suggested that §215.14(h)(7) be clarified and made more specific. It was pointed out that, as stated, a faculty member could make regular visits to the cooperating agency but not necessarily meet with either the clinical preceptor or student. As a result of these comments, §215.14(h)(4) and (7) were reworded to provide more clarity. One commenter questioned whether §215.14(h)(2) and (4) adequately covered legal questions regarding responsibility for student actions. The board felt that these issues should be addressed by the cooperating agency and nursing program when the written agreements are negotiated. There was some concern that §215.14(h)(6) and (7) could be interpreted broadly and that faculty members might be responsible for an excessive number of students. Also, a question was raised about how many students a clinical preceptor could work with at any given time. The board felt that the rules were specific enough and that further specificity might be too restrictive.

The following nursing programs, cooperating agencies, and individuals commented on §215.14(h): Baptist Memorial Hospital System School of Nursing, San Antonio; The University of Texas at Arlington School of Nursing; Texas Christian University School of Nursing, Fort Worth; Presbyterian Hospital of Dallas; El Centro College Associate Degree Nursing Program, Dallas; Galveston College Associate Degree Nursing Program; and the Methodist Hospital of Houston. None of these groups opposed the rule; rather, they had specific concerns or recommendations to clarify and strengthen the rule.

The following cooperating agencies and individuals sent comments in favor of the rule with general comments relating to maintaining quality in the selection and assignment of clinical preceptors: Judith Robinson; Beaumont Neurological Center Hospital; and Davie L. Johnson. One commenter requested that extended care facilities be included as possible setting for students' experiences with a clinical preceptor.

Navarro Regional Hospital, Corsicana; McKenna Memorial Hospital, New Braunfels; and Medical Center Hospital, Odessa, commented in favor of the rule without making any recommendations.

Basically, the agency did not disagree with the comments. Changes in the proposed text were made as a result of recommendations made by commenters.

The amendments are adopted under Texas Civil Statutes, Article 4514, §1, which provide the Board of Nurse Examiners with the authority to make and enforce all rules and regulations necessary for the performance of its duties and conducting or proceedings before it, to establish standards of professional conduct for all persons licensed under the provisions of this law in keeping with its purpose and objectives, to regulate the practice of professional nursing and to determine whether or not an act constitutes the practice of professional nursing, not inconsistent with this Act. Such rules and regulations shall not be inconsistent with the provisions of this law.

§215.14. Curriculum.

(a)-(g) (No change.)

(h) Clinical preceptorships may be used for elective or independent study courses during senior experiences in nursing programs.

(i) If clinical preceptors are used, the following conditions must be met:

(1) Criteria for selecting clinical preceptors shall be developed in writing; their qualifications shall be determined by the nursing program and the cooperating agency. The following guidelines should be considered in determining the qualifications of the clinical preceptors:

(A) current licensure as a registered nurse;

(B) expertise as a health care provider;

(C) minimum of a bachelor's degree in nursing preferred; and

(D) philosophy of health care congruent with that of the nursing program.

(2) Written agreement(s) between the cooperating agency and nursing program shall delineate functions and responsibilities of the nursing program, the cooperating agency, the clinical preceptor, the faculty member, and the student.

(3) The agreement(s) shall include method of selecting clinical preceptors; plans for orientation of clinical preceptors, faculty members, and students; and a system for monitoring and evaluating student's learning experiences.

(4) Specific clinical objectives shall be developed.

(5) The faculty member shall be ultimately responsible for the student's learning experiences and shall meet regularly with the clinical preceptor and student for the purpose of monitoring and evaluating learning experiences.

(6) The faculty member shall be readily available when students are in the clinical area.

(7) A faculty member shall be responsible for coordinating no more than 12 students in the clinical experience with clinical preceptors.

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 19, 1984

TRD-844426

Margaret L. Rowland, R.N.
Executive Secretary
Board of Nurse Examiners

Effective date: May 10, 1984

Proposal publication date: February 17, 1984

For further information, please call (512) 835-4880.

Chapter 217. Licensure and Practice

22 TAC §217.2

The Board of Nurse Examiners adopts an amendment to §217.2, with changes to the proposed text published in the February 21, 1984, issue of the *Texas Register* (9 TexReg 1075).

The section handles all candidates who have not passed the licensure examination; those who have

been unsuccessful and those who have never written the licensure examination.

The section reduces confusion of the public since one standard will be used for all candidates who have not passed the licensure examination.

No comments were received at the public hearing held on April 11, 1984; however, written comments were received. One individual misunderstood part of the section; five supported the section with the recommendation that the five years be changed to two years or less.

The following organizations and individuals commented in favor of the section: Thomason General Hospital, El Paso; St. Anthony's Hospital, Amarillo; Pasadena Bayshore Medical Center, Winnsboro Medical Hospital, and Baptist Memorial Hospital, all of Beaumont; McKenna Memorial Hospital, New Braunfels; VA Medical Center, Kerrville; Dorothy Boneck, Mount Pleasant; Diane C. Barkley, Beaumont; and Hi Plains Baptist Hospital, Amarillo.

The agency does not disagree with the comments, but feels that the five years will allow the candidate to write the examination without additional cost for required educational courses.

The amendment is adopted under Texas Civil Statutes, Article 4514, which provide the Board of Nurse Examiners with the authority to make and enforce all rules and regulations necessary for the performance of its duties and conducting of proceedings before it, to establish standards of professional conduct for all persons licensed under the provisions of this law in keeping with its purpose and objectives, to regulate the practice of professional nursing, and to determine whether or not an act constitutes the practice of professional nursing, not inconsistent with this Act. Such rules and regulations shall not be inconsistent with the provisions of this law.

§217.2. Licensure by Examination. The requirements for licensure by examination are as follows:

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

(5) Candidates who have not successfully passed the licensing examination within five years of the date of eligibility to write the examination must present evidence to the board that their nursing knowledge and skills are current.

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 18, 1984.

TRD-844427 Margaret L. Rowland, R.N.
Executive Secretary
Board of Nurse Examiners

Effective date May 10, 1984
Proposal publication date February 21, 1984
For further information, please call (512) 835-4880.

22 TAC §217.5

The Board of Nurse Examiners adopts an amendment to §217.5, without changes to the proposed text published in the February 21, 1984, issue of the *Texas Register* (9 TexReg 1075).

The amendment is being adopted since 79% of the foreign nurses who have taken the Commission on Graduates of Foreign Nursing Schools (CGFNS) exam pass the National Council Licensure Examination (NCLEX) the first time they take it. The majority of other states require the CGFNS. Candidates who pass the CGFNS will not be required to take an English proficiency test.

In requiring foreign nurse candidates to write the CGFNS exam, they will have a better chance of passing the licensing examination after passing the CGFNS. This section will be effective for candidates writing the July 1985 NCLEX for the first time in Texas.

There were several comments received regarding the length of time involved in writing the CGFNS, then the NCLEX, plus the additional cost involved to the candidate. One commenter indicated that the section should not apply to permanent resident visa holders. One individual misunderstood the section. One commenter was in favor of the section but opposed to the NCLEX. Favorable comments included helping protect the public, helping improve the NCLEX results, passing the CGFNS is an important step in knowing foreign nurses, and in requiring CGFNS they will meet minimum qualifications.

The following organizations commented in favor of the section: Thomason General Hospital, El Paso; Community Hospital, Lubbock; St. Mary of the Plains Hospital, Lubbock; Baptist Hospital, Beaumont; Winnsboro Medical Hospital, Pasadena Bayshore Medical Center, St. Anthony's Hospital, all of Amarillo; McKenna Memorial, New Braunfels; Garza Memorial Hospital, Post; St. Anthony's Hospital, El Paso. The following individuals and organizations commented against the section: Carol Zendeהל; Virginia Acker; Memorial Hospital, Gonzales; William Levin, M.D.; UTMB, Galveston; and Gerald Gieseke, St. Joseph's Hospital, Inc.

The agency did not disagree with the comments, but felt that the section would improve the chances of the foreign nurse in obtaining licensure as a registered nurse in the State of Texas.

The amendment is adopted under Texas Civil Statutes, Article 4514, §1, which provide the Board of Nurse Examiners with the authority to make and enforce all rules and regulations necessary for the performance of its duties and conducting of proceedings before it, to establish standards of professional conduct for all persons licensed under the provisions of this law in keeping with its purpose and objectives, to regulate the practice of professional nursing, and to determine whether or not an act constitutes the practice of professional nursing, not inconsistent with this Act. Such



rules and regulations shall not be inconsistent with the provisions of this law.

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 18, 1984

TRD-844428 Margaret L. Rowland, R N
Executive Secretary
Board of Nurse Examiners

Effective date May 10, 1984
Proposal publication date February 21, 1984
For further information, please call (512) 835-4880



Part XII. Board of Vocational Nurse Examiners

Chapter 233. Education Operation of a Vocational Nursing Program

22 TAC §233.22

The Board of Vocational Nurse Examiners adopts an amendment to §233 22, without changes to the proposed text published in the March 2, 1984, issue of the *Texas Register* (9 TexReg 1247).

The amendment increases the availability of faculty members with clinical experience for schools in outlying areas, and gives schools of vocational nursing a wider area of faculty member applicants from which to select.

No comments were received regarding adoption of the amendment.

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

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 18, 1984

TRD-844457 Joyce A Hammer
Executive Director
Board of Vocational Nurse
Examiners

Effective date: May 11, 1984
Proposal publication date March 2, 1984
For further information, please call (512) 835-2071

Chapter 235. Licensing Application for Licensure

22 TAC §235.15

The Board of Vocational Nurse Examiners adopts an amendment to §235.15, without changes to the proposed text published in the March 2, 1984, issue of the *Texas Register* (9 TexReg 1248).

The amendment assures that licensed vocational nurses will have completed a pharmacology course prior to licensure from another state

No comments were received regarding adoption of the amendment.

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

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 18, 1984

TRD-844458 Joyce A Hammer
Executive Director
Board of Vocational Nurse
Examiners

Effective date May 11, 1984
Proposal publication date March 2, 1984
For further information, please call (512) 835-2071.

TITLE 28. INSURANCE

Part I. State Board of Insurance Fire Marshal's Office Fire Protection Sprinkler Systems

059.41.43.300-.310, .312, .313, .315, .316, .318-.321, .324-.326

The State Board of Insurance adopts new Rules 059 41.43 305, 310, 313, 320, 321, and 325, concerning the planning, selling, installing, maintaining, or servicing of fire protection sprinkler systems, with changes to the proposed text published in the February 21, 1984, issue of the *Texas Register* (9 TexReg 1076) New Rules 059 41 43 300- 304, 306-.309, 312, 315, 316, 318, 319, .324, and .326 are adopted without changes and will not be republished here.

The new rules permit the efficient administration of Senate Bill 234, 68th Legislature, 1983, an Act concerning the planning, selling, installing, maintaining, or servicing of fire protection sprinkler systems. Changes to the proposed text include the following Change designation of rules to read "Fire Protection Sprinkler Systems"; in Rule .305, include alphabeti-

cally the definition, "Plan—in support of engineers, the application of principles, methods, and proven techniques appropriate to fire protection, or those techniques especially prescribed by engineers in the laying out and detailing of sprinkler working drawings"; in Rule .310(b), insert "Full-time employee" as the catch line; in Rule .313(b)(2)(B), delete the word "design" and substitute "layout", in Rule .320(c)(1), insert the word "state" in front of the word "fire"; in Rule .321(c)(4), insert the words "name and" in front of the word "license", in Rule .325, delete the word "and" in front of "licenses" and substitute "or." The incorporation of the definition of "plan" will aid in the technical application of all the rules and adopted standards. The remaining changes are editorial corrections having no substantive effect.

The rules set forth the authority for the state fire marshal to certify firms and license persons that engage in the business of planning, selling, installing, maintaining, and servicing fire protection sprinkler systems in the interest of safeguarding lives and property pursuant to the Insurance Code, Article 5.43-3. Rule .306 adopts by reference in their entirety certain copyrighted standards published by the National Fire Protection Association, Inc. (NFPA).

Written comments received in the mail prior to the public hearing of March 22, 1984, in Austin, reflected substantial support for the rules in that they will ensure specialized techniques and experience needed in the sprinkler business upgrade the quality of fire protection, and create consumer protection. Two of the written comments reflected opposition to the NICET Level III requirements in Rule .313(b)(2)(B) as being for engineers rather than sprinkler fitters and installers

Those submitting written comments in favor of the rules were Fire Protection Specialists, Inc., Houston; Yvonne Samples, Mesquite; Ramon D. Mallow, P E , Dallas, Joe Johnson Company, San Angelo, Larry Hampton, Dallas; LaDew Fire Protection, Dallas; W J Brewer, Dallas, Society of Fire Protection Engineers, Dallas, Lyman R. Huffman, Jr., Dallas; Dorothy L. Dixon, Dallas, Norman W. Olar, Garland; ACT Steel, Inc., Houston; Gay Allen, Mesquite; Falcon Sprinkler Systems, Inc., Lubbock; American Automatic Sprinkler, Inc., Fort Worth; Automatic Fire Protection, Inc., San Angelo; Chero-Key Piping Company, Houston; Fire Marshal's Office, San Angelo; Texas State Board of Registration for Professional Engineers; and James A. Beals, Dallas.

Those submitting written comments against the rules were F&S Fire Protection, Inc., and South Texas Automatic Sprinkler, Inc.

During the public hearing oral comments reflected complete and unqualified support for the rules in general because they will help keep standards high and protect Texas citizens and property. Those commenting in favor of the new rules were National Fire Sprinkler Association, Area Six; American Fire Sprinkler

Association; American Automatic Sprinkler, Inc; National Fire Sprinkler Association, Region Committee Number 5; Gulf Fire Sprinklers; Young Brothers Fire Protection; Consulting Engineers Council of Texas; and Texas Society of Professional Engineers. No comments against the new rules.

The Texas Society of Professional Engineers opposed the definition of NICET as proposed in Rule .305 because factually NICET is not a subsidiary of the National Society of Professional Engineers. The board agreed with this comment, and the rule has been changed accordingly.

As to Rule .313(b)(2)(B), supporting comments indicated that the NICET tests and requirements were well written and constitute a major development as a measurement of competence in fire sprinkler layout. Opposition comments indicated that the NICET Level III requirements were fundamentally supported, but the capability of all applicants having successfully completed the examination requirements by September 1, 1984, is very questionable, and further, the administrative procedures of NICET, including the scheduling and grading of the examinations, were viewed as somewhat slow or inadequate.

