

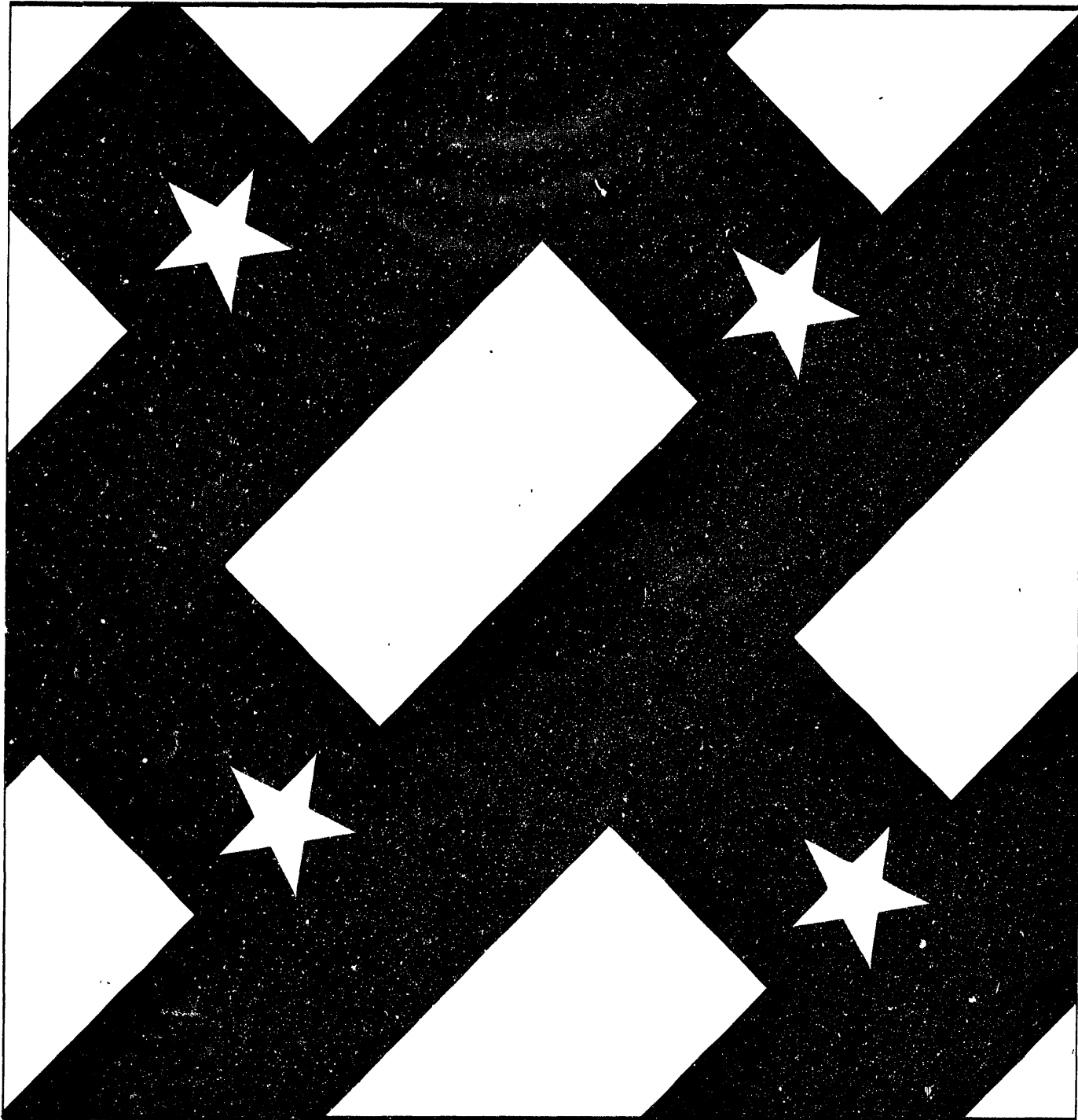
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Texas Register

Volume 9, Number 52, July 13, 1984

Pages 3777 - 3852



Highlights

The Texas Parks and Wildlife Department adopts on an emergency basis a new section concerning the gulf shrimping season
Effective date - July 6 page 3783

The Comptroller of Public Accounts adopts on an

emergency basis a new section concerning the motor fuels tax
Effective date - July 6 page 3783

The Texas Water Development Board proposes new sections in a chapter concerning the Edwards Aquifer Earliest possible date of adoption - August 13 page 3787

**Office of
the Secretary
of State**

Texas Register

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- 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- Withdrawn Rules—rules withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date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

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In order that readers may cite material more easily, page numbers are now written as citations. Example: on page 2, in the lower left-hand corner of the page, would be written "9 TexReg 2 issue date," while on the opposite page, page 3, in the lower right-hand corner, would be written "issue date 9 TexReg 3"

How To Research: The public is invited to research rules and information of interest between 8 a.m. and 5 p.m. weekdays at the *Texas Register* office, 503E Sam Houston Building, Austin. Material can be found by using *Register* indexes, the *Texas Administrative Code*, rule number, or TRD number.

Texas Administrative Code

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

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

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

TAC stands for the *Texas Administrative Code*,

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



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

The Governor

Appointment Made July 2

State Job Training Coordinating Council

For a term to continue at the pleasure of this governor:

Leonardo Camarillo
P.O. Box 1356
Edinburg, Texas 78539

Mr. Camarillo is being appointed pursuant to Public Law 97-300.

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

TRD-847161 Mark White
Governor of Texas

Appointment Made July 3

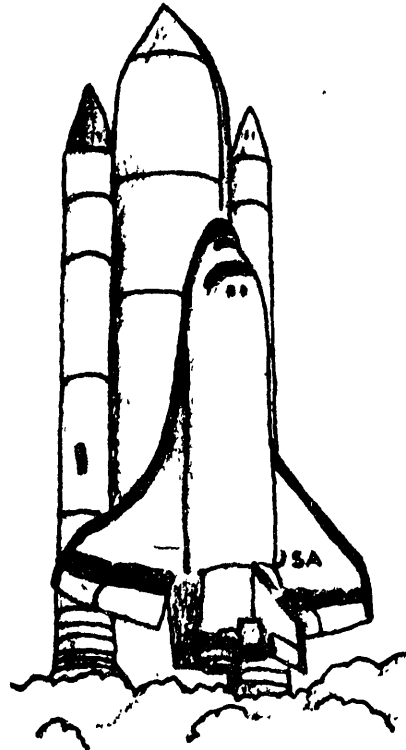
Older Workers Task Force

For a term to continue at the pleasure of this governor:

Dr. Lorraine Clark
5338 Drane
Dallas, Texas 75209

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

TRD-847161 Mark White
Governor of Texas



The Attorney General

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.

Requests for Opinions

RQ-367. Request from Luther Jones, El Paso County attorney, El Paso, concerning the authority of the El Paso County Bail Board to define the term "designee" in Texas Civil Statutes, Article 2372p-3.
TRD-847020

RQ-368. Request from William B. Steele III, Locke, Purnell, Boren, Laney, & Neely, Dallas, concerning whether information regarding municipal building restrictions and right-of-way dedication is excepted

from disclosure under the Open Records Act.

TRD-847021

Open Records Decisions

ORD-418 (RQ-217). Request from F. J. Coleman, Jr., city attorney, Houston, concerning whether records which are the subject of a subpoena are available under the Open Records Act.

Summary of Decision. A police officer's personnel record which is the subject of a

subpoena is excepted from disclosure under the Open Records Act, §3(a)(3).

TRD-847022

ORD-419 (RQ-289). Request from Lawrence K. Pettit, chancellor, University System of South Texas, Kingsville, concerning whether a self-study report prepared by Texas A&I University is available to the public under the Open Records Act.

Summary of Decision. Only projections, conclusions, and recommendations are excepted from disclosure under the Open Records Act.

TRD-847023

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.

Synbology 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 31. NATURAL RESOURCES
AND CONSERVATION**
**Part II. Texas Parks and Wildlife
Department**
Chapter 57. Fisheries
Gulf Shrimping Season
31 TAC §57.351

The Texas Parks and Wildlife Department adopts on an emergency basis new §57.351, providing for an early opening of the shrimping season in gulf (outside) waters of the Texas territorial sea (nine nautical miles). Based on sound biological data, the executive director has determined that shrimp are larger than normal.

The purpose of the closed gulf season is to protect brown shrimp during their major period of emigration from the bays to the Gulf of Mexico, until they reach a larger, more valuable size before harvest, and to prevent waste caused by discarding of smaller individuals. The executive director found imminent peril to the public welfare required the opening as an emergency measure to prevent waste of the resource.

This new section is adopted on an emergency basis under the Texas Parks and Wildlife Code, §77.062. In April 1978, the Texas Parks and Wildlife Commission delegated to the executive director the duties and responsibilities of opening and closing the shrimping season under this section.

§57.351. Early Opening of the Gulf Shrimping Season. The 1984 general closed season for shrimp as defined in the Texas Parks and Wildlife Code, §77.061(1),

extends from 30 minutes after sunset May 16, 1984, to 30 minutes after sunset July 6, 1984.

Issued in Austin, Texas, on July 6, 1984.

TRD-847146

Maurine Ray
Administrative Assistant
Texas Parks and Wildlife
Department

Effective date: July 6, 1984

Expiration date: November 3, 1984

For further information, please call (512) 479-4861.

TITLE 34. PUBLIC FINANCE
**Part I. Comptroller of Public
Accounts**
Chapter 3. Tax Administration
Subchapter L. Motor Fuels Tax
34 TAC §3.192

The Comptroller of Public Accounts adopts on an emergency basis new §3.192, relating to extension for filing fuels tax reports. This rule is necessary because of the increase in motor fuels tax rates enacted by the legislature in House Bill 122, 68th Legislature, Second Called Session, 1983. The payment periods are being adjusted so that all taxes paid on each return are at the same tax rate. The second quarter return will include the months of April, May, June, and July 1984 and will be due on August 28, 1984, rather than the statutory due date of July 25, 1984. All taxes

reported on those returns will be at the current tax rate (\$.05 per gallon for gasoline or liquefied petroleum gas; \$.065 per gallon for diesel fuel). The third quarter return will include the months of August and September 1984 and will be due on October 25, 1984, the normal due date. All taxes reported on those returns will be at the new rate (\$.10 per gallon for all fuels).

The new section is adopted on an emergency basis so that taxpayers affected will have as much notice as possible of the change in reporting requirements. The effective date of the legislation requiring this change, August 1, 1984, does not permit proposal and adoption of a rule for the affected periods. Failure to adopt this rule would require manual processing of thousands of tax returns.

The new section is adopted under authority of the Tax Code, §111.002, which provides that the comptroller may prescribe, adopt, and enforce rules relating to the enforcement and administration of the Code. The comptroller is specifically authorized to set dates for filing reports required by the Tax Code, §111.051.

§3.192. Extension for Filing Fuels Tax Reports

(a) Quarterly filers due dates. The due date of the second quarter 1984 reports for all interstate truckers, diesel fuel bonded users and liquefied petroleum gas dealers will be August 28, 1984. The due date for the third quarter 1984 reports will be October 25, 1984.

(b) Reporting periods. The reporting periods covered by the two reports are:

(1) the second quarter reporting period will include the months of April, May, June, and July 1984;

(2) the third quarter reporting period will include the months of August and September 1984.

(c) Credits and refunds. Credit gallons on interstate trucker reports for the last three previous quarters may be applied to taxable gallons or a refund may be requested on the last four successive quarters if the reports for the second quarter are filed on or before August 28, 1984.

Issued in Austin, Texas, on July 6, 1984

TRD-847115

Bob Bullock

Comptroller of Public Accounts

Effective date: July 6, 1984

Expiration date: November 3, 1984

For further information, please call (512) 475-1931.

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 22. EXAMINING BOARDS Part IX. Texas State Board of Medical Examiners Chapter 171. Institutional Permits

22 TAC §171.1, §171.4

The Texas State Board of Medical Examiners proposes amendments to §171.1 and §171.4, concerning institutional permits and visiting professor permits. The proposed changes set out new requirements for issuance of the permits. More requirements for verification of credentials are set out for those wishing to hold institutional permits. For visiting professor permits, the period of time for which the permit may be valid has been extended. The deadline for submitting the application has been shortened from six months to 30 days.

Florence Allen, accountant, has determined that for the first five-year period the rules will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rules.

Jean Davis, program administrator, has determined that for each year of the first five years the rules as proposed are in effect the public benefit anticipated as a result of enforcing the rules as proposed is that the citizens of Texas will be further assured that properly trained graduates will hold institutional per-

mits. There is no anticipated economic cost to individuals who are required to comply with the rules as proposed.

Comments on the proposal may be submitted to Jean Davis, P.O. Box 13562, Austin, Texas. A public hearing will be held on the proposed rules. Although no date has been set, it is expected to occur some time between August 23-26, 1984.

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

§171.1. Interns, Residents, or Fellows Permit. Institutional permits may be granted to persons desiring to serve in this state as an intern, resident, or fellow in graduate medical programs in hospitals and medical institutions approved by the American Medical Association and the American Osteopathic Association for internship, residency, and fellowship programs [for each intern, resident, and fellow] under the following conditions.

- (1) (No change.)
- (2) The provisions of this paragraph apply only to persons who seek to acquire institutional permits, hereinafter referred to as "applicant(s)," and who are not

graduates of institutions approved by the board for licensure. [Interns, residents, and fellows may be issued an institutional permit for each year of their training program and must confine their training to the designated teaching institution or affiliated hospitals. If an intern, resident, or fellow violates the Medical Practice Act of Texas, the permit will be automatically canceled. If he or she uses the institutional permit to practice medicine outside the designated teaching institution or affiliated hospitals, the permit will be automatically canceled.]

(A) The director of medical education or the person acting in that capacity, hereinafter referred to as "director," of each hospital or medical institution where an applicant desires to serve as an intern, resident, or fellow in graduate medical education shall inspect, verify, and approve all of the credentials which reflect and represent the education of the applicant prior to approving his or her service as an intern, resident, or fellow. The director of the institution shall issue the applicant a document which specifies those credentials and certify that he or she, on behalf of the institution, has so reviewed the applicant's credentials. The applicant shall attach that certification to his or her request for an institutional permit.