Those commenting in favor of Rule .313(b)(2)(B) were American Fire Sprinkler Association; American Automatic Sprinkler, Inc.; National Fire Sprinkler Association, Region Committee 5; and Young Brothers Fire Protection. Those commenting against this rule were Key Fire Protection of Dallas; Carol Friedman; APPCO Fire Protection; Hydromatic Incorporated; Inca Fire Alarms and Aztec Sprinklers, Inc.; and East Texas Fire Protection

The board only disagreed with the two written comments concerning opposition to NICET Level III requirements of Rule .313(b)(2)(B), in that such requirements are desirable and necessary to meet the stringent standards of the statute

It is to be noted that the board addressed the comments concerning insufficient time for all applicants to reach NICET Level III requirements by September 1, 1984, with the inclusion of Rule .313(b)(3) set forth hereinafter in the body of the adopted rules.

Rule .313(b)(3) in effect allows the licensing of responsible managing employees for a period of one year, who have only reached NICET Level II requirements as of September 1, 1984. The renewal of such licenses on or after September 1, 1985, can be made only when the renewal applicant has completed NICET Level III examination requirements.

The new rules are adopted under the authority of the Insurance Code, Article 5.43-3, which establishes procedural and substantive requirements. The article also authorizes the State Board of Insurance to issue rules which it considers necessary to its administration through the state fire marshal for licensing and regulating the fire protection sprinkler system business in Texas.

.305. Definitions. The following words and terms, when used in these rules, shall have the following meanings, unless the context clearly indicates otherwise:

Board—The State Board of Insurance.

Business—Planning, selling, installing, maintaining, or servicing fire protection sprinkler systems.

Certificate—The certificate of registration issued by the state fire marshal to a fire sprinkler system contractor authorizing same to engage in the business.

Certify—To attest to the proper planning, installing, maintaining, or servicing of fire protection sprinkler systems by executing a contractor's material and test certificate or attaching a completed service tag.

Certified firm—A person or organization holding a current certificate.

Fire protection sprinkler system—An assembly of underground or overhead piping or conduits that conveys water with or without other agents to dispersal openings or devices to extinguish, control, or contain fire and to provide protection from exposure to fire or the products of combustion.

Fire protection sprinkler system contractor—A person or organization that offers to undertake, represents itself as being able to undertake, or does undertake the plan, sale, installation, maintenance, or service of a fire protection sprinkler system or any part of such a system.

Firm—A person or organization as defined in these rules.

Full-time employment basis—An employee is considered to work on a full-time basis if the employee works per week at least the average number of hours worked per week by all other employees of the firm.

Inspections—A visual examination of a sprinkler system or portion thereof to verify that it appears to be in operating condition and free from physical damage.

Installation—The initial placement of a system or its extension or alteration after the initial placement.

License—The license issued by the state fire marshal to an RME of a certified firm authorizing same to engage in the business.

Maintenance—To maintain in the condition of repair that provides performance as originally planned.

Nationally recognized testing laboratory—A nationally recognized testing company approved by the board, concerned with product and service evaluation, which, after conducting successful examinations, inspections, tests, and reexaminations, reflects approval by various labeling, listing, and classification actions.

NFPA—National Fire Protection Association, Inc., a nationally recognized standards-making organization.

NICET—National Institute for the Certification in Engineering Technologies.

Organization—A corporation, partnership, or other business association, a governmental entity, or any other legal or commercial entity.

Person—A natural person, including any owner, manager, officer, employee, or occupant.

Plan—In support of engineers, the application of principles, methods, and proven techniques appropriate to fire protection, or those techniques especially

prescribed by engineers in the laying out and detailing of sprinkler working drawings.

Responsible managing employee (RME)—An individual or individuals who shall be designated by each company that plans, sells, installs, maintains, or services a fire protection sprinkler system on a full-time basis to assure that each fire protection sprinkler system as installed, maintained, or serviced meets the standards as provided for by law.

Repair—Any work performed after initial installation on fire protection sprinkler system, not including inspecting or testing.

Service and servicing—To maintain, repair, or test.

Standards—Those standards adopted herein.

Test—The act of subjecting a fire protection sprinkler system to any procedure necessary to insure its proper operation or installation.

.310. Responsible Managing Employee License.

(a) Required. Each person designated as a responsible managing employee by a certified firm must have a license issued by the state fire marshal.

(b) Full-time employee. A licensee shall be a full-time employee of a certified firm.

(c) Posting. Wall licenses shall be posted conspicuously on the premises of a firm's business location.

(d) Pocket license. The pocket license is for identification purposes only so long as such license remains valid and while the holder is employed by the firm reflected on the license.

(e) Duplicate license. A duplicate license must be obtained from the state fire marshal to replace a lost or destroyed license. The license holder must submit written notification of the loss or destruction without delay, accompanied by the required fee.

(f) Revised licenses. The change of a licensee's employer, home address, or mailing address requires a revised license. Licenses requiring changes must be surrendered to the state fire marshal within 14 days after the change requiring the revision. The license holder must submit written notification of the necessary change with the surrendered license, accompanied by the required fee.

(g) Minimum age. A license will not be issued to any person who is under 18 years of age.

(h) Restrictions.

(1) A license does not authorize anyone engaged in the business to enforce these rules or to enter any building without the owner's permission.

(2) Licensees shall not permit the use of their licenses by other persons.

(3) A licensee shall not engage in any act of the business unless employed by a certified firm.

(i) Nontransferable. A license is not transferable from one person to another.

(j) License reciprocity. The state fire marshal may waive any examination requirement for an applicant with a valid license from another state having license requirements substantially equivalent to those of this state.

.313. Applications.

(a) Certificates of registration.

(1) Applications for certificates shall be in writing on forms provided by the state fire marshal and accompanied by the required fee.

(2) Applications must be signed by the sole proprietor, by each partner of a partnership, or by an officer of a corporation or organization, and, where applicable, accompanied by evidence of registration as a Texas corporation or evidence of compliance with the Assumed Business or Professional Name Act, Texas Business and Commerce Code, §36.01. The application shall also include written authorization by the applicant permitting the state fire marshal or his representative to enter, examine, and inspect any premises, building, room, or establishment used by the applicant while engaged in the business to determine compliance with the provisions of the Insurance Code, Article 5.43-3, and these rules.

(3) Bond and insurance required.

(A) The state fire marshal shall not issue a certificate of registration under these rules unless the applicant files with his office a surety bond and proof of liability insurance as required in the Insurance Code, Article 5.43-3.

(B) Each certified firm shall maintain in force and on file in the state fire marshal's office the surety bond and certificate of insurance as required. Failure to do so will be cause for action to suspend the firm's certificate of registration

(b) Responsible managing employee licenses.

(1) Original and renewal applications for a license from an employee of a firm engaged in the business shall be on forms provided by the state fire marshal and accompanied by the required fee.

(2) One of the following documents must accompany the application to evidence technical qualifications for a license:

(A) proof of registration in Texas as a professional engineer;

(B) a copy of NICET's notification letter regarding the applicant's successful completion of the examination requirements for certification at Level III for fire protection automatic sprinkler systems layout.

(3) Individuals applying for a license on or before September 1, 1984, without completing NICET Level III examination requirements may be issued a license for

one year, if they otherwise qualify, by submitting a copy of NICET's notification letter reflecting the applicant's successful completion of the examination requirements for certification at Level II for fire protection automatic sprinkler system layout. At the time of renewal of such license, applicant must accompany the renewal application with a copy of NICET's notification letter regarding the applicant's successful completion of the examination requirements for certification at Level III.

.320. Service Tags.

(a) After installation or service, a service tag shall be completed in detail, indicating all work that has been done, and then attached to the system in such a position as to permit convenient inspection and not hamper its actuation or operation.

(b) A new service tag shall be attached each time an inspection or service is performed.

(c) Service tags shall bear the following information in the format of the sample tag shown in subsection (g) of this section.

(1) "Do not remove by order of the state fire marshal" (All capital letters, at least 36-point bold face type);

(2) firm's name and address;

(3) firm's certificate of registration number;

(4) RME's name and license number;

(5) signature of service person;

(6) day, month, and year (to be punched);

(7) type of work (to be punched);

(8) service performed; and

(9) owner's name and address.

(d) Tags shall be 5/4 inches in height and 2-5/8 inches in width. Service tags shall not be red in color.

(e) Tags may be printed and established for any five-year period. After each printing, one tag shall be forwarded to the state fire marshal.

(f) Only authorized employees of certified firms or members of the state fire marshal's office shall remove a service tag.

(g) Sample service tag:

<p>TYPE OF SERVICE PERFORMED _____</p> <p>_____</p> <p>_____</p> <p>OWNER'S NAME AND ADDRESS _____</p> <p>_____</p>

DO NOT REMOVE BY ORDER OF THE STATE FIRE MARSHAL	1988			1987			1986			1985			1984				
	DEC			NOV			OCT			SEP			AUG				
	JUN			MAY			APR			MAR			FEB				
NAME AND ADDRESS OF FIRM			CERT. OF REG. NO.			RME'S NAME			RME'S LICENSE NO.			SIGNATURE			TYPE OF WORK		
1			2			3			4			5			6		
7			8			9			10			11			12		
13			14			15			16			17			18		
19			20			21			22			23			24		
25			26			27			28			29			30/31		
<input type="checkbox"/>			INSTALLATION			<input type="checkbox"/>			SERVICE			<input type="checkbox"/>			ADDITION		

(h) If impairments are found, the inspector shall notify the building owner or his representative and the authority having jurisdiction and complete and attach a red tag. A service tag shall not be installed on the system until the impairments have been corrected, the system reinspected and found to be in good operating condition.

.321. Red Tags.

- (a) Red tags shall be the same size as service tags.
- (b) Red tags shall be attached to all systems that are impaired due to failure to meet minimum standards.
- (c) Red tags shall bear the following information in the format of the sample tag shown in subsection (f) of this section:

(1) "Do not remove by order of the state fire marshal" (all capital letters, at least 36-point bold face type);

- (2) firm's name and address,
- (3) firm's certificate of registration number;
- (4) RME's name and license number,
- (5) signature of service person;
- (6) day, month, and year (to be punched);
- (7) impairments; and
- (8) owner's name and address

(d) Tags may be printed and established for any five-year period. After each printing, one tag shall be forwarded to the state fire marshal

(e) Only authorized employees of certified firms or members of the state fire marshal's office shall remove a red tag.

(f) Sample red tag:

IMPAIRMENTS _____

OWNER'S NAME AND ADDRESS _____

DO NOT REMOVE BY ORDER OF THE STATE FIRE MARSHAL	1988			1987			1986			1985			1984																
	NOV	DEC		OCT	SEP	AUG	JUL	JUN	MAY	APR	MAR	FEB	JAN	FEB	MAR														
NAME AND ADDRESS OF FIRM				CERT. OF REG. NO.				RME'S NAME				RME'S LICENSE NO.				SIGNATURE													
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30/31

325. *Administrative Actions* The failure to comply with provisions of these rules and the Insurance Code, Article 5.43-3, by certificate holders or licensees may subject them to administrative action including, but not limited to, suspension, revocation, or refusal to issue or renew a license or certificate of registration.

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 18, 1984

TRD-844444 James W Norman
Chief Clerk
State Board of Insurance

Effective date May 10, 1984
Proposal publication date February 21, 1984
For further information, please call (512) 475-2950.

ment establishes guidelines for determining when a house trailer becomes permanently affixed to real property, thereby becoming an improvement to realty and losing its identity as a house trailer.

No comments were received regarding adoption of the amendment

This amendment is adopted under the authority of the Texas Tax Code, §111 002, which provides that the comptroller may prescribe, adopt, and enforce rules relating to the enforcement and administration of the Tax Code.

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 23, 1984

TRD-844514 Bob Bullock
Comptroller of Public Accounts

Effective date May 14, 1984
Proposal publication date March 6, 1984
For further information, please call (512) 475-1935.

TITLE 34. PUBLIC FINANCE
Part I. Comptroller of Public Accounts
Chapter 3. Tax Administration
Subchapter F. Motor Vehicle Sales and Use Tax Division

34 TAC §3 89

The Comptroller of Public Accounts adopts an amendment to §3 89, concerning sales of house trailers, without changes to the proposed text published in the March 6, 1984, issue of the *Texas Register* (9 Tex-Reg 1319)

This amendment is proposed to incorporate and give notice of recent administrative law judge decisions in Hearings 11,885, 11,890, and 12,444. This amend-

34 TAC §3.93

The Comptroller of Public Accounts adopts new §3.93, concerning off-road vehicles, without changes to the proposed text published in the March 6, 1984, issue of the *Texas Register* (9 TexReg 1320).

The new section clarifies an amendment to the Texas Tax Code, §152.001, contained in Senate Bill 638, 68th Legislature, 1983, effective September 1, 1983. That Act changed the definition of motor vehicle to include vehicles designed for transportation on public highways rather than capable of transportation on public highways. The new section identifies vehicles now exempt from motor vehicle sales and use tax but subject to limited sales and use tax.

§9.7006. Action on Fair Hearings. Although clients may seek judicial review of the decision, a hearing officer's decision is DHR's final administrative action in an appeal. The worker must take the action directed by the hearing officer, even if he disagrees, within the following time limits:

(1) Decision favorable to client—The worker must send or give an authorization to participate (ATP) card to the client within 10 workdays after receiving the official record of fair hearing form. Exception: the hearing officer may direct the worker to send or give the client an ATP within seven calendar days, or three workdays, if the client is moving from the county.

(2) Decision not favorable to client—If benefits were continued pending appeal, the worker must make

the change effective for the next allotment after receipt of the official record of fair hearing form.

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 19, 1984.

TRD-844431

Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Effective date: May 21, 1984

Proposal publication date: N/A

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

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 Air Control Board

Tuesday, May 1, 1984, 9:30 a.m. The Budget and Finance Committee of the Texas Air Control Board will meet in Room 332, 6330 Highway 290 East, Austin. According to the agenda, the committee will review a proposed agency budget submission for fiscal years 1986-1987.

Contact: Ramon Dasch, 6330 Highway 290 East, Austin, Texas 78723, (512) 451-5711, ext 354.

Filed: April 23, 1984, 2:24 p.m.
TRD-844536

Texas Commission on Alcoholism

Saturday, May 5, 1984, 10 a.m. The Texas Commission on Alcoholism will meet in the conference room, 1705 Guadalupe, Austin. Items on the agenda include approval of minutes, discussion of the Mortimer-Filkins screening instrument, a proposed rule for an approved driving-while-intoxicated (DWI) program, DWI certification and waivers, a proposed funding cycles policy, a computer system update, a ZBB submission update, and the executive director's

report. The commission also will meet in executive session.

Contact: Becky Davis, 1705 Guadalupe, Austin, Texas 78701, (512) 475-2577.

Filed: April 23, 1984, 4:04 p.m.
TRD-844558

State Bar of Texas

Friday and Saturday, April 27 and 28, 1984, 8:45 a.m. and 8:30 a.m. daily. The Board of Directors of the State Bar of Texas will meet on Friday in the ballroom, Belo Mansion, 2101 Ross Avenue, Dallas, and on Saturday in the ballroom, Melrose Hotel, 3015 Oak Lawn Avenue, Dallas. Items on the agenda summary include consideration of a federal judicial liaison to the board; evaluation of the State Bar Convention; reconsideration of the Professional Development Standing Committee; a report on computerization of the general counsel's office and review of other State Bar departments; reports of the president, executive director, president-elect, immediate past president, board chairman, supreme court liaison, general counsel, TYLA president,

Judicial Section, associate executive director, 1984 convention, standing and special committees, and board committees; budgetary matters; and legislative proposals.

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

Filed: April 19, 1984, 2:34 p.m.
TRD-844433

Texas Cosmetology Commission

Sunday, May 6, 1984, 1:30 p.m. The Texas Cosmetology Commission will meet at Wyndham Southpark Hotel, 4140 Governor's Row, Austin. Items on the agenda include an introduction of the Instructor Advisory Committee, proposed rule changes, Robert Ryan's presentation on carpet in salons, Gale O'Riley's presentation on manicure rules, committee reports, old or new business, and minutes of prior meetings. The commission will also meet in executive session.

Contact: Herbert E. Cohen, 1111 Rio Grande Street, Austin, Texas 78701, (512) 475-3304.

Filed: April 20, 1984, 2:16 p.m.
TRD-844480

**Interagency Council on Early
Childhood Intervention**

Wednesday, May 2, 1984, 10 a.m. The Interagency Council on Early Childhood Intervention will meet in Room 270, Building C, 1300 East Anderson Lane, Austin. According to the agenda, the council will review and clarify the Interagency Council on Early Childhood Intervention Act, and discuss the budget for fiscal year 1986-1987 and priorities for fiscal year 1985.

Contact: Mary Elder, 1100 West 49th Street, Austin, Texas 78756, (512) 465-2654.

Filed: April 19, 1984, 4:17 p.m.
TRD-844445

**Texas Economic Development
Commission**

Thursday, April 26, 1984, 1:30 p.m. The Budget Committee of the Texas Economic Development Commission met in emergency session in Room 409, Anson Jones Building, 410 East Fifth Street, Austin. According to the agenda, the committee discussed budget items for the 1986-1987 biennium for presentation to the commission. The emergency status was necessary because the budget will be presented to the commission at the May 18, 1984, quarterly meeting.

Contact: Bruce Barton, 410 East Fifth Street, Austin, Texas 78701, (512) 472-5059.

Filed: April 23, 1984, 1:56 p.m.
TRD-844534

Texas Employment Commission

Tuesday, May 1, 1984, 9 a.m. The Texas Employment Commission (TEC) will meet in Room 644, TEC Building, 15th Street and Congress Avenue, Austin. Items on the agenda summary include prior meeting notes, internal procedures of the Office of Commission Appeals, consideration and action on higher level appeals in unemployment compensation cases on Docket 18, and setting the date of the next meeting.

Contact: Courtenay Browning, Room 608, TEC Building, 15th Street and Congress Avenue, Austin, Texas, (512) 397-4415.

Filed: April 23, 1984, 3:32 p.m.
TRD-844549

Wednesday, May 2, 1984, 9 a.m. The Texas Employment Commission (TEC) revised the agenda of a rescheduled meeting to be held in Room 644, TEC Building, 15th

Street and Congress Avenue, Austin. According to the revised agenda summary, the commission will consider the prior meeting notes, reports of administrative staff on operations, fundings, and legislation, adoption of a proposed change in 40 TAC §301.16 (TEC rules), expenditures from the unemployment compensation special administration fund for leases and repairs, general personnel policies, the position of the agency administrator and appropriate action thereon, any decisions resulting from the executive session, and the date and agenda items for the next commission meeting; conduct a public comment period; discuss establishment of a TEC policy on Hispanic translations and an evaluation system for the administrator position; schedule the next Advisory Council meeting; and review the administrator's handling of matters concerning the proposed sale of TEC properties. The commission also will meet in executive session to discuss premises leases and contracts, a status report on litigation, and attorney general opinion requests.

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

Filed: April 24, 1984, 9:39 a.m.
TRD-844588

Office of the Governor

Wednesday, May 9, 1984, 10 a.m. The Administrator's Coordinating Council (ACC) of the Office of the Governor will meet in Room 412, Sam Houston Building, 201 East 14th Street, Austin. Items on the agenda include adoption of the March 13, 1984, ACC meeting minutes, progress reports on group activities including state permitting and state marketing activities, a discussion of follow-up actions on the April 30 ICED meeting as necessary, and an open discussion.

Contact: Tom Adams, P.O. Box 13561, Austin, Texas 78711, (512) 475-1147.

Filed: April 23, 1984, 4:06 p.m.
TRD-844559

Texas Department of Health

Monday, April 30, 1984, 9:30 a.m. The Hospital Licensing Advisory Council of the Texas Department of Health will meet in Room T-407, 1100 West 49th Street, Austin. According to the agenda, the council will approve the October 29, 1983, minutes; discuss registration fees for X-ray machines; consider an Ad Hoc Committee report con-

cerning the development of a state fire code and termination of Medicare provider agreements by the Health Care Financing Administration and the effect on the Hospital and Professional Licensure Division; and consider an update on council task force activities.

Contact: Gerald Guthrie, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7531.

Filed: April 19, 1984, 4:16 p.m.
TRD-844446

Sunday, May 6, 1984, 10:30 a.m. The Texas Radiation Advisory Board of the Texas Department of Health will meet in the conference room, 1212 East Anderson Lane, Austin. According to the agenda, the board will consider approval of minutes; introduce a proposed amendment to the board concerning rules of procedure; hear reports from the Executive Committee, the Radioactive Waste Task Team, the Industrial Radiography Task Team, the Public Information Committee, and the Sunset Task Team; discuss regulatory guides, program activities in general, and program activities of the Division of Environmental Programs, the Division of Compliance and Inspection, and the Division of Licensing, Registration, and Standards; and determine the next meeting date and location. The board will also meet in executive session.

Contact: David M. Cochran, P.E., 1100 West 49th Street, Austin, Texas 78756, (512) 458-7541.

Filed: April 19, 1984, 4:17 p.m.
TRD-844447

Monday, May 7, 1984, 10:30 a.m. The Texas Occupational Safety Board of the Texas Department of Health will meet in Room G-107, 1100 West 49th Street, Austin. According to the agenda summary, the board will approve the August 26, 1983, minutes; review the 1983 safety and industrial hygiene activities/productivity; discuss enforcement exemption through consultation; consider proposed budget and legislative hearings, review meetings with the Sunset Review Commission; consider comments on pending Occupational Safety and Health Administration (OSHA) regulations; discuss a division funding proposal for 1986-1987; consider board member reports and comments; and determine the date of the next meeting.

Contact: David M. Cochran, P.E., 1100 West 49th Street, Austin, Texas 78756, (512) 458-7541

Filed: April 19, 1984, 4:17 p.m.
TRD-844448

Texas Health Facilities Commission

Thursday, May 3, 1984, 1:30 p.m. The Texas Health Facilities Commission will meet in Suite 305, Jefferson Building, 1600 West 38th Street, Austin. According to the agenda summary, the commission will consider the following applications.

Certificate of Need

Heartland of Corpus Christi,
Corpus Christi
AN83-0805-083

The Hearth Nursing Home, Inc.,
Corpus Christi
AN83-0923-175

Kingwood Community Hospital,
Kingwood
AH83-0126-068

Travis Centre Ambulatory Hospital,
Houston
AS83-1101-282

Alta Mesa Nursing Center, Fort Worth
AN83-1216-433

Roma Memorial Nursing Home,
Three Rivers
AN83-1122-391

Parkland Memorial Hospital, Dallas
AH84-0113-030

Tall Pines Health Care Center of Trinity
Village, Cypress
AN83-1114-304

Plains Memorial Hospital, Dimmitt
AH84-0120-043

McAllen Good Samaritan Center,
McAllen
AN83-1223-464

Colonial Hospital, Inc., Terrell
AH84-0120-044

Amendments of Certificate of Need Orders

Dolly Vinsant Memorial Hospital,
San Benito
AH81-0831-037A(031984)

Bexar County Hospital District,
San Antonio
AH80-0327-003A(031584)

Dallas Surgery Center, Inc., Dallas
AS82-0830-042A(011783)

Declaratory Ruling

Medical Diagnostics of Denton, Ltd.
Denton
AS84-0312-156

Notices of Intent to Acquire Major

Medical Equipment
Fort Worth Magnetic Imaging Institute,
Ltd., Fort Worth
AO84-0326-183

Heights Radiology Associates, Houston
AS84-0319-172

Notices of Intent to Acquire Existing Health Care Facilities

Medical 21 Corporation, Houston
AS83-1108-290

Denton Bates and Dee Bates, Brownfield
AN84-0328-189

Southeastern Health Care, Inc.,
Baton Rouge, Louisiana
AN84-0329-191

AN84-0329-192

AN84-0329-193

AN84-0329-194

AN84-0329-195

Contact: John R. Neel, P.O. Box 50049,
Austin, Texas 78763, (512) 475-6940.

Filed: April 29, 1984, 9:17 a.m.
TRD-844517

Texas Department of Human Resources

Tuesday and Wednesday, May 1 and 2, 1984, 2 p.m. and 10 a.m. respectively. The Texas Board of Human Resources of the Texas Department of Human Resources will meet in the board room, 706 Banister Lane, Austin. Items on the agenda summary include the proposed fiscal year 1985 operating budget; a proposed fiscal year 1986-1987 legislative appropriations request; approval of the February meeting minutes; special session legislative initiatives; access to criminal records of personnel of child care facilities; a review of major issues of the May 1 meeting minutes; board direction on the proposed fiscal year 1985 operating budget and fiscal year 1986-1987 legislative appropriations request; adjustments to the fiscal year 1983 and 1984 operating budgets; AFDC need and payment standards for two-parent families; Vendor Drug Program product cost audits; the availability of interpreters in nursing care facilities; a change in provisions for continuing medical benefits for institutionalized persons; appointments to advisory committees; final rules in the Food Stamp Program on monthly reporting and retrospective budgeting, expedited fair hearings, and payment exemptions for Indians; technical amendments to program policies and procedures; reports on day care licensing work plan status; federal regulations for handicapped infants; and the commissioner's report.

Contact: Bill Woods, P.O. Box 2960,
Austin, Texas 78769, (512) 441-3355, ext. 2060.

Filed: April 23, 1984, 11:05 a.m.
TRD-844530

Texas Historical Commission

Thursday, May 3, 1984, 7:30 a.m. The State Marker Committee of the Texas Historical Commission will meet at The Greenery, Holiday Inn Civic Center, Avenue Q, Lubbock. According to the agenda, the committee will consider a budget for fiscal year 1986 and fiscal year 1987 and proposed rule changes.

Contact: Dan K. Utley, P.O. Box 12276,
Austin, Texas 78711, (512) 475-3092.

Filed: April 19, 1984, 1:35 p.m.
TRD-844432

Task Force on Indigent Health Care

Friday, April 27, 1984, 8 a.m. The Finance Subcommittee of the Task Force on Indigent Health Care will meet in the commissioner's board room, Austin. According to the agenda, the subcommittee will review proposed strategies for financing; discuss state/county program issues, an assignment on insurance, and program options; consider a strategy for an indigent health care plan, and develop proposals for indigent health care.

Contact: Shanna Igo or Bryan Sperry, P.O. Box 12068, Austin, Texas 78711, (512) 475-1051.

Filed: April 19, 1984, 3:59 p.m.
TRD-844440

Wednesday, May 2, 1984, 9 a.m. The Administration Committee of the Task Force on Indigent Health Care will meet in Room 3.108, Joe C. Thompson Conference Center, 26th and Red River Streets, Austin. Items on the agenda include a review of actions of the last meeting, deliberations on a state/county program and program options, and a review of the task force schedule.

Contact: Shanna Igo or Bryan Sperry, P.O. Box 12068, Austin, Texas 78711, (512) 475-1051.

Filed: April 23, 1984, 2:55 p.m.
TRD-844540

Thursday, May 3, 1984, 9 a.m. The Executive Committee of the Task Force on Indigent Health Care will meet in Room 3.102, Joe C. Thompson Center, 26th and Red River Streets, Austin. Items on the agenda include local government and legal responsibilities; the results from a county survey; options for county responsibility concern-

ing a TAC proposal, the regional-tiered approach, catastrophic options, and others; and recommendations from subcommittees.

Contact: Shanna Igo or Bryan Sperry, P.O. Box 12068, Austin, Texas 78711, (512) 475-1051.

Filed: April 23, 1984, 11:53 a.m.
TRD-844531

State Board of Insurance

Tuesday, April 24, 1984, 2 p.m. The State Board of Insurance submitted an emergency revised agenda for a meeting held in Room 414, 1110 San Jacinto Street, Austin. According to the revised agenda, the board considered a proposed emergency rule which specifies the amount of penalties for the late reporting of quarterly premium tax returns within the limits established by the Insurance Code, Article 4.13; the late reporting of quarterly premium tax returns of insurers taxed under Texas Civil Statutes, Article 4769; and the late payment of quarterly prepayment of premium taxes assessed under Texas Civil Statutes, Article 4769. The emergency status was necessary because of the large number of insurers who had been late in reporting quarterly premium tax returns and/or had failed to timely pay quarterly prepayments of premium taxes, and the orderly administration of the premium tax statutes necessitated the emergency adoption of this rule.

Contact: Pat Wagner, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2950.

Filed: April 23, 1984, 4:11 p.m.
TRD-844567

Emergency addition to the above agenda:

A filing by the Industrial Indemnity Company of a municipal bond insurance policy with applicable rates for the Harris County Housing Finance Corporation, multifamily housing revenue bonds, Series 1984 (Atascocita Development). The emergency status was necessary because the closing of the bond issue was predicated upon approval by the board of this filing.

Contact: Pat Wagner, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2950

Filed: April 23, 1984, 4:12 p.m.
TRD-844566

Tuesday, May 1, 1984. The State Board of Insurance will meet in Room 414, 1110 San Jacinto Street, Austin. Times and agendas follow

9 a.m. The board will conduct a public hearing for the purpose of reconsidering rate

and offset revisions for workers' compensation Classification 2705, logging or lumbering-pulpwood only and drivers, that were adopted under Board Order 44344, dated March 14, 1984.