(B) The educational credentials as set forth in subparagraph (A) of this paragraph which the director must inspect, verify, and approve include, without limitation, the following:

- (i) medical school diploma;
- (ii) certified transcript from each medical school attended;
- (iii) certified transcript of all college education;
- (iv) letters of reference from each physician who has supervised training of the applicant which did not actually occur within the country of the medical school;
- (v) proof of eligibility to practice medicine in the country of the medical school from which the applicant graduated;
- (vi) a statement from all medical schools attended by the applicant identifying all courses of study actually attended at the school's primary classroom facility;
- (vii) an explanation by all medical schools of all convalidation reflected on the applicant's medical school transcript to include, without limitation, identification of the other school and the course content. This explanation shall specifically address each convalidated course;
- (viii) a certification by the medical school dean of the applicant's graduation from medical school; and
- (ix) a valid ECFMG document.

(C) Each institution shall keep on file the credentials of the applicant during the entire period of the permit and shall provide originals or certified copies of same to this board at the time the application for institutional permit is submitted to the board. The applicant must apply in person at the board office before he or she begins the initial training program.

(D) If any of the documents are not in the English language and are requested by the board to be provided, the applicant shall furnish an official, word-

for-word translation of each document. A translation is defined as one which a government official, official translation agency, or college or university official performs which is on the official letterhead of the official or agency. The translator must certify that it is a true translation to the best of his or her knowledge, that he or she is fluent in the language, and that he or she is qualified to translate the original documents. The translator must sign the translation, and the signature must be notarized by a notary public. The translator must sign his or her name and title under the signature.

(E) Failure of any hospital or medical institution to comply with these provisions shall be grounds for the denial of the institutional permit and any future permits for persons wishing to serve at that institution.

(3) Interns, residents, and fellows may be issued an institutional permit for each year of their training program and must confine their training to the designated teaching institution or affiliated hospitals. If an intern, resident, or fellow violates the Medical Practice Act of Texas, the permit will be automatically canceled. If he or she uses the institutional permit to practice medicine outside the designated teaching institution or affiliated hospitals, the permit will be automatically canceled. If the training is terminated for any reason other than illness or other reasons acceptable to the board, the permit is void and no additional permit will be issued.

(4) Except as hereinafter provided, foreign medical school graduates must have satisfied the examination requirements for Educational Commission for Foreign Medical Graduates (ECFMG) [applying for training programs in Texas must have permanent or current ECFMG] certification and must present to the board a document from that commission indicating that they have met such examination requirements

(5) A permit issued to a foreign medical school graduate shall automatically become void at any time when the document provided for in paragraph (4) of this subsection or a successor document is not valid. At the time that said document or successor document becomes invalid, the permit holder shall return the permit to the board. [Foreign graduates with only an interim ECFMG certificate may serve only one year in a training program.]

(6) Foreign graduates who have not satisfied the examination requirements for [without] ECFMG certification are not permitted to serve in a training program unless they hold a full and unrestricted license issued by a state of the United States or by another [other] United States jurisdiction authorized to license physicians, or unless they hold a license issued by a Canadian province [provincial license].

(7) Foreign graduates who are citizens of the United States and residents of the State of Texas may be granted an institutional permit without an examination by the ECFMG, as provided in Texas Civil Statutes, Article 4437(g).

§171.4. *Visiting Professor Permit.* The board may issue a permit to practice medicine to a person appointed as a visiting professor by a Texas medical school in accordance with this subchapter [under the following terms and conditions].

(1) The permit may be valid for any number of 31-day increments not to exceed 12. The periods where-

in the permit is valid need not be contiguous, but rather may be in any arrangement approved by the board [issued for a continuous one-year period. Such permit is non-renewable]. The permit may be renewed one time.

(2) The [if a] permit shall state on its face the periods during which it will be valid. If all periods of validity are not known at the time of the permit issuance, the permit holder shall request that the board endorse the permit with each incremental period of validity as such becomes known. No permit shall be valid at any time when the period of validity is not stated on the permit unless suitable temporary alternative arrangements have been presented to and accepted by the executive director or secretary-treasurer of the board [is issued for less than one month for special instructional seminars, same could be renewed the next year for a similar period, if follow-up seminars are needed or felt to be essential. Such permit should be requested each year in the usual manner].

(3) (No change.)

((4) The permit shall automatically expire one year after date of issuance, unless a sooner expiration date is indicated at time of issuance; the permit shall not be renewable, except as noted in paragraph (2) of this subsection.

((5) The permit shall be revocable by the board without notice and recourse to either the medical school or the visiting professor.]

(4)((6) The visiting professor and the school shall file affidavits affirming acceptance of the terms, limitations, and conditions imposed by the board on the medical activities of the visiting professor.

(5)((7) The application for visiting professor permit or the renewal thereof shall be presented to the secretary-treasurer or executive director of the board at least 30 days [six months] prior to the effective date of the appointment of the visiting professor. [; the] The application shall be made by the chairman of the department in which the visiting professor will teach and provide such information and documentation to the board as may be requested. Such application shall be endorsed by the dean of the medical school or by [and] the president of the Health Science Center [making application].

((8) The institution will be notified of approval upon completion of the application.

((9) The application shall state the date the visiting professor shall begin performance of duties and the date of termination of such duties at the institution. The permit issued shall be effective only for this period of time.]

(6) All applications shall state the date when the visiting professor shall begin performance of duties.

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 July 3, 1984

TRD-847081 A Bryan Spires, Jr., M.D.
Executive Director
Texas State Board of Medical
Examiners

Earliest possible date of adoption.
August 13, 1984

For further information, please call (512) 452-1078.

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, and Hays Counties

31 TAC §§331.1-331.11

The Texas Department of Water Resources previously proposed new §§331.1-331.11, concerning the Edwards Aquifer in Medina, Bexar, Comal, Kinney, Uvalde, and Hays Counties (See 9 TexReg 2686 (May 15, 1984)). New §§331.1-331.11 are withdrawn and repropoed herein with further revisions as noted. The proposed 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 (9 TexReg 2686) remains in effect.

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 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.

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 discharge" replaces the term "subdivision," and as such will more clearly require 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 ground water.

New §31.6 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 §31.7 prohibits waste disposal wells; new confined animal feeding operations; land disposal of industrial solid waste; and certain sewage holding tanks on the recharge zone.

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 in the May 15, 1984 issue of the *Texas Register* (9 TexReg 2686). Subsequent to that re-proposal, additional public comments were received, and as a result of those comments and additional staff recommendations, the proposed rules have been further revised and are re-proposed here.

Section 31.1 has been modified by the deletion of a portion of the second sentence because the deleted language was surplusage. The fact that the regulated activities are not already adequately addressed is implicit.

Section 31.2 now incorporates definitions contained in the Texas Water Code, §26.262, concerning coastal oil and hazardous spill prevention and control, and no longer incorporates definitions contained in Chapter 335 of this title.

The term "hazardous substance" was added to the list of defined terms to provide clarification of §31.8 (hydrocarbon and hazardous substance storage) of the proposed rules. The word "permit" was deleted from the list of defined terms because it is unnecessary and a possible source of confusion since the word is not most commonly used in the context of private sewage facilities.

The definition of "recharge zone" was changed by the addition of a clause to clarify the area generally sought to be included in the recharge zone. The last sentence of the definition has been deleted with the result that the executive director will not have the discretion to designate as being part of the recharge zone areas not shown on the official maps. This change will result in better notice to the public of the area covered by these rules and more efficient administration of the rules with no significant impact on the area covered or protection of water quality.

The term "static hydrocarbon" was added to the list of defined terms to provide clarification of §31.8 of the proposed rules. This change was made in response to public comment and does not affect the intent of §31.8 nor the activities sought to be regulated.

Section 31.3, concerning water pollution abatement for regulated developments, has been modified such

that areas adjacent to the recharge zone are not subject to the requirements of this section. This change was made in response to public comment and will result in better notice to the public of the area subject to the requirements of this section and more efficient administration of the rules with no significant impact on protection of water quality.

Section 31.3(a) has been changed to provide that only those persons owning, having an option to purchase, or having the right to possession and control of the property which is the subject of the water pollution abatement plan may submit a water pollution abatement plan. This change eliminates the potential problems caused by the use of the words "developer" and "owner" in this section. The word "applicant" is used throughout the section to designate the person submitting the pollution abatement plan.

The provisions of §31.3(2), relating to the general location map which must be submitted, were changed to specify the type of map which must be used.

Section 31.3(3)(D) was changed to require that the existing or proposed treatment facility be identified rather than the permit holder since a permit may not have been issued at the time the pollution abatement plan is submitted and identification of the permittee alone would not necessarily reveal which facility would be used.

Section 31.3(3)(E) no longer requires that a qualified geologist prepare the area geology assessment, and the report must now describe the surface geologic units present rather than significant geologic units. The use of the term "surface geologic units" is thought to be self-explanatory.

The second sentence of §31.3(3)(F) was deleted because it is unnecessary; existing departmental regulations require that approved methods for plugging wells be used.

The second sentence of §31.3(c) is deleted because it is unnecessary and possibly confusing. It is the responsibility of the department to forward the water pollution abatement plan to the Edwards Underground Water District (EUWD), and it is not necessary that the rule require it be done. Similar provisions in §31.4, 31.8, and 31.9 have been deleted for the same reason.

Section 31.3(e) has been changed to provide that proof of recordation of notice in county deed records must be provided to the executive director no less than 10 days prior to the commencement of construction of a regulated development, rather than 30 days after approval of the water pollution abatement plan. This change was made in response to public comment which pointed out that the original requirement was inconsistent with industry practices relating to transfer of title to real property in real estate development transactions.

Section 31.3(f) has been reorganized for clarification purposes. Also, the requirement in paragraph (2) has been qualified to require that only changes in the nature or character of the development which would sig-

nificantly impact the viability of the water pollution abatement plan need be reported. The reference to submission of a renewal application in §331.3(h) has been deleted with the result that the rule now provides that approval of a water pollution abatement plan expires two years after the date of issuance unless construction has commenced, with no procedure available for renewing the approval.

Section 331.4(a) and (b)(4) have been changed to clarify which standards are acceptable for use as design criteria for collection systems. Former §331.4(b)(2) has been relocated in subsection (a). Throughout §331.4, references to "infiltration/exfiltration" have been changed to "leakage" for clarification.

The requirements of §331.4(b)(4) and (5) for testing of new and existing collection systems have been revised. The requirements for new and existing systems are stated separately, and the interval of testing is increased to five years. The rule now explicitly states that television camera tests are acceptable. The fourth sentence of subsection (b)(5) was deleted because it was unnecessary.

The first sentence of §331.4(b)(7) is deleted because of the difficulty in establishing criteria for determining whether a contractor is qualified. The requirement that the blasting be done in accordance with criteria established by the National Fire Protection Association is deemed to be adequate from a safety standpoint.

Section 331.4(b)(7), relating to marking the location of stub-outs, has been reworded for clarification. Similar changes are made in subsection (b)(8) and (9).

Two sentences have been deleted from §331.5. The second sentence in subsection (a) was determined to be unnecessary. The last sentence of subsection (b) was determined to be unnecessary since no discharge systems will be considered on a case-by-case basis.

Section 331.6, concerning private sewage facilities, has been modified in minor ways for clarification. Also, a sentence has been added to subsection (a) to provide that county commissioners courts may designate county departments or local governments to act for the commissioners court in administering its rules. This change makes the proposed rule consistent with the prior rules, and recognizes the usual practice of such designations.

Section 331.6(i), which excepts certain lots from the minimum lot size requirements of these rules, has been rewritten for clarification.

In §331.7, concerning prohibited activities, the absolute prohibition of sewage holding tanks is limited to those instances where such holding tanks are parts of organized collection systems not connected to treatment facilities. The prohibition of new municipal solid waste disposal facilities is deleted in response to public comment because such a prohibition was determined to be beyond the rule-making authority of the Texas Water Development Board.

Section 331.8 is now specifically limited to static hydrocarbons, that is, hydrocarbons which are liquid

at atmospheric pressure and 20°C. This does not change the intent or extent of regulation, but recognizes that only this type of hydrocarbon poses a threat to groundwater quality.

Section 331.8(2) was modified to provide that above ground storage facilities must be constructed with controlled drainage areas sized to capture one-and-one-half times the storage capacity of the facility, rather than any spillage as previously proposed. The requirement that spillage from such storage facilities be disposed of in accordance with Chapter 343 of this title is removed because the Texas Water Code, Chapter 26, Subchapter G, the statutory authority for Chapter 343 of the rules, is limited to surface water considerations.

Section 331.8(b) is deleted because there are no department specifications for hydrocarbons or hazardous material transmission lines.

Section 331.9, concerning exceptions, has been changed to specify that the commissioners court of a county regulating private sewage facilities under rules approved by the Texas Water Development Board pursuant to the Texas Water Code, §26.032, is responsible for determining whether exceptions to those rules should be granted. The last sentence of §331.9(a) has been deleted as being unnecessary.

Section 331.10, concerning areas above the recharge zone, is deleted because it is surplusage. The executive director is charged with the responsibilities set out in this section as a result of other law.

The rules proposed at this time contain a new §331.10, concerning review of decisions by executive director. This section is added in response to public comment requesting formal procedures for challenging decisions by the executive director under these rules.

Section 331.11 is changed to limit the responsibility of the EUWD to activities occurring in those areas within its geographic jurisdiction, which does not include portions of Hays County which are covered by these proposed rules.

In §331.6, a reference is made to §331.65, which is proposed for repeal. The repeal of §331.65 will be adopted before new §331.6 becomes effective.

Mike Hodges, Fiscal Services Section chief, has determined that for the first five-year period the rules as proposed are in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the new rules, nor will there be any fiscal implications as a result of the repeal of the previous rules.

Mr. Hodges also has determined that for each year of the first five years the rules as proposed are in effect the public benefit anticipated as a result of enforcing the rule as proposed is that the clarifications to and prohibitions in the rules 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 rules

as proposed will be an average \$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. Peterson, Jr., Assistant General Counsel, Texas Department of Water Resources, P.O. Box 13087, Austin, Texas 78711, (512) 475-7841. Comments should be submitted by August 6, 1984, to receive full consideration.

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

§331.1. Purpose. This subchapter is adopted in order to regulate activities within the potential for causing pollution of the Edwards Aquifer. The activities addressed are those that pose direct threats to water quality. Nothing in this subchapter is intended to restrict the powers of the board or any other governmental entity to 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 §26.263, 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.

Hazardous substance—Any substance designated as such by the administrator of the Environmental Protection Agency pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act; regulated pursuant to the Federal Water Pollution Control Act, §311; or any solid waste or other substance that is designated to be hazardous by the board, pursuant to the Texas Water Code, §26.263.

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. No discharge systems that rely on percolation for wastewater disposal, except for licensed private sewage facilities, are prohibited in the recharge zone.

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, where faulting and fracturing may allow recharge of the surface waters to the Edwards Aquifer, 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.

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.

Static hydrocarbon—A hydrocarbon which is liquid at atmospheric pressure and 20°C.