9:30 a.m. The board will consider decisions on the appeals of James Hilton Hilliard from Commissioner's Order 83-3169 and Hilton Hilliard Insurance Designs, Inc., from Commissioner's Order 83-3170; consider an appeal of Tex-Ken, Inc., Tex Holiday-Emerald Beach, and Winegardner and Hammons, Inc., from action of the Texas Catastrophe Property Insurance Association; hear reports, including personnel matters, of the commissioner and the fire marshal; and consider the appointment of members to the Fire Alarm Advisory Council pursuant to the Insurance Code, Article 5.43-2, and board orders on several different matters as itemized on the complete agenda.

Contact: Pat Wagner, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2950.

Filed: April 23, 1984, 4:12 p.m.
TRD-844565, 844564

Tuesday, May 1, 1984, 1:30 p.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 342, 1110 San Jacinto Street, Austin. According to the agenda, the section will conduct a public hearing in Docket 7654—application for original charter of Abba Indemnity Company, Houston.

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

Filed: April 23, 1984, 10:54 a.m.
TRD-844525

Tuesday, May 1, 1984, 2 p.m. The State Board of Insurance will meet in Room 414, 1110 San Jacinto Street, Austin. According to the agenda summary, the board will consider final action on new Rules 059.60.01 .009, 059.01.14 053, and 054; amendments to Rules 059.01.04.001-.013, .015-.019, .027-.038, .040-.052, .058, .060, .066, .068, .069, .071, .072, and .078-.081; the repeal of Rules 059.01.04.021, .059, .087, .088, 059 01 09 101-.120, 127-.152, .158-.160, 166-.172, .178-.181, .187, and .188; proposed action on new Rules 059.03.48.001 and .002; amendments to Rule 059.05.15 .003; the repeal of rules 059.05.43.202, 059 .05.15.017, .021, .024, 059.21.49.007, 059 .21.46.005, 059.03.72.001-.004, 059.05.77 001-.003, 059.02.03.001, 059.05.05.001-.005, 059.05.19.001-.005, .009-.013, 059.05 .25.002, .007, .010, and .059.05.58.001 and .002; proposing new rules respecting agents' licensing procedures and requirements for

variable life insurance agents and variable annuity agents; and experience and other calls on credit life and credit accident and health insurance.

Contact: Pat Wagner, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2950.

Filed: April 23, 1984, 4:12 p.m.
TRD-844563

Wednesday, May 2, 1984, 9 a.m. The State Board of Insurance will meet in Room 414, 1110 San Jacinto Street, Austin. According to the agenda, the board will review the proposed budget request for the 1986-1987 biennium.

Contact: Pat Wagner, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2950.

Filed: April 23, 1984, 4:12 p.m.
TRD-844562

The Commissioner's Hearing Section of the State Board of Insurance will meet at 1110 San Jacinto Street, Austin. Days, times, rooms, and agendas follow.

Wednesday, May 2, 1984, 9 a.m. In Room 353, a public hearing in Docket 7645—whether the local recording agent's license, the Group I legal reserve life insurance agent's license, and the Group II insurance agent's license, held by Wilburn Odell Pritchett, Jr., DeSoto, should be canceled or revoked.

Contact: Tom I. McFarling, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-1076.

Filed: April 23, 1984, 10:54 a.m.
TRD-844526

Wednesday, May 2, 1984, 9 a.m. In Room 342, a public hearing in Docket 7649—whether the Group I legal reserve life insurance agent's license, and Group II health and accident insurance agent's license, held by Joe Calvillo, Jr., San Antonio, should be canceled or revoked.

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

Filed: April 23, 1984, 10:54 a.m.
TRD-844527

Thursday, May 3, 1984, 9 a.m. In Room 342, a public hearing in Docket 7650—whether the title insurance agent's license held by Erath County Abstract and Title Company, Stephenville, should be canceled or revoked.

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

Filed: April 23, 1984, 10:54 a.m.
TRD-844528

Monday, May 7, 1984, 9 a.m. In Room 342, a public hearing in Docket 7644—whether the local recording agent's license held by Billie Maurine Edwards, Anson, should be canceled or revoked

Contact: Tom I. McFarling, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-1076

Filed: April 23, 1984, 10:54 a.m.
TRD-844529

Monday, May 21, 1984, 9 a.m. The State Board of Insurance will meet in Room 342, 1110 San Jacinto Street, Austin. According to the agenda, the board's designate will conduct a public hearing to consider the appeal of Daco Industries, Inc., and Armand Bastien from action of the Texas Catastrophe Property Insurance Association

Contact: Pat Wagner, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2950.

Filed: April 23, 1984, 4:13 p.m.
TRD-844561

Texas Commission on Law Enforcement Officer Standards and Education

Wednesday, May 2, 1984, 10 a.m. The Texas Commission on Law Enforcement Officer Standards and Education will meet at 1606 Headway Circle, Austin. According to the agenda, the commission will read the minutes; discuss the transcription of the minutes; and consider a proposed change to Commission Rule 211 77, concerning minimum training standards, a proposed new rule implementing a fee schedule pursuant to Texas Civil Statutes, Article 4413(29aa), §2(20), entry of final orders in license revocation proceedings pending before the commission, a proposed change to Commission Rule 211 85 concerning proficiency certificates, and staff activity reports

Contact: Alfredo Villarreal, 1606 Headway Circle, Austin, Texas 78754, (512) 834-9222.

Filed: April 23, 1984, 1:39 p.m.
TRD-844532

Texas State Library and Archives Commission

Tuesday, May 8, 1984, 10 a.m. The Library Services and Construction Act Advisory Council of the Texas State Library and Archives Commission will meet in Room 202, Lorenzo de Zavala Archives and Library Building, 12th and Brazos Streets, Austin

According to the agenda, the council will review Library Service and Construction Act Title III grant applications.

Contact: Patricia Smith, P.O. Box 12927, Austin, Texas 78711, (512) 475-4119.

Filed: April 20, 1984, 9:33 a.m.
TRD-844459

Texas Low-Level Radioactive Waste Disposal Authority

Friday, May 11, 1984, 10 a.m. The Budget Committee of the Texas Low-Level Radioactive Waste Disposal Authority will meet in Room 117, Sam Houston Building, 201 East 14th Street, Austin. According to the agenda summary, the committee will consider the 1985 operating budget and the 1986-1987 appropriations request. The committee will also meet in executive session pursuant to Texas Civil Statutes, Article 6252-17, §2(f)

Friday, May 11, 1984, 1 p.m. The Texas Low-Level Radioactive Waste Disposal Authority will meet in Room 117, Sam Houston Building, 201 East 14th Street, Austin. Items on the agenda summary include approval of the previous meeting minutes; the general manager's report and communications concerning financial, engineering, special programs, and legal items; old business concerning private donor rules; new business; and public comments. The authority will also meet in executive session pursuant to Texas Civil Statutes, Article 6252-17, §2(f)

Contact: L. R. Jacobi, Jr., P.E., 1300-C East Anderson Lane, Suite 175, Austin, Texas 78752, (512) 835-6795.

Filed: April 20, 1984, 9:32 a.m.
TRD-844460, 844461

Board of Pardons and Paroles

Monday-Friday, May 7-11, 1984, 9 a.m. daily. The Board of Pardons and Paroles will meet at 8610 Shoal Creek Boulevard, Austin. According to the agenda, the board will review cases of inmates for parole consideration; take action on requests for executive clemency; review and act upon reports regarding administrative releasees; review procedures affecting the daily operation of staff; consider and act regarding needed administrative rule changes; take action upon gubernatorial directives; take action concerning certifying and contracting

with community residential facilities; and consider and act in personnel matters

Contact: John W. Byrd, 8610 Shoal Creek Boulevard, Austin, Texas, (512) 459-2716.

Filed: April 23, 1984, 10:35 a.m.
TRD-844524

Texas Parks and Wildlife Department

Wednesday, May 9, 1984, 10 a.m. The Board for Lease of the Texas Parks and Wildlife Department will meet at 4200 Smith School Road, Austin. According to the agenda, the board will conduct a public hearing, as required by the Parks and Wildlife Code, Chapter 26, to consider an easement request from the City of Lubbock for installation of a sanitary wastewater pipeline through a portion of Mackenzie State Park in Lubbock.

Contact: Loyd K. Booth, 4200 Smith School Road, Austin, Texas 78744, (512) 479-4909.

Filed: April 19, 1984, 2:32 p.m.
TRD-844434

The Prosecutor Council

Thursday, May 10, 1984, 9:30 a.m. The Prosecutor Council will meet at 1402 Nueces Street, Austin. According to the agenda, the council will approve the April 6, 1984, minutes and attendance requirements for professional development courses and set a date for the next meeting. The council will also meet in executive session to conduct a hearing on Case 51-83-45 and Case 51-84-48 and to review other pending complaints.

Contact: Andy Shuval, 1402 Nueces Street, Austin, Texas, (512) 475-6825.

Filed: April 20, 1984, 11:29 a.m.
TRD-844474

Texas State Board of Public Accountancy

Wednesday, April 25, 1984, 9 a.m. The Enforcement Committee of the Texas State Board of Public Accountancy submitted an emergency revised agenda for a rescheduled meeting held in the conference room, 3700 First City Tower, Lamar and Fannin, Houston. According to the agenda summary, the committee reviewed committee business and conducted informal hearings.

Texas Register

The emergency status was necessary because a committee quorum was not present to conduct business at the regularly scheduled meeting and numerous matters needed to be reviewed prior to the next board meeting. The meeting originally was scheduled for April 19-21, 1984.

Contact: Bob E. Bradley, 1033 La Posada Drive, Suite 340, Austin, Texas 78752, (512) 451-0241.

Filed: April 23, 1984, 4:13 p.m.
TRD-844560

Public Utility Commission of Texas

Wednesday, April 25, 1984, 9 a.m. The Public Utility Commission of Texas made an emergency addition to the agenda of a meeting held in Suite 450N, 7800 Shoal Creek Boulevard, Austin. The addition concerned the commissioners' meeting in executive session to consider pending litigation and personnel matters. The emergency status was necessary because litigation in the courts during the next month had to be discussed.

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

Filed: April 23, 1984, 3:20 p.m.
TRD-844544

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

Monday, April 30, 1984, 10 a.m. A pre-hearing conference in Docket 5684—application of Cade Lake Water System for a rate increase within Burleson County.

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

Filed: April 20, 1984, 2:12 p.m.
TRD-844481

Tuesday, May 1, 1984, 10 a.m. A rescheduled hearing on the merits in Docket 5192—petition of the City of Lucas for removal of restrictions on General Telephone Company of the Southwest. The hearing was originally scheduled for April 16, 1984, as published at 9 TexReg 2027.

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

Filed: April 20, 1984, 9:32 a.m.
TRD-844462

Wednesday, May 2, 1984, 4 p.m. The Hearings Division of the Public Utility Commission of Texas will meet in the Tyler City Council Chambers, second floor, City Hall, 212 North Bonner, Tyler. According to the agenda, the division will conduct a regional hearing in Docket 5640—application of Texas Utilities Electric Company for a rate increase.

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

Filed: April 20, 1984, 2:15 p.m.
TRD-844482

Thursday, May 3, 1984, 3:30 p.m. The Hearings Division of the Public Utility Commission of Texas will meet in the University Park City Council Chambers, 3800 University Boulevard, University Park. According to the agenda, the division will conduct a regional hearing in Docket 5640—application of Texas Utilities Electric Company for a rate increase.

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

Filed: April 20, 1984, 2:15 p.m.
TRD-844483

Friday, May 4, 1984, 4 p.m. The Hearings Division of the Public Utility Commission of Texas will meet in the Odessa City Council Chambers, 411 West Eighth Street, Odessa. According to the agenda, the division will conduct a regional hearing in Docket 5640—application of Texas Utilities Electric Company for a rate increase.

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

Filed: April 20, 1984, 2:15 p.m.
TRD-844484

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

Wednesday, June 20, 1984, 10 a.m. A rescheduled hearing on the merits in Docket 5461—application of Clear Lake City Water Authority for water and sewer certificates of convenience and necessity within Harris County. The hearing was originally scheduled for May 2, 1984, as published at 9 TexReg 1289.

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

Filed: April 23, 1984, 2:19 p.m.
TRD-844545

Monday, June 25, 1984, 10 a.m. A hearing on the merits 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 20, 1984, 2:16 p.m.
TRD-844485



Railroad Commission of Texas

Monday, April 30, 1984, 9 a.m. Divisions of the Railroad Commission of Texas will meet in Room 309, 1124 IH 35 South, Austin. Divisions and agendas follow.

The Administrative Services Division will consider and act on the division director's report on division administration, budget, procedures, and personnel matters.

Contact: Roger Dillon, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1211

Filed: April 20, 1984, 3:11 p.m.
TRD-844490

The Automatic Data Processing Division will consider and act on the division director's report on division administration, budget, procedures, equipment acquisitions, and personnel matters.

Contact: Bob Kmetz, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1204.

Filed: April 20, 1984, 3:09 p.m.
TRD-844491

The Flight Division will consider and act on the division director's report on division administration, budget, procedures, and personnel matters.

Contact: Ken Fossler, 1124 IH 35 South, Austin, Texas 78704, (512) 445-1103

Filed: April 20, 1984, 3:09 p.m.
TRD-844492

The Gas Utilities Division will consider various matters falling within the Railroad Commission's Gas Utilities Division regulatory jurisdiction.

Contact: Lucia Sturdevant, P.O. Drawer 12967, Austin, Texas 78711, (512) 475-0461.

Filed: April 20, 1984, 3:13 p.m.
TRD-844494

The Office of Information Services will consider and act on the division director's report on division administration, budget, procedures, and personnel matters.

Contact: Brian W. Schaible, P.O. Drawer 12967, Austin, Texas 78711

Filed: April 20, 1984, 3:10 p.m.
TRD-844493

The LP-Gas Division will consider and act on the division director's report on division administration, budget, procedures, and personnel matters.

Contact: Thomas Petru, 105 West Riverside Drive, Austin, Texas, (512) 475-1301.

Filed: April 20, 1984, 3:12 p.m.
TRD-844495

The Oil and Gas Division will consider various matters falling within the Railroad Commission's oil and gas regulatory jurisdiction.

Contact: Liz Nauert, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1307.

Filed: April 20, 1984, 3:10 p.m.
TRD-844496

Additions to the previous agenda:

Consideration of category determinations under the Natural Gas Policy Act of 1978, §§102(c)(1)(B), 102(c)(1)(C), 103, 107, and 108.

Contact: Madalyn J. Girvin, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1209.

Filed: April 20, 1984, 3:11 p.m.
TRD-844497

Consideration of oil and gas Docket 3-81,967—consolidated hearing on the application of Valero Producing Company for temporary field rules and on the complaint of Rubicon Petroleum, Inc., in the San Leon (F-19) Field, Galveston County (protested)

Contact: Priscilla Hubenak, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1293.

Filed: April 20, 1984, 3:11 p.m.
TRD-844498

The Personnel Division will consider and act on the division director's report on division administration, budget, procedures, and personnel matters.

Contact: Herman L. Wilkins, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1120.

Filed: April 20, 1984, 3:09 p.m.
TRD-844499

The Office of Research and Statistical Analysis will consider and act on the division

director's report on division administration, budget, procedures, and personnel matters

Contact: Gail Gemberling, P.O. Drawer 12967, Austin, Texas 78711.

Filed: April 20, 1984, 3:10 p.m.
TRD-844500

The Office of the Special Counsel will consider and act on the division director's report relating to pending litigation, state and federal legislation, and other budget, administrative, and personnel matters

Contact: Walter Earl Lilie, 1124 IH 35 South, Austin, Texas 78704, (512) 445-1186

Filed: April 20, 1984, 3:09 p.m.
TRD-844501

The Surface Mining and Reclamation Division will consider and act on the division director's report on division administration, budget, procedures, and personnel matters

Contact: J. Randel (Jerry) Hill, 105 West Riverside Drive, Austin, Texas, (512) 475-8751.

Filed: April 20, 1984, 3:12 p.m.
TRD-844502

The Transportation Division will consider various matters falling within the commission's transportation regulatory jurisdiction.

Contact: Walter Wendlandt, 1124 IH 35 South, Austin, Texas 78704, (512) 445-1330

Filed: April 20, 1984, 3:13 p.m.
TRD-844503

Texas Real Estate Commission

Monday, April 30, 1984, 9:30 a.m. The Texas Real Estate Commission will meet in the conference room, 1101 Camino La Costa, Austin. Items on the agenda summary include the March 26, 1984, minutes; staff reports for February 1984 and March 1984, motions for rehearing and/or probation, consideration of final action on a proposed amendment to 22 TAC §535 154, concerning corporations licensed as real estate brokers; consideration of final action on a proposed amendment to 22 TAC §535 111 and §535.112, concerning the use of post office box numbers on broker licenses and branch office licenses; proposed budget matters, and the NARELLO report on the director's meeting. The commission will also meet in executive session to discuss pending litigation.

Contact: Camilla S Shannon, P.O. Box 12188, Austin, Texas 78711, (512) 459-1123.

Filed: April 19, 1984, 4:38 p.m.
TRD-844449

Texas Rehabilitation Commission

Friday, May 4, 1984, 9 a.m. The Advocacy and Public Information Committee of the Texas Planning Council for Developmental Disabilities of the Texas Rehabilitation Commission (TRC) will meet at 118 East Riverside Drive, Austin. According to the agenda, the committee will consider prioritization of advocacy issues, a TRC developmental disabilities budget request, an alternative living arrangements seminar, and public information activities.

Contact: Joellen Simmons, 118 East Riverside Drive, Austin, Texas 78704, (512) 445-8867.

Filed: April 23, 1984, 2:20 p.m.
TRD-844543

School Land Board

Tuesday, May 1, 1984, 10 a.m. The School Land Board will meet in Room 831, General Land Office, Stephen F Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the board will approve the previous meeting minutes; consider pooling agreement amendment applications and pooling applications; consider and approve an oil, gas, and other minerals lease sale and schedule for October 2, 1984; and consider a good faith claimant application, coastal public lands easement applications and cabin permit terminations, and an amendment to a land trade concerning Calhoun County

Contact: Linda K Fisher, 1700 North Congress Avenue, Room 835, Austin, Texas 78701, (512) 475-4307.

Filed: April 23, 1984, 2:31 p.m.
TRD-844537

State Securities Board

Friday, May 4, 1984, 9:30 a.m. The State Securities Board will meet at 1800 San Jacinto Street, Austin. According to the agenda summary, the board will discuss the minutes of the last board meeting; previously published proposals to amend 7 TAC §105 3 to limit the time for filing a complaint pursuant to Texas Civil Statutes, §24(b), amend 7 TAC §139 to create a new exemption for employee plans; amend 7 TAC §107 2 to redefine "security holders" and "purchasers of securities" in view of proposed 7 TAC §139 11, concerning proposed exemption for employee plans, amend 7 TAC §109.4 to redefine "an employee's

restricted stock option" found in Texas Civil Statutes, §5.1(b), in view of proposed 7 TAC §139.11, concerning proposed exemption for employee plans; amend 7 TAC §109 to provide an exemption in Texas Civil Statutes, §5(n), for securities issued by farmers' cooperative societies, associations, and mutual loan corporations; amend 7 TAC §113.4 to create an alternative to Texas Civil Statutes, §9(b), concerning escrow for offerings of direct participation programs where certain conditions are met; amend 7 TAC §113.9 to clarify there is no requirement that the issuer be continuously registered as a dealer and that the rule is adopted pursuant to Texas Civil Statutes, §5(t); new proposals to amend 7 TAC §113 to create rules for registration of securities filed pursuant to Securities and Exchange Commission Rule 415; amend 7 TAC §117 regarding real estate programs to add amendments by the North American Securities Administrators Association relating to offering expenses and lending practices; amend 7 TAC §141.4, regarding equipment company programs to clarify the total amount of expenses for marketing securities allowable; discuss problems regarding interpretations of Texas Civil Statutes, §5(e), concerning availability to open-end investment companies; discuss a petition for a new rule to exempt sales to certain corporations and employee benefit plans; and discuss general agency operations, with reports from division directors and the securities commissioner.

Contact: Richard D Latham, 1800 San Jacinto Street, Austin, Texas, (512) 474-2233.

Filed: April 20, 1984, 2:48 p.m.
TRD-844486



**Texas Sesquicentennial
Commission**

Wednesday, May 2, 1984, 9:30 a.m. The Texas Sesquicentennial Commission will meet in Room 206 and Room 207, second floor, Texas Law Center, 1414 Colorado

Street, Austin. Items on the agenda include approval of minutes from the first quarterly commission meeting of 1984; the director's report; applications for sanctioning regarding Texas independence communities and Texas independence associations; final rules for adoption concerning commemorative products; the Alamo Sesquicentennial Resolution; budget adoption; private sector logo applications; and other business. The commission will also meet in executive session if necessary.

Contact: Randy M. Lee, P.O. Box 1986, Austin, Texas 78767, (512) 475-5726.

Filed: April 19, 1984, 10:45 a.m.
TRD-844429

**Teachers' Professional Practices
Commission**

The Teachers' Professional Practices Commission will meet at the Texas Education Agency North Building, 1200 East Anderson Lane, Austin. Days, times, rooms, and agendas follow.

8:30 a.m. In Room 101 E, the commission will discuss a time to notify the respondent of a complaint; information on cases heard; an overview on cases pending; a report on cases ruled nonjurisdictional; establishing panels and dates for hearings; possible changes on rules of procedure; and a date for the next meeting.

9 a.m. In Room 111, the commission will meet in executive session pursuant to Texas Civil Statutes, Article 6252-17, §(g), to reach a decision on a case filed by an active, certified member of the teaching profession against another active, certified member of the teaching profession pursuant to the Texas Education Code, §§13.201-13.218. All testimony in this case has been concluded. The commission will reconvene in open session to declare the findings of the commission and to take final action on the recommendation to the commissioner.

Contact: James A. Salmon, 201 East 11th Street, Austin, Texas 78701, (512) 834-4091.

Filed: April 19, 1984, 3:16 p.m.
TRD-844438, 844439

University of Texas System

Monday, April 23, 1984, 10 a.m. The Board of Regents of the University of Texas System met in the president's conference room, McDermott Administration Building, University of Texas Health Science Center—Dallas, 5323 Harry Hines Boulevard, Dal-

las. According to the agenda, the board met in executive session to consider personnel matters related to the selection of a chancellor for the University of Texas System pursuant to Texas Civil Statutes, Article 6252-17, §2(g).

Contact: Arthur H. Dilly, P.O. Box N, Austin, Texas 78713, (512) 471-1265.

Filed: April 20, 1984, 8:32 a.m.
TRD-844452

Texas Water Commission

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

Tuesday, May 1, 1984, 10 a.m. In Room 118, the commission will consider water district bond applications, use of surplus funds, a change order, release from escrow, water quality proposed permits, amendments and renewals, the examiner's proposals for decision, amendments to contractual permits, certificate of adjudication, and the filing and setting of hearing date.

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

Filed: April 20, 1984, 10:32 a.m.
TRD-844463

Monday, May 7, 1984, 2 p.m. In Room 118, applications by South Austin Growth Corridor Municipal Utility District 1 of Travis County for approval of a \$3.9 million bond issue and approval of \$1.65 million in City of Austin water approach main contract revenue bonds

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

Filed: April 24, 1984, 9:53 a.m.
TRD-844589

Tuesday, May 8, 1984, 2 p.m. In Room 118, Application ACF-757B of the City of Fort Worth for an amendment to Certified Filing 757, as amended, Trinity River Basin, Tarrant County, and application by Bluebonnet Environmental Systems, Inc. for proposed water quality Permit 12809-01 to authorize discharge of 25,000 gallons per day of treated domestic effluent from the Willow Manor Mobile Home Park Sewage Treatment Plant, Trinity-San Jacinto Estuary, Brazoria County.

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

Filed: April 20, 1984, 10:32 a.m.
TRD-844464

Wednesday, May 9, 1984, 10 a.m. In Room 118, Application 4339 of Charles R Irwin for a Water Code §11 121 permit to authorize direct diversion of not to exceed 50 acre-feet of water per year from the Leona River, Nueces River Basin, for irrigation purposes in Zavala County, and Application 4389 of Fort Clark Springs for a permit to use the water impounded in an existing 1 6 acre-foot capacity reservoir on Las Moras Creek, tributary of the Rio Grande, Rio Grande Basin, in Kinney County for recreational purposes and fish habitat

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

Filed: April 20, 1984, 10:33 a.m.
TRD-844465

Monday, May 21, 1984, 10 a.m. In Room 152, Application 3274B of Denison Rod and Gun Club seeking to amend Permit 2991 to authorize the maintenance and use of an existing 2 5 acre-foot capacity off-channel reservoir to store water diverted via an underground pipe leading from the authorized diversion point on an unnamed tributary of Shawnee Creek, tributary of the Red River, Red River Basin, in Grayson County, for recreational use and subsequent irrigation of applicant's golf course, and further proposes to increase the maximum combined diversion rate from 0 5 cfs to 1 0 cfs

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

Filed: April 20, 1984, 2 11 p.m.
TRD-844487

Tuesday, May 22, 1984, 2 p.m. In Room 118, application by Edward B Sneller, doing business as Country View Mobile Home Park, for proposed water quality Permit 12815-01 to authorize the disposal of treated domestic wastewater effluent at a volume not to exceed 5,000 gallons per day from Country View Estates Mobile Home Park, Wichita County

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

Filed: April 20, 1984, 10 33 a.m.
TRD-844466

Friday, May 25, 1984, 10 a.m. In Room 618, a hearing on Docket RE-0218, and application 4443 of J D Duncan seeking approval of plans to make certain improvements on Brushy Creek and West Davidson Creek, tributaries of Yegua Creek in Burleson County, and authorization to divert and use water from Brushy Creek and West Davidson Creek, tributary of Brazos River,

for flood control purposes in Burleson County

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

Filed: April 20, 1984, 2.11 p.m.
TRD-844488

Friday, June 1, 1984, 9:30 a.m. The Texas Water Commission will meet in the auditorium, City of Houston Health Department, 1115 North MacGregor, Houston According to the agenda, the commission will consider the following applications.

Application by Harris County Municipal Utility District 230, care of Vinson and Elkins, First City Tower, Houston, Texas 77002, to the Texas Department of Water Resources for proposed Permit 12877-01 to authorize a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 1.65 million gallons per day The applicant proposes to treat the domestic wastewater from the district in its new treatment plant

Application by Barely Lane Utility Company, 14511 Falling Creek, Suite 201, Houston, Texas 77014, to the Texas Department of Water Resources for proposed Permit 12875-01 to authorize a discharge of treated wastewater effluent at a volume not to exceed an average flow of 800,000 gallons per day from the proposed Barely Lane Utility Company Wastewater Treatment Plant, which is to serve a proposed multifamily and office/commercial development

Contact: Kaylene A Ray, P O Box 13087, Austin, Texas 78711, (512) 475-1339

Filed: April 19, 1984, 10.15 a.m.
TRD-844398, 844399

Texas Water Well Drillers Board

Tuesday, May 1, 1984, 9:30 a.m. The Texas Water Well Drillers Board will meet in Room 513F, Stephen F Austin Building, 1700 North Congress Avenue, Austin According to the agenda summary, the board will consider the approval of the minutes; certification of applicants for registration; setting complaints for formal public hearing for Ralph E Borden, H C Griffin, J. E. McIntosh, Ed Robinson, James Marion Rosier, E A Rozell, J T Snowden, and Richard Young and Mark Romine, doing business as Young Drilling Company, a draft of new rules concerning reciprocity for drillers from other states and whether to order publication of the rules as proposed

rules in the *Texas Register*; staff reports; applications for driller-trainee registration; and a briefing on the registration of drillers, water well drillers examinations, and the investigator's activities since the last board meeting.

Contact: Jack Overton, P E , P.O. Box 13087, Austin, Texas 78711, (512) 475-3191.

Filed: April 23, 1984, 1.41 p.m.
TRD-844533

Tuesday, May 1, 1984, 1:30 p.m. The Texas Water Well Drillers Board will meet in Room 513-E, Stephen F Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the board will consider whether to suspend or revoke the license of James B. Bradford, 616 North McIver, Madisonville, Texas 77864.

Contact: Patrick J Sullivan, P O. Box 13087, Austin, Texas 78711, (512) 475-6943.

Filed: April 19, 1984, 10:16 a.m.
TRD-844400

Texas Wheat Producers Board

Tuesday and Wednesday, May 1 and 2, 1984, 1 p.m. and 8 a.m. respectively. The Texas Wheat Producers Board of the Texas Department of Agriculture will meet in the board room, Sheraton Hotel, 1H 40 West at Paramount, Amarillo Items on the agenda include the 1984-1985 budget, the 1984 assessment level, research proposals, and attendance at summer wheat meetings Items of business not completed on the first day will be carried over to Wednesday.

Contact: Bill Nelson, Texas Commerce Bank, Suite 625, Amarillo, Texas 79109, (806) 352-2191.