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 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 shall address other areas as may be required by the executive director. Only those persons owning, having an option to purchase, or having the right to possession and control of the property which is the subject of the water pollution abatement plan may submit a water pollution abatement plan.

(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 applicant and any agents, such as consulting engineers, authorized to act for the applicant 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 minute quadrangle map;

(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 of 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, the existing or proposed 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, stating that the land in the development is suitable for the use of private sewage facilities or identifying those areas that are not suitable (See §331.6 of this title (relating to Private Sewage Facilities));

(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 as determined by the executive director, the applicant shall submit a report that describes the surface 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.

(c) Procedure for submission of a water pollution abatement plan. Water pollution abatement plans shall

be submitted to the San Antonio office in triplicate. A plan will not be processed until all information required to properly consider the plan has been obtained. If additional information is requested and is not submitted in a timely manner, the plan may be returned.

(d) Approval of water pollution abatement plans. Written approval of water pollution abatement plans must be obtained from the executive director. As a condition of approval, the executive director may impose additional provisions deemed necessary to protect the Edwards Aquifer from pollution.

(e) Notice.

(1) The applicant, upon receiving written approval of the water pollution abatement plan for that development, shall 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 applicant shall submit to the executive director proof of recordation of notice in the county deed records no less than 10 days prior to commencing construction.

(2) Prior to commencing any construction, except vegetation clearing for surveying, on a regulated development, the applicant 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 holder of any previously approved water pollution abatement plan must notify the San Antonio office in writing and obtain approval from the executive director prior to:

(1) any physical modification to or any modification in procedures for operation of any water pollution abatement structure, such as ponds, dams, berms, sewage treatment plants, and diversionary structures;

(2) any change in the nature or character of the development from that which was originally approved which would significantly impact the viability of the water pollution abatement plan;

(3) 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.

§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 a building code for the county in which the development is occurring with prior approval of the executive director. 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.

(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. The plans shall include one sheet that depicts the sewer collection system layout overlaid by topographic contour lines using an interval of not greater than five feet and showing the area within the five-year flood plain.

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

(3) 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.

(4) All new sewer systems having a diameter greater than or equal to six inches, including private collection systems, but excluding private service laterals, shall be tested following construction and prior to use for leakage 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 a building code for the county in which the development is occurring, with prior approval of the executive director. The certification shall be reported to the executive director. New sewer lines shall be tested every five years thereafter in accordance with paragraph (5) of this subsection.

(5) All existing sewer lines having a diameter greater than or equal to six inches, excluding private service laterals, shall be tested within five years of the effective date of this subchapter and every five years thereafter to detect excessive leakage. The type of test must receive approval from the executive director prior to the initiation of testing. Television (TV) camera tests are acceptable, and the executive director may approve other testing methods. 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 along with plans for any necessary corrective action. Upon approval by the executive director, the owner shall implement the corrective plan.

(6) Blasting for sewer lines excavation 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 owner of the sewer system shall repair and retest such sewers and appurtenances immediately.

(7) 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 such that the location of these stub outs can be easily determined at the time of connection of the private service laterals. 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, private service laterals shall be constructed sufficient 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.

(8) Sewer lines shall not be located in areas where the ground surface is subject to inundation by a five-year storm event. In areas where such location is not feasible, sewer lines shall be concrete encased using concrete with a minimum thickness of six inches.

(9) 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 facility serviced by the collection 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 forward such certifications to the San Antonio office.

(10) Sewer lines that bridge caverns or solution channels shall be constructed in a manner that will maintain the structural integrity of the line. When such geologic features are encountered, the location and extent shall be reported to the San Antonio office.

(11) 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.

(12) Notwithstanding the requirements of paragraphs (1)-(11) 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 wastewater will be permitted on the recharge zone. 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 wastewater.

(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).

(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 department determines may affect the Edwards Aquifer shall, at a minimum, attain Effluent Set 2 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 in that county according to those rules rather than this subchapter. The county commissioners court may designate any county department or local government to act for the county commissioners court in administering its rules.

(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 shall 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. New 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 for 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 of 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. In order 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 (i) 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 a disposal method other than 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 to construct on the basis of all relevant factors.

(5) No permit to construct may be granted for private sewage facilities on lots on which the private sewage facility would be placed at an excessive slope, 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 to construct 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 only upon a finding by the licensing authority that the system is functioning properly.

(g) Revocation or suspension of licenses. The licensing authority 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 preclude the executive director or any governmental entity from acting 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 of this subchapter; and

(6) any other reason which the licensing authority determines to be sufficient to revoke or suspend the license.

(h) Existing private sewage facilities. Private sewage facilities licensed by or registered with the appropriate 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 County or Kinney County 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 to be located in Kinney, Uvalde, Medina, Bexar, and Comal Counties 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. Any private sewage facility to be located in that portion of Hays County regulated under former §331.65 of this title (relating to Licensing Requirements for New Private Sewage Facilities) (now repealed) 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. Any private sewage facility to be located in that portion of Hays County not regulated under former §331.65 of this title (relating to Licensing Requirements for New Private Sewage Facilities) (now repealed) 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 June 21, 1984, is exempted from the one-acre minimum lot size requirements. Official copies of the map depicting that area of Hays County regulated under former §331.65 of this title (relating to Licensing Require-

for New Private Sewage Facilities) are available in the office of the executive director to assist in determining whether a private sewage facility is entitled to an exception under this subsection. However, the applicant bears the burden of establishing that he is entitled to an exception in all cases.

(j) Connection to an organized sewage collection system. The department encourages the development of organized sewage collection systems to serve developments on the recharge zone and 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 the requirement in paragraph (1)(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 regulated under Chapter 353 of this title (relating to Underground Injection Control);

(2) new confined animal feeding operations;

(3) land disposal of industrial solid waste, including hazardous waste; and

(4) the use of sewage holding tanks as parts of organized collection systems not connected to treatment facilities.

§331.8. Static Hydrocarbon and Hazardous Substance Storage Facilities. Approval of the design of storage facilities to be located on the recharge zone for hydrocarbon or hazardous substances, including leak detection systems, spill containment areas, or other control measures, as described in paragraph (1) and paragraph (2) of this section, shall be obtained from the executive director prior to construction. To request approval, the applicant shall file a written request with the San Antonio office in triplicate.

(1) **Underground storage facilities.** Facilities for the underground storage of static hydrocarbon or hazardous substances shall be of double-walled construction or of an equivalent method approved by the executive director. 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 static hydrocarbon or hazardous substances shall be constructed within controlled drainage areas that are sized to capture one-and-one-half times the storage capacity of the facility and that direct any 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 within 24 hours of spillage. Static hydrocarbon temporary storage facilities to be used on site for less than one year which do not require a permit from the commission and permanent storage facilities smaller than 1,000 gallons are exempt from this paragraph.

§331.9. Exceptions.

(a) **General.** This subchapter will be strictly enforced; nevertheless, situations will arise on occasion that are materially different from those normally encountered or anticipated in this area of regulation. These situations may justify a departure from this subchapter in order to avoid hardships or the use of regulatory resources which would not provide protection for the Edwards Aquifer.

(b) **Procedures.**

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

- (A) the nature of the exception requested;
- (B) the justification for granting the exception;

and

(C) any information that the executive director or his representative reasonably requests.

(2) All requests shall be submitted in triplicate.

(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 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. If the commissioners court for the county in which the private sewage facility is or is proposed to be located is regulating private sewage facilities pursuant to rules approved by the Texas Water Development Board under the Texas Water Code, §26.032, and §331.6(a) of this title (relating to Private Sewage Facilities), then decisions

regarding exceptions to those rules shall be made by the commissioners court.

§331.10. Review of Decisions of Executive Director. Any person aggrieved by a decision of the executive director under this subchapter may, within 30 days of the notification, request the commission to review the decision of the executive director. Request for review is a prerequisite to judicial appeal.

§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 with respect to those activities which occur within its geographic jurisdiction:

(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 July 9, 1984.

TRD-847180

Susan Plettman
General Counsel
Texas Department of Water
Resources

Earliest possible date of adoption:

August 8, 1984

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

TITLE 34. PUBLIC FINANCE

Part IV. Employees Retirement System of Texas

Chapter 81. Insurance

34 TAC §81.5

The Employees Retirement System of Texas proposes amendments to §81.5, concerning the provision of rights to returning employees to postpone insurance coverage.

Everard C. Davenport, general counsel, 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.

Mr. Davenport also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is that returning state employees will have the same rights to postpone group insurance coverage as are now available to new employees. 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 Everard C. Davenport, General Counsel, P.O. Box 13207, Austin, Texas 78711.

The amendments are proposed under the Insurance Code, Article 3.50-2, §4(b) and (h), which provides the Employees Retirement System of Texas with the authority to prescribe the time at which and the conditions under which an employee is eligible for all coverages provided and to carry out all statutory duties to the Uniform Group Insurance Program.

§81.5. Eligibility and Effective Dates of Coverages for Employees, Elective and Appointive Officers.

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

(f) Conditions that apply to health, life, and accidental death and dismemberment insurance coverages: (1)-(5) (No change.)

(6) **Employees who terminate employment and return to active duty within the same contract year have the following rights to coverages.**

(A) **An employee [Employees who terminate employment and return to active duty within the same contract year] may reinstate [the] coverages no greater than those that were in effect when the employee terminated by submitting an application for the coverages [previously in effect]. The application must be submitted on or before the first day the employee returns to active duty. The reinstated coverages will become effective on the first day the employee returns to active duty.**

(B) **A returning employee who has selected coverages less than those permitted by this subsection may reinstate any waived coverages by submitting the appropriate application during the 30 days following the date the employee returns to active service. The change in coverage will become effective on the first day of the month following the date of application.**

(7)-(8) (No change.)

(g)-(k) (No change.)

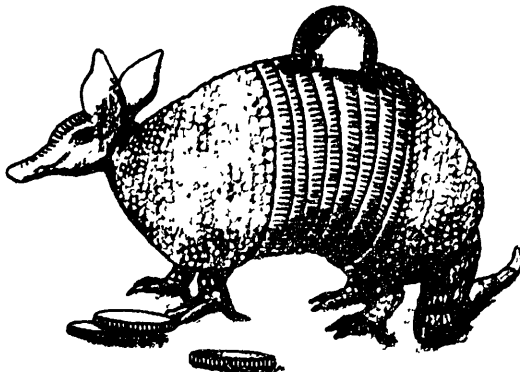
This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on July 6, 1984.

TRD-847159 Clayton T. Garrison
Executive Director
Employees Retirement System of
Texas

Earliest possible date of adoption:
August 13, 1984

For further information, please call (512) 476-6431,
ext. 176



**TITLE 37. PUBLIC SAFETY AND
CORRECTIONS**

**Part VIII. Commission on Fire
Protection Personnel Standards
and Education**

**Chapter 233. Minimum Standards
Manual**

Standards Implementation Method

37 TAC §233.12

The Commission on Fire Protection Personnel Standards and Education proposes amendments to §233.12, concerning standards implementation methods and commission objectives. The amendments cover individuals the commission will certify, including marine fire fighters, aircraft crash and rescue fire fighters, and other fire protection personnel that qualify under conditions prescribed by the commission.

Ray L. Goad, executive director, 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.

Mr. Goad also has determined that for each year of the first five years the rule as proposed is in effect there will be no direct public benefit as a result of enforcing the rule as proposed. However, the amendments provide more efficient internal and external operations for the agency. 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 Ray L. Goad, Executive Director, 510 South Congress Avenue, Suite 406, Austin, Texas 70704, (512) 474-8066.

The amendments are proposed under Texas Civil Statutes, Article 4413(35), §2(1) which provide the Commission on Fire Protection Personnel Standards and Education with the authority to promulgate rules and regulations for the administration of this Act, including the authority to require the submission of reports and information by any state, county, or municipal agency within this state which employs fire protection personnel.

§233.12. Objectives.

(a) (No change.)

(b) The commission has the authority to:

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

(5) **certify persons as having qualified as marine fire protection personnel under such conditions as the commission may prescribe;**

(6) **certify persons as having qualified as aircraft crash and rescue personnel under such conditions as the commission may prescribe;**

(7) **certify persons as having qualified in one of the other categories of fire protection personnel under such conditions as the commission may prescribe; and**

(8) promulgate mandatory minimum requirements for admission in each lowest level categories of fire protection personnel.

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 July 3, 1984.

TRD-847107 Ray L. Goad
Executive Director
Commission on Fire Protection
Personnel Standards and
Education

Earliest possible date of adoption:
August 13, 1984

For further information, please call (512) 474-8066.

37 TAC §233.13

The Commission on Fire Protection Personnel Standards and Education proposes amendments to §233.13, concerning standards implementation methods and definitions. These definitions are used in describing the minimum standards and related requirements, including admission to employment, municipality, full-time, and full-paid, which apply to all fire protection personnel.

Ray L. Goad, executive director, 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.

Mr. Goad also has determined that for each year of the first five years the rule as proposed is in effect there will be no direct public benefit as a result of enforcing the rule as proposed. However, the new rule provides more efficient operations in administration of the agency. 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 Ray L. Goad, Executive Director, 510 South Congress Avenue, Suite 406, Austin, Texas 78704, (512) 474-8066.

The amendments are proposed under Texas Civil Statutes, Article 4413(35), §2(1), which provide the Commission on Fire Protection Personnel Standards and Education with the authority to require the submission of reports and information by any state, county, or municipal agency within this state which employs fire protection personnel.

§233.13. Definitions.

(a) (No change.)

(b) Definitions used include:

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

(17) Admission to employment—Becoming an entry-level full-time, full-paid employee of a municipal government in one of the categories of fire protection personnel.

(18) Full-paid—The ordinary and customary income from a particular job.

(19) Full-time—The number of hours that represents the regular, normal, or standard amount of time per week employees of a municipal government devote to work-related activities.

(20) Municipality—Any incorporated city, village, or town of this state and any county or political subdivision or district in this state. Municipal pertains to a municipality as herein defined.

(21) Fire protection personnel—Any person who is a full-paid, permanent employee of a municipal fire department and who is assigned full-time duties in one of the following categories: fire suppression, fire inspection, fire and arson investigation, marine fire fighting, aircraft crash and rescue fire fighting, fire training, fire education, fire administration, and others employed in related positions necessarily or customarily appertaining thereto.

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 July 3, 1984

TRD-847108 Ray L. Goad
Executive Director
Commission on Fire Protection
Personnel Standards and
Education

Earliest possible date of adoption:
August 13, 1984

For further information, please call (512) 474-8066.