Filed: April 19, 1984, 3:13 p.m.
TRD-844435

Regional Agencies Meetings Filed April 19

The Coastal Bend Council of Governments, Membership, will meet in the Central Jury Room, Nueces County Courthouse, 901 Leopard, Corpus Christi, on April 27, 1984, at 2 p.m. The Coastal Bend Regional Community Development Block Grant Review Committee will meet at 2910 Leopard, Cor-

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pus Christi, on May 1, 1984, at 2 p.m. Information may be obtained from John P. Buckner, P.O. Box 9909, Corpus Christi, Texas 78408, (512) 883-5743.

The Region VI Education Service Center, Board of Directors, met at the Briarcrest Club, Bryan, on April 26, 1984, at 5 p.m. Information may be obtained from M. W. Schlotter, 3332 Montgomery Road, Huntsville, Texas 77340, (409) 295-9161.

The Region XX Education Service Center will meet in the board room, Conference Center, 1314 Hines Avenue, San Antonio, on May 2, 1984, at 2 p.m. Information may be obtained from Dr. Dwain Estes, 1314 Hines Avenue, San Antonio, Texas 78208, (512) 271-7611.

The Golden Crescent Regional Planning Commission, Board of Directors, met in the Town Hall Meeting Room, Mezzanine Level, First Victoria National Bank, 101 South Main, Victoria, on April 25, 1984, at 5 p.m. Information may be obtained from Patrick J. Kennedy, P.O. Box 2028, Victoria, Texas 77902, (512) 578-1587.

The Gulf Bend Mental Health and Mental Retardation Center, Board of Trustees, will meet at 2105 Port Lavaca Drive, Victoria, on May 3, 1984, at noon. Information may be obtained from T. G. Kelliher, Jr., 2105 Port Lavaca Drive, Victoria, Texas 77901, (512) 578-5262.

The Lower Rio Grande Valley Development Council, Board of Directors and annual members, met at Harlingen Chamber of Commerce, 311 East Tyler, Harlingen, on April 26, 1984, at 1:30 p.m. Information may be obtained from Robert A. Chandler, Texas Commerce Bank Building, Suite 207, McAllen, Texas 78501, (512) 682-3481.

The Palo Pinto Appraisal District, Board of Review, met at the Palo Pinto County Courtroom, Palo Pinto, on April 25, 1984, at 9 a.m. Information may be obtained from John R. Winters, 100 Southeast Fifth Street, Mineral Wells, Texas 76067, (817) 659-3651.

The South Texas Development Council, STED Corporation Board of Trustees, met at the Zapata County Community Center, Zapata, on April 26, 1984, at 10 a.m. Information may be obtained from Roberto Mendiola, P.O. Box 218, Laredo, Texas 78044-2187, (512) 722-3995.

The Trinity River Authority of Texas, Board of Directors, met at 5300 South Collins Street, Arlington, on April 25, 1984, at

10 a.m. Information may be obtained from J. Sam Scott, P.O. Box 60, Arlington, Texas 76004-0060, (817) 467-4343

The West Texas Council of Governments, Regional Review Committee of the Upper Rio Grande State Planning Region, Texas Community Development Program, will meet in the Department of Planning, Research, and Development Conference Room, Eighth Floor, Two Civic Center Plaza, El Paso, on April 25, 1984, at 1:30 p.m. Information may be obtained from Thomas Serrano, Two Civic Center Plaza, El Paso, Texas 79999, (915) 541-4687.

TRD-844430

Meetings Filed April 20

The Brazos River Authority, Board of Directors, met at 6666 Ranch Headquarters, Guthrie, on April 26, 1984, at 10 a.m. Information may be obtained from Mike Bukala, 4400 Cobbs Drive, Waco, Texas (817) 776-1441.

The Colorado River Municipal Water District, Board of Directors, revised the agenda of a meeting held at 400 East 24th Street, Big Spring, on April 24, 1984, at 10 a.m. Information may be obtained from O. H. Ivie, P.O. Box 869, Big Spring, Texas 79720, (915) 267-6341.

The Dawson County Central Appraisal District, Appraisal Review Board, met at the Pheasant Restaurant, 611 North Dallas Avenue, Lamesa, on April 25, 1984, at 7 a.m. Information may be obtained from Jim Warren, P.O. Box 797, Lamesa, Texas 79331, (806) 872-7060.

The East Texas Council of Governments, East Texas Regional Review Committee, met on the second floor, Oriental Room, Community Inn, Henderson Boulevard, Kilgore, on April 26, 1984, at 2 p.m. Information may be obtained from Givnn J. Knight, 3800 Stone Road, Kilgore, Texas 75662, (214) 984-8641

The Houston-Galveston Area Council, Regional Review Committee Houston-Galveston Region, will meet at the Houston-Galveston Area Council offices, 3701 West Alabama, Houston, on May 1, 1984, at 10 a.m. Information may be obtained from Jack Steele, 3701 West Alabama, Houston Texas 77027, (713) 267-3200, ext 301

The Wise County Appraisal District, Board of Directors, met in emergency session at

206 South State, Decatur, on April 25, 1984, at 9 a.m. Information may be obtained from Angela Caraway, P.O. Box 509, Decatur, Texas 76234, (817) 627-3081. TRD-844473

Meetings Filed April 23

The Comal County Appraisal District, Board of Directors, met at 130 East Mill Street, New Braunfels, on April 26, 1984, at 7:30 p.m. Information may be obtained from Glenn L. Brucks, P.O. Box 1222, New Braunfels, Texas 78130, (512) 625-8597.

The Mental Health and Mental Retardation Center of East Texas, Board of Trustees, met in the board room, 2323 West Front Street, Tyler, on April 26, 1984, at 4 p.m. Information may be obtained from Richard J. DeSanto, P.O. Box 4730, Tyler, Texas 75712, (214) 597-1351

The Region X Education Service Center, Board of Directors, met in the board room, 400 East Spring Valley, Richardson, on April 26, 1984, at 4 p.m. Information may be obtained from H. W. Gordjon, 400 East Spring Valley, Richardson, Texas 75080, (214) 231-6301.

The Middle Rio Grande Development Council, Project Review Committee, met in emergency session in the city council chambers, City Hall, 101 West Broadway, Del Rio, on April 26, 1984, at 10 a.m. Information may be obtained from Oralia Saldua, Del Rio National Bank, Room 307, Del Rio, Texas 78840, (512) 774-4949

The North Central Texas Council of Governments, Executive Board, met on the second floor, Centerpoint Two, 616 Six Flags Drive, Arlington, on April 26, 1984, at 12:30 p.m. Information may be obtained from William J. Pitstick, P.O. Drawer COG, Arlington, Texas 76005-5888, (817) 461-3300

The South Texas Development Council, Board of Directors, met at the Zapata Civic Center, Zapata, on April 26, 1984, at 11 a.m. Information may be obtained from Juheta V. Saldana, P.O. Box 2187, Laredo, Texas 78044-2187, (512) 722-3995

The Tarrant Appraisal District, Appraisal Review Board, will meet in Suite 300, 1701 River Run, Fort Worth, on May 9, 1984, at 8:30 a.m. Information may be obtained from Dick Curry, 1701 River Run, Suite 300, Fort Worth, Texas 76107, (817) 332-3151.

The West Texas Council of Governments, Board of Directors, will meet on the eighth floor, Two Civic Center Plaza, El Paso, on April 27, 1984, at 9 30 a m (M.S T) Information may be obtained from Bernie Guy, Two Civic Center Plaza, El Paso, Texas 79999, (915) 532-2910

TRD-844523

Meetings Filed April 24

The Dallas Area Rapid Transit Authority, Special Needs Committee, met at 601 Pacific Avenue, Dallas, on April 26, 1984 at 8 a m. Information may be obtained from Michael Miles, 601 Pacific Avenue, Dallas, Texas 75202, (214) 748-3278

The Lone Star Municipal Power Agency will meet in the Flag Room, First National Bank, 1300 11th Street, Huntsville, on May 21, 1984, at 5 p m. Information may be obtained from R. Michael Simmons, 8240 Mopac Expressway, Suite 298, Austin, Texas 78759, (512) 346-4011

The Parmer County Tax Appraisal Office, Board of Directors, will meet in the board room, 305 Third Street, Bovina, on May 7, 1984, at 7:30 p m. Information may be obtained from Ronald E Procter, RPA, P.O. Box 56, Bovina, Texas 79009, (806) 238-1405

The Sabine Valley Regional Mental Health and Mental Retardation Center, Board of Trustees, will meet at Highway 80 West at Sun Camp Road, Longview, on May 3,

1984, at 7 p.m. Information may be obtained from Ronald R. Cookston, Ed.D., P.O. Box 6800, Longview, Texas 75608, (214) 297-2191.

The South Plains Association of Governments, Regional Review Committee, will meet at 3424 Avenue H, Lubbock, on April 27, 1984, at 10:30 a.m. Information may be obtained from Karen A. King, P.O. Box 2787, Lubbock, Texas 79408, (806) 762-8721.

The West Texas Municipal Power Agency will meet at the Hyatt Regency, 208 Barton Springs Road, Austin, on May 17, 1984, at noon. Information may be obtained from R. Michael Simmons, 8420 Mopac Expressway, Suite 298, Austin, Texas 78755, (512) 346-4011.

TRD-844587

In Addition

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.

Texas Air Control Board Request for Proposals

The Texas Air Control Board (TACB) is soliciting proposals from interested agencies to conduct a study to assess the capabilities of epidemiologic methods for use in research on the health effects of exposure to air contaminants. Only proposals for interagency contracts will be considered.

The TACB will receive proposals from interested state agencies until 5 p.m. on May 14, 1984. Proposals may be relatively short and may be qualified as not being a commitment on the part of the institution to perform the work; they should contain a statement of suggested approach and a statement of qualifications of the principal persons who would be performing the work if it is undertaken. Definite allocation of funds for the study has not been made. However, it is anticipated to be in the range of \$10,000-\$30,000, most likely near the middle of this range.

Description of Services. The purpose of this contract is to study the feasibility of using epidemiological techniques to assess the effects of contaminants in ambient air on human health in the State of Texas, and to determine whether air contaminants are a cause of reported adverse effects on human health. The study should determine the capabilities on various epidemiological techniques to assess the effects of both short-term and long-term exposures to contaminants in ambient air. In addition, the study should describe, to the extent possible, the nature of the confounding variables that are liable to be encountered in such research, and should suggest methods to eliminate or to circumvent any limitations or difficulties. The study should assess the strength and limitations of the use of each of a wide variety of biological end points in epidemiological studies.

Procedure for Awarding Contract. The TACB shall select and award such contract(s) and engage such services on the basis of demonstrated competence, qualifications, and availability of resources to perform the required

work. The TACB agrees to receive proposals only under the condition that they shall become public after they have been evaluated and that they are submitted free of charge to the TACB and free from any obligation on the part of the TACB. Moreover, the proposer must provide adequate assurances that release of the proposal will not violate any rights of confidentiality or other property rights. The TACB may choose to enter into one, more than one, or no contract(s) as a result of this request for proposals.

Contact Person. Proposals or requests for additional information should be directed to James Price, Acting Director, Research Division, Texas Air Control Board, 6330 Highway 290 East, Austin, Texas 78723, (512) 451-5711, ext. 432, or STS 824-7432.

Issued in Austin, Texas, on April 20, 1984

TRD-844489 Bill Stewart, P.E.
Executive Director
Texas Air Control Board

Filed April 20, 1984

For further information, please call (512) 451-5711, ext. 354

Texas Department of Community Affairs Request for Proposals

This request for proposals (RFP) is not filed pursuant to Texas Civil Statutes, Article 6252-11c.

In accordance with the Job Training Partnership Act (JTPA), Public Law 97-300, the Texas Department of Community Affairs (TDCA) announces a request for program proposals to provide employment and training programs for Vietnam-era, disabled, and recently separated veterans under the Job Training Partnership Act (JTPA), Title IV-C. The goal of the Texas Veterans' Employment and Training Program is to increase the long-term em-

ployment stability and earned incomes of participating veterans. This goal will be met by providing high-quality, intensive labor exchange services and on-the-job training in permanent high paying jobs for Vietnam-era, disabled, and recently separated veterans. A total of \$630,000 will be available for the Texas Veterans' Employment and Training Program.

Selected deliverers will be expected to assume responsibility for the delivery of services effective upon contract award.

Detailed information regarding the project format is set forth in the request for proposal instructions, which will be available on or after April 27, 1984, at the Texas Department of Community Affairs, Training and Employment Development Division, Office of Research, Demonstration, and Evaluation, 2015 IH 35 South, P. O. Box 13166, Austin, Texas 78711.

The deadline for receipt of proposals in response to this request will be Friday, May 28, 1984.

The TDCA reserves the right to accept or reject any or all proposals submitted. The TDCA is under no legal requirement to execute a resulting contract on the basis of this advertisement, and intends the material provided only as a means of identifying the various contractor alternatives. The TDCA intends to use responses as a basis for further negotiation of specific project details with potential contractors. The TDCA will base its choice on demonstrated competence, qualifications, and evidence of superior conformance with criteria.

This RFP does not commit the TDCA to pay any costs incurred prior to execution of a contract. Issuance of this material in no way obligates the TDCA to award a contract or to pay any costs incurred in the preparation of a response. The TDCA specifically reserves the right to vary all provisions set forth at any time prior to execution of a contract where the TDCA deems it to be in best interest of the State of Texas.

For further information regarding this notice, or to obtain copies of the RFP instructions, please contact Jim Boyd, Texas Department of Community Affairs, Training and Employment Development Division, 2015 IH 35 South, P. O. Box 13166, Austin, Texas 78711, (512) 443-4100, ext. 251.

Issued in Austin, Texas, on April 23, 1984

TRD-844520 Douglas C. Brown
 General Counsel
 Texas Department of Community
 Affairs

Filed April 23, 1984

For further information, please call (512) 442-4100,
ext. 279

Wagner-Peyser Funding Allocation for Employment Service Activities

The Wagner-Peyser Act, as amended by the Job Training Partnership Act (JTPA), Title V, establishes a for-

mula for distributing funds to states for employment service activities. With this formula, Texas will receive \$43,427,331 for Program Year 1984, beginning July 1, 1984, and ending June 30, 1985. Ninety percent of this amount must be used for basic labor exchange services under §501, subsection 7(a); 10% will be reserved for use at the governor's discretion within legislatively designated parameters under subsection 7(b).

Texas Civil Statutes, Article 5221B-10, designates the Texas Employment Commission (TEC) as the state agency to administer activities funded by the Wagner-Peyser Act. Planning for these activities has been coordinated by the TEC, the Texas Department of Community Affairs (TDCA) (with responsibility for Job Training Partnership Act activities), and the Governor's Office of Planning. These entities have jointly proposed that the 90% portion of the Wagner-Peyser funds under §501, subsection 7(a), be distributed to substate areas on approximately the same basis as the federal formula, to ensure that services can be maintained in all areas of the state where they are currently available.