Aircraft Crash and Rescue Fire Fighter Standards

37 TAC §233.142

The Commission on Fire Protection Personnel Standards and Education proposes new §233.142, concerning aircraft crash and rescue fire fighter training standards required for state certification. This section covers certification training requirements for aircraft crash and rescue fire personnel at Texas airports, the type of training required, the size of airports impacted, and total hours required for certification. The commission proposes this section to comply with House Bill 594, 68th Legislature, 1983, which mandated training standards for certification of aircraft crash and rescue fire personnel.

Ray L. Goad, executive 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 anticipated effect on state government is an estimated additional cost of \$31,962 in 1984, \$31,560 in 1985, \$32,702 in 1986, \$33,772 in 1987, and \$35,120 in 1988. The anticipated effect on local government is an estimated additional cost of \$30,000 in 1984, \$25,000 in 1985, \$20,250 in 1986, and \$15,000 per year in 1987 and 1988. There is no anticipated cost to small businesses as a result of enforcing or administering the rule.

Mr. Goad also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is more efficient fire protection and rescue by aircraft crash and rescue fire fighters at Texas airports, which will benefit all airline passengers in Texas. 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 Ray L. Goad, Executive Director, Commission on Fire Protection Personnel Standards and Education, 510 South Congress Avenue, Suite 406, Austin, Texas 78704, (512) 474-8066.

The new section is proposed under Texas Civil Statutes, Article 4413(35), §6(j), which provide the Commission on Fire Protection Personnel Standards and Education with the authority to establish requirements for certification as aircraft crash and rescue fire fighters for those individuals who have less than two years of service on September 1, 1984.

§233.142. Minimum Standards for Aircraft Crash and Rescue Fire Fighters.

(a) Eligibility. An aircraft crash and rescue fire fighter is one who works for a municipality and who, as a permanent duty assignment, fights aircraft fires at airports, stands by for potential crash landings, and performs aircraft crash and rescue.

(b) Completion of requirements. In order to obtain any of the following aircraft crash and rescue fire fighter certificates, individuals must complete certification requirements in one of the categories specified in subsections (d)-(f) of this section within two years of initial appointment to such position.

(c) Certification.

(1) Aircraft crash and rescue fire fighter certification is based upon a combination of the Federal Aviation Administration's (FAA) airport indexing system and airports total number of annual take-off and landings.

(A) All FAA Index A airports, and airports that are not indexed, TX-3 aircraft crash and rescue certificate—52 clock hours.

(B) All FAA Index B and C airports, TX-2 aircraft crash and rescue certificate—200 clock hours.

(C) All FAA Index D and E airports, and those airports with 200,000 or more take-offs and landings, regardless of FAA indexing, TX-1 aircraft crash and rescue certificate—235 clock hours.

(2) The subjects required for the TX-3 certificate are followed by the additional subjects required for TX-2 and TX-1 certificates.

(d) Courses.

(1) An individual must complete the following courses for TX-3 aircraft crash and rescue certification.

(A) Effective CFR management—one clock hour. Airport management: establishing effective CFR, maintaining effective CFR, operational requirements, budgetary requirements, and CFR support by airport managers.

(B) FAA regulations and CFR requirements—two clock hours. FAA 139.49: response time, airport indexing, and required fire protection.

(C) Mutual aid and disaster planning—two clock hours. Mutual aid: planning and utilization; disaster planning; response routes, possible accident sites and pre-planning.

(D) Aircraft incidents—two clock hours. A study of aircraft incidents involving aircraft normally expected to land at noncertificated Index A and Index B airports. The basis for this study shall be from the published *National Transportation Safety Board Report* on various incidents.

(E) Personnel protection—six clock hours. Protective clothing: types, uses, and maintenance; breathing apparatus: inspection, care, testing, donning, and use.

(F) Fire prevention and inspections—two clock hours. Fire hazards and causes: target hazards and transportation hazards; inspection techniques and procedures: equipment, frequency, and conducting inspections.

(G) Basic flight crew emergency action—one clock hour. Flight crew view point: cockpit activities during emergency conditions, attendants' activities during emergency conditions.

(H) Aircraft emergency evacuation techniques and procedures—two clock hours. Evacuation through normal openings, emergency exits, and forced entry points.

(I) CFR equipment and agents—five clock hours. Dry chemical and twin agent units: care, use, maintenance, and refilling; agent types: foam, dry chemical, and halogenated; agent application, agent compatibility, agent suitability.

(J) Fire ground operations—four clock hours. Size up, initial attack, approach, and rescue at aircraft fires: brakes, wheels, and fuel servicing.

(K) Hot drills—12 field hours. Basic firefighting techniques: hose handling and nozzle operations; spill fires and rescue: utilizing water, utilizing foam, utilizing twin agents, utilizing 30# and 150# extinguishers.

(L) Communications—two clock hours. Radios, radio procedures governing Federal Communications Commission (FCC) regulations, radio terminology, and land signals

(M) Airport familiarization—four clock hours. Runways: numbering systems, lighting systems, identification of parking area, movement on airport facilities; aircraft fuels: principles of combustion heat transfer, major groups of fuels, flash point, flammable limit, flame spread, ignition temperature, boiling point, specific gravity, water solubility, and vapor density.

(N) Aircraft familiarization—five clock hours. Training shall include all aircraft as specified for non-certified, Index A and Index B airports. Aircraft: categories, construction, engines, systems, exits, access to exits, and fuel capacities; forcible entry, location, and tools.

(O) Accident investigation—one clock hour. Site preservation and security site.

(P) Hazardous materials—one clock hour. Product identification and compatibility.

(2) Total number of hours for TX-3 aircraft crash and rescue certificate—52 clock hours.

(e) TX-2 aircraft crash and rescue certificate.

(1) To qualify for the TX-2 certificate, the applicant must have completed all the requirements for TX-3

certification, plus the following additional subjects and hours.

(A) Mutual aid and disaster planning—four clock hours in addition to requirements in subsection (d)(1)(C) of this section. Mutual aid: planning and utilization; disaster planning: response routes, possible accident sites, pre-planning emergency forces, available equipment, reporting incidents, joint training exercises, and command post operations.

(B) Case history study—four clock hours in addition to the requirements in subsection (d)(1)(D) of this section. A study of aircraft incidents involving aircraft normally expected to land at Index C, Index D, and Index E airports. The basis for this study shall be from the published *National Transportation Safety Board Report* on various incidents.

(C) Personnel protection—two clock hours in addition to the requirements in subsection (d)(1)(E) of this section. Protective clothing: types, uses, maintenance, inspecting, care, and testing; breathing apparatus: inspection, care, testing, donning, and use; personnel safety: approach to engines, noise levels, and aircraft danger areas.

(D) Fire prevention and inspections—two clock hours in addition to requirements in subsection (d)(1)(F) of this section. Fire hazards and causes: target hazards and transportation hazards; inspection techniques and procedures: equipment, frequency, conducting inspections, in-service inspections, preventive actions, improving fire safety, and prevention programs.

(E) Aircraft emergency evacuation techniques and procedures—two clock hours in addition to the requirements in subsection (d)(1)(H) of this section. Evacuation through normal openings, emergency exits, and forced entry points; operations in smoke-filled atmospheres; search and rescue techniques.

(F) CFR equipment and agents—five clock hours in addition to the requirements in subsection (d)(1)(I) of this section. Dry chemical and twin agent units: care, use, maintenance, and refilling; agent types: foam, dry chemical, and halogenated; agent application, agent compatibility, agent suitability; crash vehicles: care, use, and maintenance; turrents, handlines, and special nozzles; conventional apparatus as crash vehicles.

(G) Aircraft crash and rescue fire fighting procedures—six clock hours in addition to requirements in subsection (d)(1)(J) of this section. Size up, initial attack, approach, rescue apparatus, and escape areas; tactics and strategy for aircraft fires involving fixed based operations, baggage areas, storage areas, and terminals.

(H) Communications—one clock hour in addition to the requirements in subsection (d)(1)(L) of this section. Radios, radio procedures governing FCC regulations, radio terminology, land signals, vehicle to tower and air communications, and communication systems.

(I) Airport familiarization—four clock hours in addition to the requirements in subsection (d)(1)(M) of this section. Runways: numbering systems, lighting systems, identification of parking area, movement on airport facilities, grid maps, aircraft parking areas, and fuel storage areas; aircraft fuels: principles of combustion, heat transfer, major groups of fuels, flash point, flammable limit, flame spread, ignition temperature, boiling point, specific gravity, water solubility, and vapor density.

(J) Aircraft familiarization—three clock hours in addition to the requirements in subsection (d)(1)(N) of this section. Training shall include all aircraft as specified for Index C, Index D, and Index E airports. Aircraft: categories, construction, engines, systems, exits, access to exits, and fuel capacities; forcible entry: location and tools; ventilation of aircraft.

(K) Accident investigation—one clock hour in addition to the requirements in subsection (d)(1)(O) of this section. Site preservation, security of site, investigators interest for their investigation, flight recorders, and cockpit recorders.

(L) Hazardous materials—two clock hours in addition to the requirements in subsection (d)(1)(P) of this section. Product identification and compatibility, handling radioactive materials, and preparing for bomb threats.

(M) Forcible entry, rope, and portable extinguishers—20 class hours. Purpose and scope: forcible entry practices: general building construction and forcible entry tools; opening locked doors: types, construction, locks, fasteners, and techniques; opening locked windows: types, construction, locks, fasteners, and techniques; opening locked windows: types, construction, and forcing techniques; opening roofs: types, construction, opening techniques, and covers for openings; opening floors: wood floor construction and opening techniques for both wood and concrete floors; opening walls, partitions, and ceilings: construction, types, opening techniques, special operations, and government security precautions: fire service rope practices: physical characteristics, how used, tackle terms and definitions; knots and hitches: principles of tying, hoisting tools and equipment; special application and care: crowning whipping, splicing, coiling, inspection, and care; portable fire extinguishers: requirements for combustion: components of burning, fire extinguishing methods, and classification of fires; classification of extinguishers: rating, selection, and distribution; using various types of extinguishers; installation and inspection: marking, installing, placement, and inspection.

(N) Ventilation practices—eight class hours. Ventilation applied to fire fighting: purpose and scope, responsibility of fire fighters, objectives and advantages; combustion and heat: products of combustion, smoke explosions or back drafts, transmission of heat and expansion of gasses; sizing up the situation for ventilation: situations requiring ventilation, heat conditions, fire severity, life hazard to occupants, potential hazard to fire fighters, rescue work, and evaluating the facts; top or vertical ventilation: selecting place, top ventilation procedures, and safety precautions; cross or horizontal ventilation: structural characteristics of building, exposures, hose lines, protective clothing, and breathing equipment, application of water fog as an aid and precautions; forced ventilation: advantages and disadvantages, and forced ventilation equipment; other uses for ventilation.

(O) Rescue operations—24 class hours. Purpose and scope: body protection, primary and secondary functions, rescue incidents and situations; respiratory protection equipment: the respiratory tract and respiratory hazards to rescue workers; using protective breathing equipment: inspection, care, and testing of equipment;

other protection equipment: standards and special protective clothing, rope guidelines, radiation detection equipment, ambulance and rescue equipment; rescue practices: knots, raising and lowering victims; rescue methods and techniques, prerescue planning and rescue situations.

(P) First aid—40 class hours. Aspects of first aid: first aid in the fire service, taking charge, general first aid procedures, and legal aspects of first aid. Bleeding control, normal and induced breathing, applying mechanical resuscitation, care and cleaning equipment; oral poisoning and common emergencies, physical shock and wounds, the nervous system, openings in the skin; effects of heat and cold: burns, effects of excessive heat, effects of excessive cold; the skeletal system: bones and fractures, muscles and tendons, bandaging, and transportation; moving victims: planning for transportation and preparation of the victim for transfer.

(Q) Fire science—20 class hours. Characteristics of matter: the states of matter, chemical properties of matter, physical properties of matter, indestructibility of matter and motion density, specific gravity, and vapor density; motion and force, work and machines, mechanics of liquids, mechanics of gases, principles of chemistry, combustion and heat, and electricity.

(2) Total number of hours required for TX-2 certificate are 200 clock hours.

(f) TX-1 aircraft crash and rescue certificate.

(1) To qualify for the TX-1 certificate, the applicant must have completed all the requirements for TX-2 certification, plus the following additional subjects and hours.

(A) Fire prevention and inspections—two clock hours in addition to the requirements in subsection (e)(1)(D) of this section.

(B) CFR equipment and agents—two clock hours in addition to the requirements in subsection (e)(1)(F) of this section.

(C) Hot drills (live fires)—two clock hours in addition to the requirements in subsection (e)(1)(G) of this section.

(D) Hazardous materials—three clock hours in addition the requirements in subsection (e)(1)(L) of this section.

(E) Flammable/combustible liquids and combustible metals—six clock hours. Flammable liquids: flash points, Classes IA, IB, and IC, aircraft fuels: flash points, flammable or explosive range, physical properties, extinguishing flammable and combustible liquid fires, combustible metals in aircraft: magnesium, titanium, and alloys; their properties; procedures for fighting extinguishing combustible metal fires.

(F) Aircraft systems—seven clock hours. Aircraft systems: fuel, electrical, oxygen, hydraulic, fire extinguishing, antiicing, deicing, and aircraft egress systems; hazards, locations, capacities, and color codes.

(G) Aircraft forcible entry tools—seven clock hours. Forcible entry tools: small hand tools, specialized hand tools, features of large specialized tools; correct usage of forcible entry tools; proper safety gear while using forcible entry tools.

(H) Explosive recognition—six clock hours. Product identification and classification: Department of

Transportation (DOT) placarding system for explosives; definitions; and examples of proper authorities, i.e., the military, Federal Aviation Administration, and DOT.

(2) Total number of hours required for TX-1 aircraft crash and rescue certificate—235 clock hours.

(g) The requirements in subsections (h)-(j) are not part of the mandatory basic minimum requirements.

(h) Intermediate aircraft crash and rescue fire fighter certification.

(1) Must possess a TX-1 (235 clock hours) aircraft crash and rescue fire fighter certificate.

(2) Must possess a minimum of four years experience as an aircraft crash and rescue fire fighter.

(3) To qualify for intermediate aircraft crash and rescue fire fighter certification, an individual must also complete an additional 37 hours in the following subjects.

(A) Classification and properties of flammable/combustible liquids and combustible metals—two clock hours in addition to the requirements in subsection (f)(1)(E) of this section.

(B) Airports and surrounding area familiarization—two clock hours in addition to the requirements in subsection (e)(1)(M) of this section.

(C) Fire prevention procedures and installed fire protection systems—four clock hours in addition to the requirements of subsection (f)(1)(A) of this section.

(D) Aircraft familiarization—five clock hours in addition to the requirements of subsection (e)(1)(N) of this section.

(E) Aircraft systems—four clock hours in addition to the requirements of subsection (f)(1)(F) of this section.

(F) Introduction to aircraft forcible entry tools—two clock hours in addition to the requirements of subsection (f)(1)(G) of this section.

(G) Specialized aircraft fire fighting apparatus—five clock hours in addition to the requirements of subsection (d)(1)(I) of this section.

(H) Aircraft incidents—two clock hours in addition to the requirements of subsection (d)(1)(D) of this section.

(I) Aircraft crash fire fighting and rescue procedures—five clock hours in addition to the requirements of subsection (e)(1)(G) of this section.

(J) Fire extinguishing agents—two clock hours in addition to the requirements of subsection (f)(1)(B) of this section.

(K) Hazardous materials—four clock hours in addition to the requirements of subsection (f)(1)(D) of this section.

(4) Thirty-seven total number of additional hours required for intermediate aircraft crash and rescue fire fighter certification.

(i) Advanced aircraft crash and rescue fire fighter certification.

(1) Must possess an intermediate aircraft crash and rescue fire fighter certificate.

(2) Must have completed the minimum 335 basic fire fighter certification course.

(3) Must have a minimum of four years experience as an aircraft crash and rescue fire fighter.

(j) Master aircraft crash and rescue fire fighter certification.

- (1) Must possess advanced aircraft crash and rescue certification;
- (2) eight years service and associate degree in a related field; or
- (3) six years service and baccalaureate degree in a related field; or
- (4) four years service and postgraduate degree.

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 July 3, 1984.

TRD-847109 Ray L. Goad
Executive Director
Commission on Fire Protection
Personnel Standards and
Education

Earliest possible date of adoption.

August 13, 1984

For further information, please call (512) 474-8066.

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Resources Chapter 6. Disaster Assistance Program

The Texas Department of Human Resources (DHR) proposes new §§6.001-6.003, 6.101-6.105, 6.201, and 6.301-6.306, concerning its Disaster Assistance Program. The program is a cooperative effort among many agencies to respond to people whose needs are created by unpredictable, natural occurrences. The department is primarily responsible for coordinating and administering the program.

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

Mr. Hawes also has determined that for each year of the first five years the rules as proposed are in effect the public benefit anticipated as a result of enforcing or administering the rules is the availability of information about the Disaster Assistance Program. There is no anticipated economic cost to individuals who are required to comply with these rules as proposed.

Comments on the proposal should be submitted to Cathy Rossberg, Division Administrator, Policy Development Support Division—349, Texas Department of Human Resources 153-B, P.O. Box 2960, Austin, Texas 78769, within 30 days of publication in this Register.

General Information

40 TAC §§6.001-6.003

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

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

Assistance from other means—Assistance, including monetary or in-kind contributions, from other governmental programs, insurance, volunteer or charitable organizations, or from any source other than those of the individual or family.

Family—A social unit living together and comprised of a husband and wife and dependents, if any, or a household comprised of an unmarried person living with a dependent son, stepson, daughter, stepdaughter, or a dependent descendant of a son or daughter.

Federal Emergency Management Agency (FEMA)—A federal agency responsible for coordinating responses to disasters among other federal, state, local, and voluntary agencies.

Flood hazard area—Area shown on a Federal Insurance Administration map as an area prone to flooding. These areas are designated Zone A, 100-year flood plain, and Zone V, coastal high hazard area.

Individual—Person who is not a member of a family as defined in these rules.

Individual and Family Grant Program (IFGP)—A federal/state assistance program created under Public Law 93-288, §408, to award grants to eligible people who incur necessary expenses or who have serious needs as a result of a disaster. These grants are not intended to repay individuals or families for all disaster losses or to allow purchases of items or services that are nonessential, luxury, or decorative.

Major disaster—Hurricane, tornado, storm, flood, high water, wind-driven, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, drought, fire, explosion, or other catastrophe.

National eligibility criteria—Standards prescribed by the FEMA's regulations which state and federal governments must apply when determining eligibility for grants.

National Flood Insurance Program (NFIP)—Program that provides flood insurance to people living in communities that are designated as flood prone areas.

Necessary expense—Cost of an item or service essential to an individual or family to prevent, mitigate, or overcome a disaster-related hardship, injury, or adverse condition.

Owner-occupied—Residence that is occupied by the legal owner; a person who does not hold formal title to the residence but is responsible for payment of taxes, maintenance of the residence, and pays no rent; or a person who has lifetime occupancy rights in the residence with formal title vested in another.

Primary residence—Dwelling where the applicant usually lives during the calendar year.

Sanctioned communities—Communities that the NFIP designates as special flood hazard areas but which do not participate in the NFIP.

Serious need—Requirement for an item or service essential to an individual or family to prevent, mitigate, or overcome a disaster-related hardship, injury, or adverse condition.

Small Business Administration (SBA)—Federal agency that loans money at a lower-than-usual interest rate to small businesses, individuals, and families to assist them in recovering from a disaster.

§6.002. Individual and Family Grant Program. The total grant amount cannot exceed the \$5,000 grant amount established by the United States Congress. The total federal grant amount is contributed only on condition the state contributes its remaining 25%.

§6.003. Notification to Potential Applicants. The department and the federal government are responsible for assisting applicants in the completion of applications and answering questions about application deadlines and other information concerning the requirements which applicants must meet to receive assistance.

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 July 5, 1984.

TRD-847084 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Earliest possible date of adoption:

August 13, 1984

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

Eligibility for Individual and Family Grants

40 TAC §§6.101-6.105

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

§6.101. Eligibility Criteria.

(a) To be eligible for an individual and family grant, disaster victims must have serious needs or expenses resulting from a catastrophe declared a major disaster by the president and be eligible in the need categories established by the Federal Emergency Management Agency (FEMA). The victim must:

(1) submit a completed and signed application to the department's Individual and Family Grant Program (IFGP) office within prescribed time limits;

(2) apply to all available governmental disaster assistance programs (unless exempt from applying to the Small Business Administration (SBA)). The victim must be ineligible for assistance from other programs or prove that assistance from other programs does not meet all his necessary expenses or serious needs;

(3) not have previously received or refused other assistance for the specific necessary expense or serious need, or portion of expense or need, for which he applied;

(4) agree to refund the state the part of the grant for which:

(A) other assistance is received,

(B) he does not spend as specified in the grant award document, and

(C) he does not spend or commits to spend as of the date the state requests federal reimbursement;

(5) be ineligible for disaster loan assistance from the SBA. The applicant is exempt from applying to the SBA if he can certify that he:

(A) suffered only personal property damage,

(B) is unemployed, and

(C) receives more than 50% of his income from welfare or social security payments;

(6) provide all information required in determining eligibility.

(b) Applicants may be denied individual and family grants for not meeting any one of the eligibility criteria.

(c) Victims are eligible for assistance in the following areas without first applying to the SBA:

(1) funeral expenses,

(2) medical or dental expenses, and

(3) cost estimates required by the IFGP.

(d) Victims are eligible for assistance without regard to alien status, residency in the major disaster area, or residency in the state where the major disaster was declared.

§6.102. Time Limitations. Victims must apply for individual and family grants within 60 calendar days of the date on which the disaster was declared. Applications received after the 60-day limitation period may be processed if the applicant can establish good cause for the delay.

§6.103. Additional Eligibility Criteria for Grants for Flood Damage.

(a) A disaster victim who lives in a designated flood hazard area and whose property damage is the result of flooding has restrictions on the amount of grant he may receive. The department applies the following restrictions when determining grant amounts.

(1) The department may not award a grant for acquisition or construction if the structure is located in a designated special flood hazard area which the FEMA has identified as flood prone at least one year before the disaster, unless the community in which the structure is located participates in the NFIP. An extension for the purpose of accepting and processing applications may be granted victims whose community qualifies for and enters into the NFIP during the six-month period described in flood insurance regulations 44 Code of Federal Regulations 205.253(a)(3)(i). Applicants living in a designated flood hazard area in a "sanctioned community" are eligible only for grants for nonflood insurable items. These applicants are not eligible for flood insurance premium or housing and personal property grants.

(2) The department may not award a grant for acquisition or construction if the structure is located in a designated special flood hazard area in which the sale of flood insurance is available under the NFIP unless the victim agrees to:

(A) purchase adequate flood insurance, and
(B) maintain flood insurance for the existence of the structure or for as long as he occupies the structure.

(3) If the victim receives a grant for flood insurance but does not obtain the insurance, he must return to the state the amount of grant received for the flood insurable items and the amount received for the first year's flood insurance premium. In the case of subsequent disasters, the victim who failed to maintain flood insurance is entitled to a grant only for damage to insurable items the value of which exceeds the face value of the flood insurance policy. If the victim can prove that the settlement would have been less than the face value of the flood insurance policy, he is entitled to the increased amount.

(4) The victim must use the entire flood insurance grant amount to purchase coverage, even if the coverage exceeds what is required. The maximum grant amount for flood insurance is established by the department. The department bases the grant amount on the average rates used by the NFIP.

(5) The victim is not entitled a grant for acquisition or construction if he was required to apply to the SBA or the Farmer's Home Administration for loan assistance and was denied because the victim failed to obtain or maintain a flood insurance policy required as a condition of a previous loan assistance.

(b) FEMA regulations 44 Code of Federal Regulations Part 9 require the state to comply with the President's executive orders on floodplain management and protection of wetlands when awarding grants for the following:

(1) repairing or rebuilding of private bridges. The applicant must obtain a building permit from the city or county;

(2) minimum protective structures. The applicant must obtain a building permit; and

(3) purchase of a mobile home to be placed in a floodway or coastal high hazard area. Applicants are notified that a grant may not be used to purchase a mobile home that is to be placed in a floodway or coastal high hazard area. A grant, however, may be used to repair or replace a mobile home that is located in Zone A or construct a new house if:

(A) a building permit is obtained from the city or county,

(B) the lowest floor used for living is elevated to base flood elevation, and

(C) flood insurance is purchased and maintained on the structure and its contents.

§6.104. Eligible Expense or Need Categories. Applicants may be awarded individual and family grants in the following categories.

(1) Housing. Grants for housing expenses are allowed for owner-occupied primary residences (including mobile homes) and for expenses necessary to:

(A) repair, replace, or rebuild residences;

(B) provide access to a road or bridge that serves more than one individual or family. An owner-occupant whose primary residence is served by the access road or bridge may be eligible for a proportionate share of the cost of jointly repairing or providing the access. The owner-occupant may combine his grant funds

with funds of other individuals or families if a joint-use agreement is executed (with no cost involved). If joint ownership is agreed to, the owner-occupant may also combine his grant funds with funds of other individuals or families;

(C) clean or make sanitary;

(D) remove debris from residences. This grant amount is limited to the minimum health and safety requirements (including additional damage to the residence); and

(E) provide or take minimum protective measures to protect residences against the immediate threat of damage.

(2) Personal property. Applicants may be awarded individual and family grants for the following types of personal property expenses:

(A) clothing;

(B) household items, furnishings, or appliances. If a housing grant is awarded for replacement of a mobile home, these items are included in the replacement amount; therefore, these items are not allowed in the personal property category. If the applicant receives a personal grant for household items, furnishings, or appliances, he may apply these funds toward the purchase of a furnished unit or mobile home and toward mobile home site development, towing, and set-up connecting or reconnecting;

(C) specialized tools or protective clothing required by an employer as a condition of employment;

(D) repairing, cleaning, or sanitizing eligible personal property items; and

(E) moving and storing of eligible household items to prevent or reduce further damage.

(3) Transportation. If the disaster creates a need for transportation, the cost of the vehicle and any special equipment may be included in the transportation allowance. Applicants are entitled to receive grants for the following transportation expenses:

(A) cost of public or private transportation. Private transportation is allowed if public transportation is unavailable;

(B) temporary car rental; and

(C) repair or replacement of privately owned vehicles. Transportation grant cannot exceed \$1,500 for each seriously needed vehicle and is based on:

(i) actual cost of repairing the vehicle, or

(ii) an average cost (during the preceding six months from the date a disaster is declared) of providing dependable transportation by replacing the vehicle.

(4) Medical or dental expenses. Applicants are entitled to receive grants to cover disaster-related medical or dental expenses with a maximum amount established by the department. The maximum allowance is based on the average cost of medical or dental expenses (during the preceding six months from the date a disaster is declared) in the disaster location.

(5) Funeral expenses. Applicants are entitled to receive grants for disaster-related funeral and burial (or cremation) expenses with a maximum allowance established by the department. The maximum allowance is based on the average cost of funeral expenses (during the preceding six months from the date a disaster is declared) in the disaster location.

(6) Flood insurance. Applicants are entitled to receive grants up to the maximum allowance established by the department to cover the cost of the first year's flood insurance premium. (See §6.103 of this title (relating to Additional Eligibility Criteria for Grants for Flood Damage) about establishing the maximum grant amount for flood insurance.)

(7) Minimization measures. Applicants are entitled to receive grants to cover expenses for replacing private bridges, upgrading the design of the bridges, and related engineering costs. Grants may also be awarded to elevate and anchor mobile homes purchased with grant funds, if the only practicable site available is in the flood plain. Grants are awarded to victims to floodproof their homes according to applicable codes and standards.

(8) Required cost estimates. Applicants may receive grants to cover the cost of estimates necessary for determining eligibility

(9) Other categories. Other categories are related to special circumstances of a particular disaster and are determined by FEMA or IFGP staff. Applicants may be entitled to receive grants to cover expenses for items in categories other than those mentioned in these rules.

§6.105. Ineligible Expense or Need Categories. Applicants are not awarded grants for the following categories:

- (1) business losses, including farm businesses and self-employment;
- (2) improvements or additions to real or personal property, except those required to comply with minimization measures;
- (3) landscaping;
- (4) real or personal property used exclusively for recreation; and
- (5) financial obligations incurred before the disaster.

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 July 5, 1984.

TRD-847085 Marlin W Johnston
Commissioner
Texas Department of Human
Resources

Earliest possible date of adoption:
August 13, 1984
For further information, please call (512) 441-3355,
ext 2037

Processing Individual and Family Grants 40 TAC §6.201

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

§6.201. Duplication of Benefits.

(a) To prevent duplication of benefits, the department deducts assistance from other means for a particular need or expense from the total grant amount. Assistance from other means includes, but is not limited to:

- (1) Red Cross,
- (2) Temporary Housing Program,
- (3) NFIP,
- (4) SBA, and
- (5) private insurance.

(b) The department may award grants for the victim's emergency needs if there is an unreasonable delay in receiving assistance from other means. If the victim is awarded an emergency grant, he must reimburse the department when assistance is received.