This method of distribution has been endorsed by the State Job Training Coordinating Council and approved by the governor. As required by federal regulation (20 Code of Federal Regulations, Part 652.4), the state herein presents the method and schedule for distributing substate resources under §501, subsection 7(a), as well as the procedures for public review, comment, and complaint resolution.

Staff positions supported by the 90% portion of funds will be distributed to TEC administrative districts throughout the state according to the following formula:

- (1) two-thirds distributed on the basis of the relative number of individuals in the area's civilian labor force (as compared to the total number of the state);
- (2) one-third distributed on the basis of the relative number of unemployed individuals in the area (as compared to the total number in the state); and with
- (3) a minimum level of at least 90% of the area's previous year's share of the allocation.

These funds will be available to support staff and non-personal services (rent, utilities, equipment and supplies, etc.) effective July 1, 1984. Actual disbursement of these funds will be made from the TEC state office in accordance with the federally approved cost accounting system and state procurement guidelines. The respective TEC district directors have the discretion for hiring and assignment of specific individuals and for purchases and contracts for nonpersonal services within federal and state guidelines; however, these funds may not be applied to functions other than labor exchange services. Allocations of employment service positions in accordance with service delivery areas (SDAs) established for administration of JTPA activities are contained in each of the respective SDA Program Year 1984 plans.

Comments and complaints in regard to the substate distribution of Wagner-Peyser funds should be submitted in writing to William Grossenbacher, ES Director, Texas Employment Commission Building, 15th Street and Congress Avenue, Austin, Texas 78778.

Information in regard to the specific allocation for any service delivery area as a result of this distribution formula is available from the same source. Any requests for modification of or complaints about the distribution formula must be received by May 11, 1984, to be considered for the Program Year 1984 funding cycle. Such requests or complaints will be jointly addressed by the TEC, the TDCA, and the Governor's Office of Planning, and submitted, along with joint recommendations, to the State Job Training Coordinating Council at its May 31-June 1 meeting in Austin.

Issued in Austin, Texas, on April 23, 1984

TRD-844504 Douglas C Brown
General Counsel
Texas Department of Community Affairs

Filed: April 23, 1984
For further information, please call (512) 443-4100, ext. 343/270.

Type of Rate Ceilings Effective Period (Dates are Inclusive)	Consumer ⁽³⁾ Agricultural/Commercial ⁽⁴⁾ thru \$250,000	Commercial ⁽⁴⁾ over \$250,000
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Annual Rate Applicable to Pre-July 1, 1983, Retail Credit Card and Lender Credit Card Balances with Annual Implementation Dates from

04/01/84-06/30/84	18.00%	N/A
Judgment Rate—		
Article 1.05, §2		
05/01/84-05/31/84	10.00%	10.00%

- (1) For variable rate commercial transactions only
- (2) Only for open-end credit as defined in Texas Civil Statutes, Article 5069-1.01(f)
- (3) Credit for personal, family, or household use
- (4) Credit for business, commercial, investment, or other similar purpose

Issued in Austin, Texas, on April 23, 1984.

TRD-844516 Sam Kelly
Consumer Credit Commissioner

Filed: April 23, 1984
For further information, please call (512) 475-2111.

Office of Consumer Credit Commissioner Rate Ceilings

The consumer credit commissioner of Texas has ascertained the following rate ceilings by use of the formulas and methods described in Texas Civil Statutes, Title 79, Articles 1.04, 1.05, 1.11, and 15.02, as amended (Texas Civil Statutes, Articles 5069-1.04, 1.05, 1.11, and 15.02).

Type of Rate Ceilings Effective Period (Dates are Inclusive)	Consumer ⁽³⁾ Agricultural/Commercial ⁽⁴⁾ thru \$250,000	Commercial ⁽⁴⁾ over \$250,000
Indicated (Weekly) Rate—Article 1.04(a)(1)		
04/30/84-05/06/84	19.50%	19.50%
Monthly Rate—Article 1.04(c) ⁽¹⁾		
04/01/84-04/30/84	19.25%	19.25%
Standard Quarterly Rate—Article 1.04(a)(2)		
04/01/84-06/30/84	18.27%	18.27%
Retail Credit Card Quarterly Rate—Article 1.11 ⁽³⁾		
04/01/84-06/30/84	18.27%	N/A
Lender Credit Card Quarterly Rate—Article 15.02(d) ⁽³⁾		
04/01/84-06/30/84	18.27%	N/A
Standard Annual Rate—Article 1.04(a)(2) ⁽²⁾		
04/01/84-06/30/84	18.27%	18.27%
Retail Credit Card Annual Rate—Article 1.11 ⁽³⁾		
04/01/84-06/30/84	18.27%	N/A

Texas Department of Corrections Amended Consultant Contract Awards

In accordance with Texas Civil Statutes, Article 6252-11c, the Texas Board of Corrections has determined that the agency would benefit in terms of effectiveness and accountability from an examination of current construction operations.

The notice of selection of the following firm was published in the January 27, 1984, issue of the *Texas Register* (9 TexReg 521). The firm chosen was Coopers and Lybrand, First International Plaza, 1100 Louisiana, Suite 4100, Houston, Texas 77002.

The amended value of the contracted services is approximately \$579,000.

The study is anticipated to be complete within approximately 21 weeks, and a report is anticipated in September 1984.

Issued in Huntsville, Texas, on April 16, 1984.

TRD-844521 Leonard W. Peck, Jr
Legal Counsel
Texas Department of Corrections

Filed: April 23, 1984
For further information, please call (409) 295-6371, ext. 256.

In accordance with Texas Civil Statutes, Article 6252-11c, the Texas Board of Corrections has determined that the

agency would benefit from a study of its present management structure

The initial request for consultant proposals was published in the November 18, 1983, issue of the *Texas Register* (8 TexReg 4826)

The following firm has been selected to provide the required study McKinsey and Company, Inc., 5944 Luther Lane, Suite 600, Dallas, Texas 76225

The contract value for the required services is being amended to \$200,000. The funds are available with \$150,000 provided by Houston Endowment, Inc., and \$50,000 from the department's planning funds from mineral lease

A completed study is anticipated within approximately six weeks.

Issued in Austin, Texas, on April 16, 1984

TRD-844522 Leonard W. Peck, Jr
Legal Counsel
Texas Department of Corrections

Filed April 23, 1984

For further information, please call (409) 295-6371, ext 256

Texas Department of Health Correction of Error

An adopted rule submitted by the Texas Department of Health contained an error as submitted in the April 6, 1984, issue of the *Texas Register* (9 TexReg 1949) in §325.272 in the definition for CWA, the citation should be 33 United States Code §1251, *et seq.*

Licensing Actions for Radioactive Materials

The Texas Department of Health has taken actions regarding licenses for the possession and use of radioactive materials as listed in the following table. The sub-heading labeled "Location" indicates the city in which the radioactive material may be possessed and/or used. The location listing "Throughout Texas" indicates that the radioactive material may be used on a temporary basis at job sites throughout the state.

NEW LICENSES ISSUED

Location	Name	License #	City	Amend- ment #	Date of Action
LaGrange	Fayette Memorial Hospital	06-3572	LaGrange	0	03/22/84
Richardson	Honeywell Optoelectronics, Inc.	05-3576	Richardson	0	04/04/84
San Antonio	David M. Player, M.D.	09-3574	San Antonio	0	03/26/84
Victoria	Victoria Regional Medical Center	08-3575	Victoria	0	03/26/84

AMENDMENTS TO EXISTING LICENSES ISSUED:

Location	Name	License #	City	Amend- ment #	Date of Action
Arlington	Arlington Community Hospital	05-2228	Arlington	11	03/22/84
Austin	TDH Bureau of Emergency Management Disaster Response Program	06-1155	Austin	18	04/04/84
Baytown	Humana Hospital Baytown	11-2462	Baytown	3	03/29/84
Cisco	E. L. Graham Hospital	04-3310	Cisco	2	03/22/84
Dallas	Central Medical Laboratory	05-2549	Dallas	3	03/20/84
El Paso	The University of Texas at El Paso	03-0159	El Paso	15	03/28/84
El Paso	Diagnostic Radiology, P.A.	03-3395	El Paso	1	03/26/84
Houston	Medical Center Del Oro Hospital	11-2073	Houston	11	03/29/84
Mesquite	Mesquite Community Hospital	05-2733	Mesquite	8	03/29/84
Post	Garza Memorial Hospital	02-3296	Post	1	03/29/84
Round Rock	Round Rock Community Hospital	06-3469	Round Rock	4	03/28/84
San Antonio	Endocrinology-Nuclear Medicine Associates, P.A.	09-3343	San Antonio	1	03/29/84
San Antonio	Southwest Texas Methodist Hospital	09-594	San Antonio	63	03/29/84
Throughout Texas	Metils, Inc.	08-2924	Houston	3	03/28/84
Throughout Texas	Houston Inspection Laboratories, Inc.	11-2011	Houston	12	03/29/84
Throughout Texas	Di-Com Services, Inc.	08-3146	Refugio	4	03/29/84
Throughout Texas	Tracor Instruments Austin, Inc.	06-3389 G	Austin	2	03/27/84
Throughout Texas	Dresser Titan	11-2684	Houston	8	03/27/84
Throughout Texas	MIDA Electric Wireline Company	08-3145	Victoria	1	03/27/84
Throughout Texas	Robco Production Logging, Inc.	04-3549	Snyder	1	03/26/84
Throughout Texas	SIE Operations	05-0747	Fort Worth	33	03/22/84
Throughout Texas	SIE Operations	05-0747	Fort Worth	34	03/22/84
Throughout Texas	Coastal Testing Laboratories, Inc.	11-1945	Houston	19	03/26/84
Throughout Texas	NDT & Corrosion Control Services	11-3245	Houston	4	03/28/84
Throughout Texas	C & H Industrial X-Ray Company	11-3134	Houston	3	03/28/84
Throughout Texas	Four Seasons Industrial X-Ray Service	08-2855	Beeville	4	03/28/84
Throughout Texas	In House Inspection Company	11-3381	Huffman	2	03/28/84
Throughout Texas	NDI Services	06-3193	Cedar Park	6	03/29/84
Throughout Texas	Action X-Ray & Enterprises	11-3112	Houston	5	04/04/84
Throughout Texas	H & H X-Ray Services, Inc.	07-2516	Tyler	6	04/02/84
Throughout Texas	Adamson-Chromster Valves, Inc.	11-3311	Houston	2	04/02/84
Throughout Texas	Armadillo Wireline Service, Inc.	12-3186	Andrews	5	04/02/84
Throughout Texas	P.A. Incorporated	11-916	Houston	34	04/04/84
Throughout Texas	Welco, Inc.	04-2077	Albany	12	04/04/84
Throughout Texas	Royal Wireline, Inc.	08-3110	Corpus Christi	2	04/04/84
Throughout Texas	Halliburton Services	07-1835	Tyler	20	04/04/84
Throughout Texas	Gearhart Industries, Inc.	05-442	Fort Worth	58	04/02/84
Throughout Texas	Fishing Tools, Inc.	08-3556	Corpus Christi	1	04/03/84
Waco	Hillcrest Baptist Medical Center	06-0845	Waco	41	03/28/84

RENEWALS OF EXISTING LICENSES ISSUED:

Location	Name	License #	City	Amendment #	Date of Action
Arlington	SURGIKOS, INC	05-2435	Arlington	4	03/27/84
Austin	Nuclear Pharmacy, Inc	06-2117	Austin	34	03/26/84
Grand Prairie	Dallas/Fort Worth Medical Center	05-1375	Grand Prairie	9	03/20/84
Oakville	Westinghouse Electric Corporation	08-2538	Three Rivers	18	03/26/84
Texarkana	Wadley Regional Medical Center	07-2486	Texarkana	7	03/26/84
Throughout Texas	Baker, Shifflett and Associates	05-2906	Fort Worth	2	03/26/84
Throughout Texas	Shintech, Inc	11-2813	Freeport	5	04/04/84

TERMINATIONS OF LICENSES ISSUED:

Location	Name	License #	City	Amendment #	Date of Action
Corpus Christi	Del Mar College	08-1114	Corpus Christi	7	04/03/84
Dallas	Launey Clinic	05-2410	Dallas	2	03/29/84
Fort Worth	Gearhart Industries, Inc	05-2878	Fort Worth	58	04/02/84
Throughout Texas	Victoria Perforators	08-1938	Victoria	14	03/29/84
Throughout Texas	Dynamic Wireline Services, Inc	09-3175	Seguin	4	04/04/84
Waxahachie	Kerr Glass Manufacturing Corporation	05-1328	Waxahachie	8	03/27/84

In issuing new licenses and amending and renewing existing licenses, the Department of Health, Bureau of Radiation Control, has determined that the applicants are qualified by reason of training and experience to use the material in question for the purposes requested in accordance with *Texas Regulations for Control of Radiation* in such a manner as to minimize danger to public health and safety or property and the environment; the applicants' proposed equipment, facilities, and procedures are adequate to minimize danger to public health and safety or property and the environment; the issuance of the license(s) will not be inimical to the health and safety of the public or the environment, and the applicants satisfy any applicable special requirements in the *Texas Regulations for Control of Radiation*.

This notice affords the opportunity for a hearing on written request of a licensee, applicant, or "person affected" within 30 days of the date of publication of this notice. A "person affected" is defined as a person who is a resident of a county, or a county adjacent to the county, in which the radioactive materials are or will be located, including any person who is doing business or who has a legal interest in land in the county or adjacent county, and any local government in the county; and who can demonstrate that he has suffered or will suffer actual injury or economic damage due to emissions of radiation. A licensee, applicant, or "person affected" may request a hearing by writing David K. Lacker, Chief, Bureau of Radiation Control (Director, Texas Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756.

Any request for a hearing must contain the name and address of the person who considers himself affected by agency action, identify the subject license, specify the reasons why the person considers himself affected, and state the relief sought. If the person is represented by an agent, the name and address of the agent must be stated.

Copies of these documents and supporting materials are available for inspection and copying at the office of the Bureau of Radiation Control, Texas Department of Health, 1212 East Anderson Lane, Austin, Texas, from 8 a.m. to 5 p.m. Monday through Friday (except holidays).

Issued in Austin, Texas, on April 19, 1984

TRD-844441 Robert A. MacLean, M.D.
Deputy Commissioner
Professional Services
Texas Department of Health

Filed April 19, 1984

For further information, please call (512) 835 7000.