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 July 5, 1984

TRD-847086 Marlin W Johnston
Commissioner
Texas Department of Human
Resources

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August 13, 1984
For further information, please call (512) 441-3355,
ext. 2037.

Case Decision, Review, and Closing 40 TAC §§6.301-6.306

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

§6.301. Voluntary and Partial Withdrawals.

(a) The applicant has the right to withdraw from consideration for a grant. A voluntary withdrawal is as valid as a grant decision if the applicant signs a statement that indicates the reason for withdrawal.

(b) The applicant has the right to partially withdraw from consideration for one particular item or category in a grant.

§6.302. Notification to Applicants of Grant Approval/Disapproval. Applicants are entitled to prompt notification of grant decisions. The department is responsible for notifying applicants by letter of the grant eligibility determination.

(1) Letters approving grants include a grant approval statement, the grant amount, and the purpose for which the grant is approved. When applicable, grant approval letters include flood insurance requirements and conditions.

(2) Letters disapproving grants include a statement that the application is denied and the reasons for denial.

§6.303. Right To Request a Conference. The applicant has the right to request a conference to discuss a grant decision with a department supervisor.

§6.304. Lost or Stolen Warrants. The applicant is responsible for notifying the department when he does not receive a grant warrant.

(1) If a warrant is lost or stolen and has not been cashed, the applicant must sign the surety bond, have it witnessed and notarized, and return it to the department.

(2) If a warrant is lost or stolen and has been cashed, the applicant must return a notarized affidavit to the department.

§6.305. Recovery of Grant Funds. Applicants are required to return grant funds that are:

- (1) obtained fraudulently,
- (2) expended for unauthorized items or services,
- (3) expended for items for which assistance is received from other means,
- (4) not expended or committed as of the date the state requests federal reimbursement, and
- (5) authorized for acquisition or construction purposes when proof of purchase of flood insurance is not provided to the state, but the state required the applicant to purchase the insurance.

§6.306. Supplemental Grants. Applicants may be entitled to a supplemental grant if the review and auditing process reveals that the initial grant amount has not adequately met the applicant's serious needs or necessary expenses.

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 July 5, 1984.

TRD-847087 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Earliest possible date of adoption
August 13, 1984

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

Chapter 9. Food Stamps

The Texas Department of Human Resources proposes an amendment to §9.3401, the repeal of §§9.3403, 9.6401-9.6403, 9.6405-9.6418, and 9.7007; and new §§9.3403, 9.6401, and 9.7007, concerning resources and notices of adverse action in the Food Stamp Program.

The department is taking this action to streamline food stamp certification procedures and to reduce workloads. The resources test is being eliminated for households in which all members receive aid to families with dependent children (AFDC). The rules governing notices to clients about adverse action are being changed to allow adequate notice instead of advance notice if the information is received in writing directly from the client, and department workers can determine from the client's information the exact amount of reduced benefits or that the household is not eligible. Adequate notice means that the client receives the notice no later than the date the household will receive the reduced benefits. The benefits for households that receive adequate notice may be reinstated at the for-

mer level if the client appeals within 10 days after receiving notification of adverse action.

David Hawes, programs budget and statistics director, has determined that there will be no fiscal implications for state or local government 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 rules as proposed will be in effect the public benefit anticipated as a result of enforcing the rules will be a simplification of case processing and reduction of workload for department workers. There is no anticipated economic cost to individuals who are required to comply with the rules as proposed.

Comments on the proposal may be submitted to Cathy Rossberg, Acting Administrator, Policy Development Support Division—266, Texas Department of Human Resources, 153-B, P.O. Box 2960, Austin, Texas 78769, within 30 days of publication in this *Register*.

Subchapter II. Resources

40 TAC §9.3401

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

§9.3401. Definition.

(a) The DHR waives the resources test for households in which all members (including those disqualified for food stamps) receive or have been approved for AFDC. The DHR considers these households as eligible for food stamps if they meet all other eligibility standards.

(b)(a) Resources are liquid and nonliquid assets. Applicants must report all household resources at the time of application.

(c)(b) Available resources at the time the household is interviewed are used to determine the household's eligibility.

(d)(c) The value of a resource is its fair market value less encumbrances, except for vehicles whose values are determined according to §9.3404 of this title (relating to Good Cause). The fair market value is the amount the resource would bring if sold or rented on the current local market.

(e)(d) The resources of a nonhousehold member are not counted as available to the household. The resources, however, of a disqualified member are considered available in their entirety. **Disqualified members are** [This includes resources of] individuals disqualified for **intentional program violation** [fraud] or for failure to meet the SSN requirements, and [resources of] ineligible aliens who would have been considered household members except for their ineligible alien status.

(f)(e) The resources of a child under 18 are counted as household resources unless otherwise exempt.

(g)(f) Resources held jointly by separate households are considered totally available to each household unless [it can be demonstrated that] these resources are inaccessible. If the household can demonstrate that it has access to only a portion of the resource, only the value

of the household's portion is considered. If the resource cannot practically be subdivided and the household's access to the value of the resource depends on the agreement of a joint owner who refuses to comply, then the resources must be considered totally inaccessible to the household. The same policies used to determine whether a resource is accessible to the household also apply to resources attributed to the household but owned by a disqualified member (including ineligible aliens living with the household).

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 July 9, 1984.

TRD-847166 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Earliest possible date of adoption:

August 13, 1984
For further information, please call (512) 441-3355,
ext. 2037.

40 TAC §9.3403

(Editor's note: The text of the following rule proposed for repeal will not be published. The rule may be examined in the offices of the Texas Department of Human Resources, 706 Banister Lane, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

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

§9.3403. Resource Eligibility Standards.

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 July 9, 1984.

TRD-847167 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Earliest possible date of adoption

August 13, 1984
For further information, please call (512) 441-3355,
ext. 2037.

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

§9.3403. *Non-AFDC Resource Limits.* The maximum resource limits for non-AFDC households are:

(1) \$3,000 for households with more than one member if at least one member is age 60 or older.

(2) \$1,500 for all other households.

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 July 9, 1984.

TRD-847168 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

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August 13, 1984
For further information, please call (512) 441-3355,
ext. 2037.

Subchapter FFF. Notice of Adverse Action

40 TAC §§9.6401-9.6403, 9.6405-9.6418

(Editor's note: The text of the following rules proposed for repeal will not be published. The rules may be examined in the offices of the Texas Department of Human Resources, 706 Banister Lane, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

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

- §9.6401. Requirement.
- §9.6402. Mass Changes.
- §9.6403. Notification for Mass Changes.
- §9.6405. Notice of Death.
- §9.6406. Move from County or State.
- §9.6407. Restoration of Lost Benefits Ends.
- §9.6408. Variable Issuances.
- §9.6409. Certification Pending Approval of PA Grant.
- §9.6410. Disqualification for Intentional Program Violation.
- §9.6411. Continuation of Benefits.
- §9.6412. Effective Date.
- §9.6413. Adverse Action during Pending Appeal.
- §9.6414. Adverse Action for Transfer of Resources.
- §9.6415. Recoupment.
- §9.6416. Case Transfers.
- §9.6417. Verification of Expedited Changes.
- §9.6418. Converting from Cash Payment to Benefit Reduction.

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 July 9, 1984.

TRD-947169 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Earliest possible date of adoption:

August 13, 1984
For further information, please call (512) 441-3355,
ext. 2037.

40 TAC §9.6401

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

§9.6401. Requirements. The DHR provides adequate or advance notice of adverse action to a household when taking any action to deny food stamps or to reduce food stamp benefits during a certification period. The notices must include an explanation of the proposed action and the reason for the proposed action. Notices are provided as follows:

- (1) Adequate notice.
 - (A) For all applications or reapplications;
 - (B) When a client reports a change on a status report form or otherwise reports in writing a change that clearly requires denial or reduction of benefits. Notice is adequate if it reaches the household no later than the day the household receives the reduced ATP or mail issuance or the day the denied household would have received benefits.
- (2) Advance notice. For all other adverse actions. The DHR sends advance notice at least 10 days before benefits are given or computer documents showing the action are submitted. If the adverse action period ends on a weekend or holiday and a request for a fair hearing and continuation of benefits is received on the next workday the request is considered as timely.
- (3) Exceptions. The DHR does not provide individual notices of adverse action for the following:
 - (A) Mass changes initiated by the state or federal government which may affect the entire caseload or significant portions of the caseload. Although individual notices are not required, DHR will publicize the impending mass change in food stamp benefits for the affected class of clients.
 - (B) Death of all household members.
 - (C) Household moved out of the county or out of the state.
 - (D) Restoration of lost benefits ends. Individual notices are not required if the client was previously notified in writing of when the increased allotment would end.
 - (E) Predetermined allotment changes if DHR notified the client at certification that the household's allotment would vary.
 - (F) Certification pending approval of an application for AFDC if the client was notified at certification that food stamp benefits would be reduced upon approval of the AFDC grant.
 - (G) Disqualification for intentional program violation.
 - (H) Recoupment for claims against households if the client previously received a demand letter or a default notice.
 - (I) Recoupment after households fail to make agreed upon repayments.
 - (J) Nonverification of expedited changes by the required time frame. This exemption applies only if the client is notified in advance that benefits will revert if verification is not provided.

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 July 9, 1984.

TRD-847172 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

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August 13, 1984
For further information, please call (512) 441-3355,
ext. 2037.

Subchapter LLL. Fair Hearings

40 TAC §9.7007

(Editor's note: The text of the following rule proposed for repeal will not be published. The rule may be examined in the offices of the Texas Department of Human Resources, 706 Banister Lane, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

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

§9.7007. Continued Benefits.

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 July 9, 1984.

TRD-847170 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

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August 13, 1984
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ext.2037.

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

§9.7007. Continued or Reinstated Benefits.

- (a) The DHR continues or reinstates the former level of benefits for clients who appeal an adverse action taken during a certification period if all of the following conditions are met:
 - (1) the certification period has not expired;
 - (2) the client does not specifically waive continued or reinstated benefits on the appeal notice;
 - (3) the client appeals within the 10 day notice period.
- (b) Benefits also are reinstated at the former level if the client does not appeal during the notice period, but

has good cause for the delay. For mass changes not requiring individual notices of adverse action, benefits are reinstated at the former level only if the appeal issue is an improper determination of eligibility or benefits or misapplication of federal law or regulations.

(c) If benefits are continued or reinstated pending an appeal, and the hearing officer determines that DHR's action is correct, a claim must be established against the household for the extra benefits the household received.

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 July 9, 1984.

TRD-847171 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Earliest possible date of adoption:
August 13, 1984
For further information, please call (512) 441-3355,
ext. 2037.



The Texas Department of Human Resources (DHR) proposes amendments to §§9.4001, 9.4030, 9.4031, and 9.7301, concerning its Food Stamp Program. These amendments add miscellaneous policy interpretations from the United States Department of Agriculture and clarifications requested by DHR staff. These amendments clarify policy about the exclusion of income of children under 18 years old in determining eligibility for food stamps. The amendments also clarify the policies about entitlement to the utility and telephone standard allowances and to replacement of nondelivered authorization to participate (ATP) cards.

David Hawes, programs budget and statistics director, has determined that for the first five-year period the rules are in effect there will be no fiscal implications for state or local government 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 rules as proposed are in effect, the public benefit anticipated as a result of enforcing the rules is clearer policies that conform with federal requirements. There is no anticipated economic cost to individuals who are required to comply with the rules as proposed.

Comments on the proposal may be submitted to Cathy Rossberg, Administrator, Policy Development Support Division—152, Texas Department of Human Resources, P.O. Box 2960, Austin, Texas 78769, within 30 days of publication on this *Register*.

Subchapter OO. Definition of Income

40 TAC §§9.4001, 9.4030, 9.4031

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

§9.4001. Income. Income, exclusions, and deductions for food stamps are those defined in 7 Code of Federal Regulations 273.9.

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

(3) Exclusions—Exclusions are in-kind income, vendor payments, irregular and unpredictable income less than \$30 in three months (excluded only for prospectively budgeted income), loans (except for deferred payment student loans), reimbursements, third-party funds, earnings of school children [a child] less than 18 years old, nonrecurring lump-sum payments, the cost of producing self-employment income, and other income excluded by federal law.

(4)-(5) (No change.)

§9.4030. Utility Standard.

(a) The Texas Department of Human Resources (DHR) gives a standard utility allowance to clients who have heating or [and] cooling costs separate from their rents or mortgages. This includes renters who are billed monthly by their landlords for actual usage as determined through individual meters. Cooling costs for the purpose of a utility standard allowance are limited to the verifiable utility costs of operating air conditioners (7 Code of Federal Regulations 273.9(d)(6)(i)) and do not include the cost of operating fans.

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

(d) Clients may choose to switch between actual utility costs and the standard allowance once every 12 months of continuous certification. Exception: clients may [cannot] switch within the first 12 months after initial certification if [unless] there is any [a] lapse in certification.

§9.4031. Telephone Allowance. The DHR provides a mandatory telephone allowance for clients who do not or cannot claim the utility standard [is provided for households which are not entitled to claim the standard utility allowance] but who [which] do incur separate telephone expenses. In calculating shelter expenses for these clients [such households], the telephone allowance must be used, even if actual costs are higher. The DHR prorates the telephone standard according to the same policies used for prorating the utility standard in §9.4030 of this title (relating to Utility Standard).

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 July 6, 1984

TRD-847112 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Earliest possible date of adoption:
August 13, 1984
For further information, please call (512) 441-3355,
ext. 2037.

Subchapter 000. Replacement Procedures

40 TAC §9.7301

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

§9.7301. Replacement of ATPs, Food Stamps, and Food Purchased with Stamps.

(a) A client may not receive replacement for ATPs or food stamps he loses or misplaces or for food stamps stolen after receipt. The DHR replaces ATPs, food stamps, and food purchased with stamps as follows:

(1) Undelivered ATPs if the ATPs have been properly issued and if the household reports the nondelivery within the validity period of the ATP, as shown on the front of the ATP. The DHR limits these replacements to two in six months.

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

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

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

Issued in Austin, Texas, on July 6, 1984.

TRD-847113 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Earliest possible date of adoption:

August 13, 1984

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

Chapter 29. Purchased Health Services

The Texas Department of Human Resources proposes to amend §§29.502, 29.1001, 29.1102, and 29.1112 and proposes new §29.1401 and §29.1402 in its purchased health services chapter. Sections 29.502, 29.1001, 29.1102, and 29.1112 are being amended to provide consistency between the department's rules and Title XIX laws and regulations (42 Code of Federal Regulations §440.50) for the definition of a "physician." New §29.1401 and §29.1402 are being proposed to include "doctor of dentistry" in the definition of "doctor."

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

Mr. Hawes has also determined that for each year of the first five years the rules as proposed are in effect the public benefit will be a better understanding of the department's rules. There are no anticipated economic costs to individuals required to comply with the rules.

Comments may be sent to Cathy Rossberg, Administrator, Policy Development Support Division—384, Texas Department of Human Resources 153-B, P.O. Box 2960, Austin, Texas 78769, within 30 days of publication in this *Register*.

Subchapter F. Physician Services

40 TAC §29.502

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

§29.502. Authorized Physician Services. The term "physician services" includes those reasonable and medically necessary services provided by or under the personal supervision of a physician and which are within the scope of practice of medicine or osteopathy [his profession] as defined by state law. [These services include oral surgery as defined in §29.1001 of this title (relating to General Definitions for Purchased Health Services) and provided by a doctor of dentistry.] The term "personal supervision" means that the physician must be in the building of the office or facility at the time when and where the service is provided.

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 July 9, 1984.

TRD-847174 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Earliest possible date of adoption:

August 13, 1984

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

Subchapter K. Definitions

40 TAC §29.1001

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

§29.1001. General Definitions for Purchased Health Services. The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

Doctor—Doctor of chiropractic (chiropractor), doctor of optometry (optometrist), [or] doctor of podiatry (podiatrist), or doctor of dentistry (doctor of dental surgery (D.D.S.)), doctor of medical dentistry (D.M.D.), and doctor of dental medicine (D.D.M.).

Doctor of chiropractic, doctor of optometry, [and] doctor of podiatry, and doctor of dentistry (D.D.S., D.M.D., or D.D.M.)—A licensed doctor legally authorized to practice his specialty at the time and place the service is provided. [When used, doctor of chiropractic, doctor of optometry, and doctor of podiatry are deemed

to have the meaning assigned to them by the Insurance Code, Article 3.70-2(B), or Texas Civil Statutes, Article 4590e, §3(1)-(7).]

[Oral surgery—Surgery related to the jaw or any structure contiguous to the jaw or the reduction of any fracture of the jaw or any facial bone.]

Physician—A doctor of medicine or doctor of osteopathy (M.D. or D.O.) legally authorized to practice medicine or osteopathy [and surgery] at the time and place the service is provided [or a doctor of dentistry who is legally authorized to practice dentistry at the time and place oral surgery is provided].

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 July 9, 1984.

TRD-847175 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Earliest possible date of adoption:

August 13, 1984

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

Subchapter L. General Administration

40 TAC §29.1102, §29.1112

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

§29.1102. Payments for Laboratory and X-Ray Services, Radiation Therapy, Physician Services, Podiatry Services, Chiropractic Services, Optometric Services, [and] Ambulance Services, and Dentists' Services. Subject to [certain] qualifications, limitations, and exclusions as provided [elsewhere] in this chapter, payment to eligible providers for laboratory and X-ray services, radiation therapy, physician services, podiatry services, chiropractic services, optometric services, [and] ambulance services, and dentists' services, other than inpatient or outpatient services of a Title XIX hospital, must not exceed the reasonable charge for [a] specific services [service] as provided in §29.1104 of this chapter (relating to Reasonable Charges).

§29.1112. Exclusions and Limitations.

(a) Benefits do not extend to:]

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

(5) Care, treatment, or other services by a doctor of dental surgery, doctor of medical dentistry, or doctor of dental medicine, including services related to teeth or structures directly supporting the teeth or other services provided by a dentist: [Dental care and services or any services provided by a doctor of dentistry, unless a benefit is provided therefore under Medicare, or would have been so provided if the patient had been eligible and enrolled for benefits under both Parts A and B of Medicare, or unless specifically authorized by the department, or unless hospital and physician services are specifically

authorized by the Texas Department of Health Resources under the Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) Program.]

(A) except as described and limited under §29.1402 of this chapter (relating to Authorized Dentists' Services);

(B) unless specifically authorized by the department or its designee; or

(C) unless services are specifically authorized under the Early and Periodic Screening, Diagnosis, and Treatment Program (EPSDT).

(6)-(19) (No change.)

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

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

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

TRD-847185 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Earliest possible date of adoption:

August 13, 1984

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

Subchapter O. Dentists' Services

40 TAC §29.1401, §29.1402

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

§29.1401. Additional Claim Information Requirements. In addition to the general requirements in §29.1 of this chapter (relating to Claim Information Requirements), the following information is required on claims for dentists' services:

(1) the name, address, and Medicaid provider identification number of the referring physician;

(2) the "prior authorization number" (PAN) that was issued to the referring physician by the department or its designee (for treatment of life-threatening oral infections); and

(3) all supplemental information, including clarification of the diagnosis, to substantiate the need for the service(s) provided.

§29.1402. Authorized Dentists' Services. Coverage for dentists' services provided by a doctor of dentistry (D.D.S., D.M.D., or D.D.M.), as defined in §29.1001 of this chapter (relating to General Definitions for Purchased Health Services), is limited to the:

(1) reduction of fractures to the mandible or maxilla, and

(2) treatment of dental-related oral infections that a licensed physician (M.D. or D.O.) has determined to be life-threatening as a result of complications of concurrent medical illnesses for which the physician has requested and received prior authorization from the department or its designee for referral.

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 July 9, 1984.

TRD-847186 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Earliest possible date of adoption:

August 13, 1984

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

Part IX. Texas Department on Aging Chapter 252. Private Donors

40 TAC §252.1

The Texas Department on Aging (TDA) proposes new §252.1, concerning private donors. This section states under what circumstances the TDA can accept donations from private donors.

Craig F. Sandling, legal services developer, 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.

Mr. Sandling also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is clarification of the circumstances under which the TDA can accept private donations. 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 Craig F. Sandling, P.O. Box 12786, Austin, Texas 78711.

The new section is proposed under the Human Resources Code, Chapter 101, which provides the Texas Department on Aging with the authority to adopt rules governing the function of the department.

§252.1. *Standards Governing Private Donors.*

(a) Purpose. The purpose of this rule is to establish standards of conduct to govern the relationships between officers and employees of the TDA and private donors.

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

(1) Employee—A regular, acting, or exempt full or part-time employee of the TDA.

(2) Officer—An officer of the TDA.

(3) Private donor—One or more individuals or organizations that offer to give or give nonpublic financial assistance to the TDA.

(4) TDA—The Texas Department on Aging.

(c) Standards of conduct.

(1) An officer or employee shall not accept or solicit any gift, favor, or service from a private donor that might reasonably tend to influence his official conduct.

(2) An officer or employee shall not accept employment or engage in any business or professional activity with a private donor which the officer or employee might reasonably expect would require or induce him to disclose confidential information acquired by reason of his official position.

(3) An officer or employee shall not accept other employment or compensation from a private donor which could reasonably be expected to impair the officer or employee's independence of judgment in the performance of his official position.

(4) An officer or employee shall not make personal investments in association with a private donor which could reasonably be expected to create a substantial conflict between the officer or employee's private interest and the interest of the TDA.

(5) An officer or employee shall not intentionally or knowingly solicit, accept, or agree to accept any benefit for having exercised his official powers on behalf of a private donor or performed his official duties in favor of a private donor.

(6) An officer or employee who has policy direction over the TDA and who serves as an officer or director of a private donor shall not vote on or otherwise participate in any measure, proposal, or decision pending before the private donor if the TDA might reasonably be expected to have an interest in such measure, proposal, or decision.

(7) An officer or employee shall not authorize a private donor to use property of the TDA, unless the property is used in accordance with a contract between the TDA and the private donor, or the TDA is otherwise compensated for the use of the property.

(8) In all matters relating to a private donor, an officer or employee shall avoid not only impropriety but also the appearance of impropriety.

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 July 6, 1984.

TRD-847149 Tim Shank
General Counsel
Texas Department on Aging

Earliest possible date of adoption:

August 13, 1984

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

Part XIV. Long-Term Care Coordinating Council for the Elderly

Chapter 421. General Provisions

40 TAC §421.1, §421.2

The Long-Term Care Coordinating Council for the Elderly proposes new §421.1 and §421.2, concern-

ing general provisions. These new sections describe the underlying law which grants the council its authority and the function of the council.

Peggy Davidson, staff support group representative, has determined that for the first five-year period the rules will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rules.

Ms. Davidson also has determined that for each year of the first five years the rules as proposed are in effect the public benefit anticipated as a result of enforcing the rules as proposed is publication of rules under which the council operates. There is no anticipated economic cost to individuals who are required to comply with the rules as proposed.

Comments on the proposal may be submitted to Peggy Davidson, Texas Department on Aging, P.O. Box 12786, Austin, Texas 78711

The new sections are proposed under the Human Resources Code, Chapter 133, which provides the Long-Term Care Coordinating Council for the Elderly with the authority to promulgate rules necessary to meet its statutory responsibilities.

§421.1. Incorporation of Statute. The Human Resources Code, Chapter 133, is incorporated herein and made a part hereof for all purposes.

§421.2. Functions.

(a) The council shall:

(1) revise, update, and review the implementation of the Texas long-term care state plan and submit biennial reports to the governor and the legislature;

(2) review issues concerning long-term care for the elderly and develop appropriate policy recommendations for the State of Texas; and

(3) encourage cooperative, comprehensive, and complementary planning among the public, private, and volunteer sectors for the provision of long-term care services.

(b) At such time as the Texas Health and Human Services Coordinating Council expands its focus beyond services for children 18 years of age or younger and health care needs and costs, the Long-Term Care Coordinating Council for the Elderly shall add to its duties the role of advisory committee to the Texas Health and Human Services Coordinating Council in accordance with the enabling legislation.

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 July 2, 1984

TRD-846990

Tim Shank
General Counsel
Texas Department on Aging

Earliest possible date of adoption

August 13, 1984

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

Chapter 423. Membership and Meetings

40 TAC § 423.1, 423.20, 423.30, 423.40, 423.50

The Long-Term Care Coordinating Council for the Elderly proposes new §§423.1, 423.20, 423.30, 423.40, and 423.50, concerning membership and meetings. These new sections describe the rules that govern membership and meetings of the council.

Peggy Davidson, staff support group representative, has determined that for the first five-year period the rules will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rules.

Ms. Davidson also has determined that for each year of the first five years the rules as proposed are in effect the public benefit anticipated as a result of enforcing the rules as proposed is to publish rules under which the council operates. There is no anticipated economic cost to individuals who are required to comply with the rules as proposed.

Comments on the proposal may be submitted to Peggy Davidson, Texas Department on Aging, P.O. Box 12786, Austin, Texas 78711.

The new sections are proposed under the Human Resources Code, Chapter 133, which provides the Long-Term Care Coordinating Council for the Elderly with the authority to promulgate rules necessary to meet its statutory responsibilities.

§423.1. Composition.

(a) The Long-Term Care Coordinating Council for the Elderly is composed of not more than 17 members.

(b) The chairperson is appointed by the governor. In addition, the governor appoints one provider of long-term care services for the elderly, one private citizen, and one consumer to serve on the council.

(c) The lieutenant governor appoints one senator, one provider of long-term care services for the elderly, one private citizen, and one consumer to serve on the council.

(d) The speaker of the house appoints one member of the house of representatives, one provider of long-term care services for the elderly, one private citizen, and one consumer to serve on the council.

(e) The governing board of each of the following agencies appoints one person to represent that agency on the council:

(1) the Texas Department on Aging;

(2) the Texas Department of Human Resources;

(3) the Texas Department of Health; and

(4) the Texas Department of Mental Health and Mental Retardation.

(f) The governor may designate other agencies to appoint representatives to serve on the council.

§423.20. Terms of Office. A member of the council serves for a two-year term expiring on January 31 of each odd-numbered year. A member may be reappointed to the council.

§423.30. Compensation. Members of the council receive no compensation, but are entitled to reimbursement for actual and necessary expenses incurred in performing their duties.

§423.40. Officeholders and Committees.

(a) The council shall elect from its members a person to serve as vice-chairperson, who shall perform the duties of the chairperson in his or her absence.

(b) The chairperson may establish task forces or committees, which shall be composed of members of the council, to carry out functions of the council.

(c) The council chairperson shall appoint chairpersons of task forces or committees.

§423.50. Meetings. The council shall hold regular meetings at least quarterly. Special meetings of the council shall be held as deemed appropriate by the chairperson.

(1) The chairperson will preside at council meetings.

(2) Notice of all council meetings will be provided to members not less than 10 days before the day of the meeting.

(3) Meetings shall be publicly announced in accordance with the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a. Meetings shall be open and accessible to the general public.

(4) At any council meeting, a quorum shall consist of the majority of the members.

(5) All members have a single vote.

(6) Members are expected to attend all scheduled meetings. In the event of an emergency which prevents a member's attendance, the member's views may be represented by writing or telephoning the chairperson in advance of the meeting for that meeting only.

(7) No proxies shall be permitted.

(8) Any issue of the council shall be decided by majority vote of the council members present.

(9) Minutes of the proceedings for each meeting will be recorded and maintained in permanent files in the offices of the lead agency (Texas Department on Aging, 210 Barton Springs Road, Austin). A summary of the recorded minutes will be prepared and distributed to each member prior to the next scheduled meeting. The minutes and agenda, as well as any supporting and informational material of any meeting of the council, shall be made available to the public upon written request.

(10) Meetings of the council shall be governed by *Robert's Rules of Order*, except as otherwise required by these rules.

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 July 2, 1984.

TRD-846991 Tim Shank
 General Counsel
 Texas Department on Aging

Earliest possible date of adoption.

August 13, 1984
For further information, please call (512) 475-2717.

Chapter 425. Lead Agency

40 TAC §425.1

The Long-Term Care Coordinating Council for the Elderly proposes new §425.1, concerning the lead agency. The new section identifies the Texas Department on Aging as the lead agency for the council. This rule also allows the council to use the staff of an appointing official or agency to assist the council in performing its duties.

Peggy Davidson, staff support group representative, 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.

Ms. Davidson also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is to make available to the council human resources that will assist it in performing its duties for the elderly of Texas. 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 Peggy Davidson, Texas Department on Aging, P.O. Box 12786, Austin, Texas 78711.

The new section is proposed under the Human Resources Code, Chapter 133, which provides the Long-Term Care Coordinating Council for the Elderly with the authority to promulgate rules necessary to meet its statutory responsibilities.

§425.1. Lead Support Agency and Staff Support. In accordance with the enabling legislation, the council may use the staff of an appointing official or agency to assist the council in performing its duties. The Texas Department on Aging shall assume the role of lead agency for the council.

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 July 2, 1984

TRD-846992 Tim Shank
 General Counsel
 Texas Department on Aging

Earliest possible date of adoption.

August 13, 1984
For further information, please call (512) 475-2717.