Opportunity for Public Hearing

The City of Haskell has filed Application 1604 with the Texas Department of Health to operate a proposed Type II municipal solid waste disposal site to be located approximately four miles east-northeast of Haskell, 2.6 miles west of the junction of FM Road 266 with U.S. Highway 380, 300 feet northwest of the junction of FM Road 618 with U.S. Highway 380, and 300 feet northwest of U.S. Highway 380 in Haskell County.

The site consists of approximately 65 acres of land and is to receive daily approximately 10.5 tons of solid wastes under the regulatory jurisdiction of the Texas Department of Health.

The application is being processed, and the final decision will be made by the department pursuant to the provisions of the Texas Solid Waste Disposal Act, Texas Civil Statutes, Article 4477-7; the Texas Department of Health's municipal solid waste management regulations; and the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a.

No public hearing will be held on this application unless a person affected 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, has suffered or will suffer actual injury or economic damage by the granting of the application. If a hearing is requested by a person affected, notice of such hearing will be provided to the requester and will also be published in a newspaper of general circulation in the area where the site is located at least 30 days prior to the date of such hearing. If no request for a hearing is received within 30 days of the date of publication of the said notice in a newspaper of general circulation, the department will make a decision.

Requests for a public hearing and/or requests for a copy of the technical summary of the application prepared by the Bureau of Solid Waste Management shall be submitted in writing to the Chief, Bureau of Solid Waste Management, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756. A copy of the complete application may be reviewed at the Bureau of Solid Waste Management or at the department's Public Health Region 4 headquarters located at Commerce Plaza Office Build-

ing, 1290 South Willis, Suite 100, Abilene, Texas 79605,
(915) 695-7170.

Issued in Austin, Texas, on April 19, 1984

TRD-844442 Robert A. MacLean, M.D.
Deputy Commissioner
Professional Services
Texas Department of Health

Filed: April 19, 1984
For further information, please call (512) 458-7271



Public Hearings

The Texas Department of Health will conduct the following two hearings on applications for solid waste disposal sites:

(1) Browning-Ferris, Inc., presently holds Solid Waste Permit 1410 issued by the department for the operation of a Type I 160-acre municipal solid waste site located 1,300 feet west of FM Road 1516, 1.0 mile east of Foster Road, 0.7 mile south of IH 10, 0.9 mile north of FM Road 1346, and 0.6 mile south of the San Antonio city limits at the west terminus of Tessman Road, in Bexar County.

An application has been filed to amend the permit to add approximately 29 feet of aerial fill to the existing disposal site and add a 106-acre extension to the south side of the existing disposal site with a maximum height of 55 feet above natural ground to 717 feet mean sea level elevation. The total site will consist of 266 acres of land and is to daily receive 1,500 tons of solid waste.

The hearing will be held at 1 p.m. on Monday, May 21, 1984, at the Holiday Inn, 3855 North Pan Am Expressway (IH 35), San Antonio.

(2) The City of Midland has filed Application 1605 with the department to operate a proposed Type I municipal solid waste disposal site to be located approximately six miles east of Midland, seven miles southeast of the intersection of IH 20 and State Highway 158, and approximately 0.75 mile north of State Highway 158, in Midland County.

The hearing will be held at 9 a.m. on Thursday, May 24, 1984, in the City Council Chambers, City Hall, 301 North Loraine, Midland.

Issued in Austin, Texas, on April 19, 1984

TRD-844443 Robert A. MacLean, M.D.
Deputy Commissioner
Professional Services
Texas Department of Health

Filed: April 19, 1984
For further information, please call (512) 458-7271.

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

Carter Nursing Home Corporation for Carter
Nursing Home, Seagoville
AN82-0427-025A(012784)

CN/AMD—Request for an extension of the completion deadline from December 30, 1983, to June 30, 1984, in Certificate of Need AN82-0427-025, which authorized the certificate holder to reclassify 67 intermediate care beds to skilled beds.

The Methodist Hospital, Houston
AH83-0128-098A(041684)

CN/AMD—Request for an extension of the completion deadline from April 14, 1984, to June 1, 1985, in Certificate of Need AH83-0128-098, which authorized the certificate holder to acquire a Med-lab Pathlab Computer System, including equipment and software, for the pathology department.

ARA DevCon, Inc., a Florida corporation,
Houston
AN84-0406-216

NIEH—Request for a declaratory ruling that a certificate of need is not required for ARA DevCon, Inc., to acquire by purchase Thomas Care Center, an existing 250-bed nursing facility with 100 ICF

and 150 ICF-MR-VI beds located in Houston, from Chapin Associates, Ltd., a Texas general partnership (fee interest) and Thomas Care Center, Inc., a Texas corporation (lessee's leasehold interest).

Odessa Diagnostic Imaging Center, Ltd., Odessa AN84-0416-230

NIE—Request for a declaratory ruling that a certificate of need is not required for Odessa Diagnostic Imaging Center, Ltd., to acquire general radiography equipment with tomography capabilities; radiographic and fluoroscopic equipment with digital subtraction capabilities; computerized tomography unit; digital dyna camera imaging system; ultrasound system with real time, B mode, M mode, and lopper capabilities; nuclear magnetic resonance system; miscellaneous dark room equipment; clinic laboratory equipment, including chemical analyzer, coulter counter, and other equipment; electroencephalography system; and electrocardiac system with tread mill. The equipment will be located at 318 North Alleghaney, Odessa, and will be utilized on an outpatient basis only.

Southwest Health Villas of Texas, Inc., Dallas AN84-0413-229

NIEH—Request for a declaratory ruling that a certificate of need is not required for Southwest Health Villas of Texas, Inc., to acquire by purchase Valley View Home, an existing 108-bed ICF nursing facility located in Granbury, from Southwest Health Villas, Inc.

Southwest Health Villas, Inc., Dallas AN84-0413-228

NIEH—Request for a declaratory ruling that a certificate of need is not required for Southwest Health Villas, Inc., to acquire by lease Valley View Home, an existing 108-bed ICF nursing facility located in Granbury, from Southwest Health Villas of Texas, Inc.

Southwest Health Villas of Texas, Inc., Dallas AN84-0413-226

NIEH—Request for a declaratory ruling that a certificate of need is not required for Southwest Health Villas of Texas, Inc., to acquire by purchase Crystal Hill Nursing Home, an existing 60-bed ICF nursing facility located in Dallas, from Whiterock Management, Inc.

Southwest Health Villas, Inc., Dallas AN84-0413-227

NIEH—Request for a declaratory ruling that a certificate of need is not required for Southwest Health Villas, Inc., to acquire by lease Crystal Hill Nursing Home, an existing 60-bed ICF nursing facility located in Dallas, from Southwest Health Villas of Texas, Inc.

Valley Eye Clinic and Hospital, P A, Harlingen AN84-0413-225

DR—Request for declaratory ruling that a certificate of need is not required for Valley Eye Clinic and Hospital, P A, to continue providing ambulatory surgical services at the Valley Eye Clinic and

Hospital, 1515 North Ed Carey Drive, Harlingen, which has been operating since February 15, 1960.

Harrell Properties, Inc., for Corinth Manor Nursing Home, Dallas AN81-0409-013A(041784)

CN/AMD—Request for an extension of the completion deadline from April 15, 1984, to July 14, 1984, in Certificate of Need AN81-0409-013, which authorized the certificate holder, to relicense, recertify, and operate an existing 26,997-square foot nursing home which has been closed for over 12 months.

Woodlands Place Nursing Center, Inc., a Texas corporation, The Woodlands AN84-0410-221

NIEH/DR—Request for a declaratory ruling that neither a certificate of need nor a notice of intent to acquire an existing health care facility is required for Woodlands Place Nursing Center, Inc., to acquire Certificate of Need AN83-0426-402, which was issued to The Heritage Nursing Homes, Ltd., on December 30, 1983, authorizing the construction, equipping, and operation of a new 181-bed nursing home and personal care facility in The Woodlands, to be known as The Woodlands Nursing Center; or, in the alternative, that only a notice of intent to acquire an existing health care facility is required

Issued in Austin, Texas, on April 23, 1984

TRD-844518 John R. Neel
General Counsel
Texas Health Facilities
Commission

Filed April 23, 1984

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

Public Utility Commission of Texas Consultant Proposal Request

In accordance with the provisions of Texas Civil Statutes, Article 6252-11c, the Public Utility Commission of Texas (PUC) invites proposals from qualified firms, public agencies, and individuals to develop and present two series of basic energy management workshops for school administrators, school plant operators, and maintenance supervisors. The initial workshop series will consist of five two-day sessions to be held in October-November 1984, the series will be repeated in the spring of 1985

Unless a better offer is submitted, the PUC intends to award the contract for this project to the firm that previously performed the service. Should several proposals be received, final selection will be based on the recommendation of a review committee. Selection criteria will include experienced and qualified personnel to develop and present the workshops, specific experience in successfully working with school administrators and in setting up energy-efficiency related maintenance and operation pro-

grams; and the proposed approach to setting up the training program

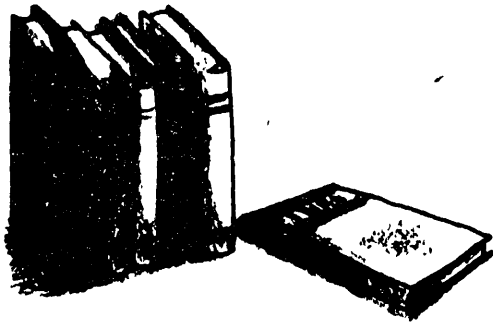
Additional information regarding the consultant proposal request may be obtained by contacting Mel Roberts, Energy Efficiency Division, Public Utility Commission of Texas, 7800 Shoal Creek Boulevard, Suite 400N, Austin, Texas 78757, (512) 458-0313.

To be considered, written proposals must arrive at the PUC office no later than 4 p.m. on May 31, 1984. The proposal opening date is May 31, 1984. Five copies of the proposal should be sent to the Public Utility Commission of Texas, 7800 Shoal Creek Boulevard, Suite 400N, Austin, Texas 78757, Attention: Sandy Becker. The proposal envelope should be identified as follows: SV4-0123.

Issued in Austin, Texas, on April 20, 1984

TRD-844424 Rhonda Colbert Ryan
Secretary of the Commission

Filed April 19, 1984
For further information, please call (512) 458-0100.



Railroad Commission of Texas Correction of Error

An adopted rule submitted by the Railroad Commission of Texas contained two errors as published in the March 16, 1984, issue of the *Texas Register* (9 TexReg 1549).

On page 1552, the second sentence of §3.8(a)(7) should read:

Use of the pit is necessitated by a temporary shutdown of a disposal well or fluid injection well and/or associated equipment, by temporary overflow of saltwater storage tanks on a producing lease, or by a producing well loading up with formation fluids such that the well may die

On page 1554, in §3.8(d)(4)(C), the second sentence should read: The total capacity of a basic sediment pit shall not exceed 50 barrels.

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 April 16-20, 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 April 16-20, 1984

Intermedics, Inc., Freeport, office building; approximately 2,000 feet west of State Highway 288 and three miles north of State Highway 35 in Brazoria County; 12912-01; new permit

B. David Flora, Jr., Alvin, residential development, approximately 1¼ miles west of State Highway 35 and approximately three miles north-northwest of the intersection of State Highway 6 and State Highway 35 north of the City of Alvin, in Brazoria County; 12923-01, new permit

South Hampton Refining Company, Silsbee; petroleum refinery; on the south side of FM Road 418, approximately 1,000 feet north of the intersection of FM Road 418 with FM Road 1122, which is approximately 3.5 miles northwest of the City of Silsbee, Hardin County; 01403; renewal

John A. Ballis, Houston, multifamily residential and commercial developments, approximately 2,000 feet south of the intersection of West Little York Road and Flintlock Road, approximately 1,000 feet east-northeast of the intersection of Fairbanks North Houston Road and U.S. Highway 290 in Harris County; 12931-01; new permit

James W. Dumas, Richmond, mobile home park; on Fritsche Road approximately 4,500 feet south of the intersection of Fritsche Road and Grant Road, northwest of the City of Houston in Harris County, 12926-01; new permit

Westcreek Utility Company, Inc., San Antonio; residential housing and light commercial businesses, approximately 6,000 feet west of the intersection of FM Road 1957 and Loop 1604 and approximately 2,500 feet north of FM Road 1957 in Bexar County, 12901-01; new permit

Cibolo Creek Municipal Authority, Schertz; waste-water treatment plant; on the south side of Cibolo Creek approximately 1½ miles east of downtown Schertz and 3,600 feet south of FM Road 78 in Bexar County; 11269-01; amendment

City of Hughes Springs; wastewater treatment plant; approximately ¼ mile south of combined State Highway 49 and State Highway 11 and approximately ½ mile west of the three-way intersection of State Highway 49 and State Highway 11 in the City of Hughes Springs in Cass County; 10415-01; renewal

Issued in Austin, Texas, on April 20, 1984

TRD-844479 Mary Ann Hefner
 Chief Clerk
 Texas Water Commission

Filed: April 20, 1984
For further information, please call (512) 475-4514.



**Office of the Secretary of State
Texas Register Publication Schedule**

Following are the deadline dates of the May, June, and July 1984 issues of the *Texas Register*. Unless noted by a ★, deadlines for a Tuesday edition of the *Register* are Wednesday and Thursday of the week preceding publication, and deadlines for a Friday edition are Monday and Tuesday of the week of publication.

Publication Schedule for the *Texas Register*

**FOR ISSUE
PUBLISHED ON**

**ALL COPY EXCEPT NOTICES
OF OPEN MEETINGS BY 10 A.M.**

**ALL NOTICES OF OPEN
MEETINGS BY 10 A.M.**

Tuesday, May 1
Friday, May 4
Tuesday, May 8
Friday, May 11
Tuesday, May 15
Friday, May 18
Tuesday, May 22
Friday, May 25
Tuesday, May 29

Monday, April 30
Wednesday, May 2
Monday, May 7
Wednesday, May 9
Monday, May 14
Wednesday, May 16
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Thursday, June 28
Tuesday, July 3

Tuesday, July 10
Thursday, July 12
Tuesday, July 17
Thursday, July 19
Tuesday, July 24
Thursday, July 26

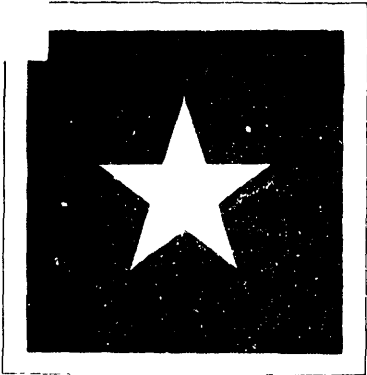
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