Chapter 427. Grants and Donations

40 TAC §427.1

The Long-Term Care Coordinating Council for the Elderly proposes new §427.1, concerning grants and donations. The new section allows the council to accept and spend grants and donations from public or private sources. The new section also empowers the council to contract with public or private entities pursuant to the performance of its responsibilities.

Peggy Davidson, staff support group representative, 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.

Ms. Davidson also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is to allow the council to accept and spend grants and donations from public or private sources. In addition, this new section will allow the council to contract with a public or private entity pursuant to the performance of its legislative responsibilities. 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 Peggy Davidson, Texas Department on Aging, P.O. Box 12786, Austin, Texas 78711.

The new section is proposed under the Human Resources Code, Chapter 133, which provides the Long-Term Care Coordinating Council for the Elderly with the authority to promulgate rules necessary to meet its statutory responsibilities.

§427.1. Grants and Donations. The council may receive and spend grants and donations from public and private entities and may contract with public or private entities in the performance of its responsibilities.

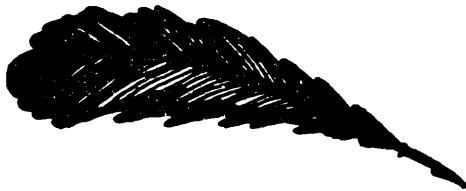
This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

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

TRD-846993 Tim Shank
 General Counsel
 Texas Department on Aging

Earliest possible date of adoption.
August 13, 1984

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



Chapter 429. Amendment of Bylaws

40 TAC §429.1

The Long-Term Care Coordinating Council for the Elderly proposes new §429.1, concerning the amendment of bylaws. This new section states the requirements necessary for the council's bylaws to be amended.

Peggy Davidson, staff support group representative, 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.

Ms. Davidson also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is to state the procedure that will be followed when there is a change of the council's bylaws. 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 Peggy Davidson, Texas Department on Aging, P.O. Box 12786, Austin, Texas 78711.

The new section is proposed under the Human Resources Code, Chapter 133, which provides the Long-Term Care Coordinating Council for the Elderly with the authority to promulgate rules necessary to meet its statutory responsibilities.

§429.1. Amendment of Bylaws. The bylaws may be amended by the council by a majority of the total membership of the council, and in accordance with the requirements of the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a.

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 July 2, 1984

TRD-846994 Tim Shank
 General Counsel
 Texas Department on Aging

Earliest possible date of adoption.
August 13, 1984

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

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 with the *Register*.

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*. 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.

Withdrawn Rules

TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part II. Texas Parks and Wildlife Department

Chapter 57. Fisheries Gulf Shrimping Season

31 TAC §57.351

The Texas Parks and Wildlife Department has withdrawn the emergency adoption of new §57.351, concerning the gulf shrimping season. The text of the new section as adopted on an emergency basis appeared in the May 11, 1984, issue of the *Texas Register* (9 TexReg 2588).

Issued in Austin, Texas, on July 6, 1984

TRD-847147 Maurine Ray
Administrative Assistant
Texas Parks and Wildlife
Department

Filed: July 6, 1984

For further information, please call (512) 479-4806.

Chapter 65. Wildlife Subchapter A. Statewide Hunting and Fishing

31 TAC §65.26

The Texas Parks and Wildlife Department has withdrawn from consideration for permanent adoption the proposed repeal of §65.26, concerning wildlife. The

notice of proposed repeal appeared in the February 10, 1984, issue of the *Texas Register* (9 TexReg 789).

Issued in Austin, Texas, on July 3, 1984

TRD-847056 Maurine Ray
Administrative Assistant
Texas Parks and Wildlife
Department

Filed: July 3, 1984

For further information, please call (512) 479-4806.

Part XIV. Texas Water Development Board

Chapter 331. Edwards Aquifer Subchapter A. Edwards Aquifer in Medina, Bexar, Comal, Kinney, Uvalde, and Hays 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 May 15, 1984, issue of the *Texas Register* (9 TexReg 2686).

Issued in Austin, Texas, on July 9, 1984

TRD-847181 Susan Plettman
General Counsel
Texas Water Development Board

Filed: July 9, 1984

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

Adopted Rules

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.

TITLE 22. EXAMINING BOARDS Part XI. Board of Nurse Examiners Chapter 213. Practice and Procedure 22 TAC §213.11

The Board of Nurse Examiners adopts amendments to §213.11, without changes to the proposed text published in the May 4, 1984, issue of the *Texas Register* (9 TexReg 2425).

The amendments are adopted to assist the board in acquiring necessary documentation to determine if a nurse has violated any section or provision of the Nurse Practice Act. In clarifying the language, the board will be able to issue a subpoena prior to the filing of charges in a case.

No comments were received regarding adoption of the amendments.

The amendments are adopted under Texas Civil Statutes, Article 4514 and Article 4524(e), 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 the 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. The board shall have the power to issue subpoenas, compel the attendance of witnesses, administer oaths to persons giving testimony at hearings, and

cause the prosecution of all persons violating any provisions of this chapter.

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 July 2, 1984.

TRD-847018 Margaret L. Rowland, R.N.
Executive Secretary
Board of Nurse Examiners

Effective date July 23, 1984
Proposal publication date May 4, 1984
For further information, please call (512) 835-4880.

Chapter 217. Licensure and Practice 22 TAC §217.13

The Board of Nurse Examiners adopts amendments to §217.13, with changes to the proposed text published in the May 4, 1984, issue of the *Texas Register* (9 TexReg 2425).

This agency has considered all written and oral testimony regarding the amendments and has made changes where appropriate. The major changes include omission of §217.13(7) and (15), and the addition of the phrase "knowingly or consistently" to §217.13(2)-(4). The amendments add new language and clarify the definition of unprofessional conduct of registered nurses. The agency's interpretation of unprofessional conduct is provided by citing specific instances in which charges could be filed against a registered nurse under Texas Civil Statutes, Article 4525a(9).

Several comments were received regarding adoption of the amendments. The basic objection was to removing the phrase "knowingly or consistently" from the current rules. Several commenters felt this had the effect of making the rules too imprecise and would extend them to cover conduct which does not constitute unprofessional conduct.

Several commenters objected to the wording in §217.13(2) and (3) and requested that the phrase "knowingly or consistently" be reinserted. They felt that without this phrase a nurse could be held accountable for each single error or omission no matter how innocent or insignificant. The board changed §217.13 (2) and (3) to comply with recommendations of the commenters.

Several commenters questioned the intent of §217.13(4) and requested deletion or clarification. The board added "knowingly or consistently" and believes this will allay the concerns of commenters.

Two commenters expressed concerns that as stated in proposed §217.13(5), the phrase "knowingly or consistently" could extend the rule to cover any theft by a registered nurse, even if completely unrelated to his or her practice of professional nursing. The board modified §217.13(5) as suggested by commenters.

One commenter questioned the meaning of §217.13 (7). The board omitted this subsection since it was actually covered in §217.13(6).

Two individuals commented on §217.13(13), indicating some confusion over the meaning. Since the board was not proposing changes in §217.13(13) and it has been in effect for several years, there did not seem to be any justification for changing it.

Several commenters objected to §217.13(15) and questioned the rationale for its inclusion since the board has this authority under Article 4525a(1). The board agrees with the commenters, and this subsection was omitted in the amended text.

Those making comments in favor of the rule were Baptist Hospital of Southeast Texas, Beaumont; Medical Plaza Hospital, Fort Worth; Swiss Avenue Hospital, Dallas; Navarro Regional Hospital, Corsicana; St. Anthony's Hospital, Amarillo; and Medical Center Hospital, Conroe. The following groups expressed concerns regarding certain sections of the rule and offered recommendations for changes: the Texas Nurses Association; the Texas Health Care Association; University of Texas Medical Branch—Galveston, Arlington Memorial Hospital; San Jacinto Methodist Hospital, Baytown; Memorial Hospital, Sulphur Springs, and the Community Hospital of Brazosport, Freeport. 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 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.

§217.13. Unprofessional Conduct. The term "unprofessional conduct that is likely to injure the public" means any act, practice, or omission that fails to conform to the accepted standards of the nursing profession and which results from conscious disregard for the health and welfare of the public and of the patient/client under the nurse's care and includes, but is not limited to, the conduct listed as follows.

- (1) (No change.)
- (2) Knowingly or consistently failing, including failing to do so accurately or intelligibly, to report or document a patient's/client's symptoms, responses, progress, medications, and/or treatments or failing to do so under circumstances that indicate a disregard for patient safety and welfare.
- (3) Knowingly or consistently failing to make entries, destroying entries, and/or making false entries in records pertaining to the giving of medications, treatments, or nursing care or failing to do so under circumstances that indicate a disregard of patient safety and welfare.
- (4) Knowingly or consistently failing to follow the policy and procedure for the wastage of medications in effect at the facility at which the registered nurse is employed or working.
- (5) Appropriating, in connection with the practice of nursing, medications, supplies, equipment, or personal items of the patient/client, employer, or any other person or entity.
- (6) Failing to administer medications or treatments or both in a responsible manner.
- (7) Passing or attempting to pass a forged, altered, or falsified prescription.
- (8) Performing or attempting to perform nursing techniques or procedures or both in which the nurse is untrained by experience or education.
- (9) Violating the confidentiality of information or knowledge concerning the patient/client, except where required by law.
- (10) To cause, suffer, permit, or allow physical or emotional injury to the patient/client, or failing to report same in accordance with the incident reporting procedure in effect where the nurse is employed or working.
- (11) Leaving a nursing assignment without notifying appropriate personnel.
- (12) Failing to report to the board or the appropriate authority in the organization in which the nurse is working, within a reasonable time of the occurrence, any violation or attempted violation of the Texas Nurse Practice Act or duly promulgated rules, regulations, or orders.
- (13) Expressly delegating nursing care functions or responsibilities to a person who lacks the ability or

knowledge to perform the function or responsibility in question.

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 July 2, 1984

TRD-847019 Margaret L. Rowland, R N
Executive Secretary
Board of Nurse Examiners

Effective date: July 23, 1984
Proposal publication date: May 4, 1984
For further information, please call (512) 835-4880.



TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part II. Texas Parks and Wildlife Department

Chapter 65. Wildlife

Subchapter A. Statewide Hunting and Fishing

31 TAC §§65.1, 65.11, 65.13-65.19, 65.21-65.24, 65.27, 65.31-65.29, 65.41-65.48, 65.51, 65.60-65.64

The Texas Parks and Wildlife Commission, in a regularly scheduled public hearing held March 30, 1984, adopted the repeal of §§65.1, 65.11, 65.13-65.19, 65.21-65.24, 65.27, 65.31-65.39, 65.41-65.48, 65.51, and 65.60-65.64, concerning the Statewide Hunting and Fishing Proclamation, without changes to the proposal as published in the February 10, 1984, issue of the *Texas Register* (9 TexReg 789).

Fluctuations in wildlife resource populations required the commission to adopt new rules for the 1984-1985 hunting and fishing seasons. The repeal allows new rules to be adopted which are more consistent with populations of wildlife resources.

No comments were received regarding adoption of the repeal.

The repeal is adopted under the Texas Parks and Wildlife Code, Chapter 61, which enables the Texas Parks and Wildlife Commission to provide wildlife resource regulations for this state

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 July 3, 1984

TRD-847054 Maurine Ray
Administrative Assistant
Texas Parks and Wildlife
Department

Effective date: September 1, 1984
Proposal publication date: February 10, 1984
For further information, please call (512) 479-4974
or (800) 792-1112

31 TAC §§65.1, 65.11, 65.13-65.19, 65.21-65.24, 65.27, 65.31-65.39, 65.41-65.48, 65.51, 65.60-65.64

The Texas Parks and Wildlife Commission, in a regularly scheduled public hearing held March 30, 1984, adopted amendments to §§65.14, 65.23, 65.27, 65.33, 65.43, 65.46, and 65.62-65.64, with changes to the proposed text published in the February 10, 1984, issue of the *Texas Register* (9 TexReg 789). Sections 65.1, 65.11, 65.13, 65.15-65.19, 65.21, 65.22, 65.24, 65.31, 65.32, 65.34-65.39, 65.41, 65.42, 65.44, 65.45, 65.47, 65.48, 65.51, 65.60 and 65.61 are adopted without changes and will not be republished. These sections concern big game, upland game, and freshwater fishing regulations in the statewide Hunting and Fishing Proclamation.

The changes the commission made provide Morris County with a split general deer season under §65.33(1)(C)(vi), retain the nine-day general mule deer season in §65.33(3)(A) and (B), remove Gonzales County from §65.46(a), which deletes fall turkey seasons; delete the option that grass carp may be released alive in §65.63(a)(1), retain §65.62(q) as new §65.62(1), concerning possession limits, retain the second sentence of §65.63(a)(4), concerning net identification as the last sentence of new §65.63(a)(4); and retain §65.64(b), concerning means and methods for other freshwater aquatic animal life. The proposed repeal of §65.26 is withdrawn in this issue. Buck deer permits for fork antlered deer will continue to be required in these counties

Other changes made to clarify and correct errors in the proposed text are a change from regular season to general season in §65.23(i), reformat citation in §65.27(a) from §65.33(1)(E) to §65.33(1)(D); reinstate definition of buck deer in §65.33, new text for §65.33(1)(B)(v), insert special exception for §65.33(1)(C)(i)(iii); insert Grimes County in §65.33(2)(A); remove San Jacinto County from §65.33(2)(B); place Scurry County in §65.33(2)(C), place Hagerman National Wildlife Refuge exception to Grayson County in §65.33(2)(E); change regular season to general season in §65.33(2)(F) and §65.33(5)(B); remove the word "regulatory" from §65.43; remove the word

“ward” from §65.46(b)(1), change Cherokee County to Rusk County in §65.63(a)(4)(B)(iii); and renumber §65.63(a)(4)(B)(i)-(x).

Fluctuations in wildlife resource populations required the commission to adopt new rules for the 1984-1985 hunting and fishing seasons. The new rules provide harvest of wildlife resource populations consistent with recognized wildlife management principles.

Comments by the public concerning the new rules were presented to the Texas Parks and Wildlife Commission in the form of county public hearing summaries, petitions, county commissioner court resolutions, letters, and summaries of telephone calls. No comments were received via the *Texas Register*.

The proposed regulation changes were discussed during the period of February 6-23, 1984, at 147 of the 254 county public hearings where there was attendance. A total of 2,568 persons attended the public hearings. Testimony obtained from the hearings is briefly summarized as follows.

Most comments concerned deer seasons and bag limits, length of mule deer season, the running of deer with dogs, issuance of buck and antlerless deer permits, tagging requirements, spring gobbler season, spring squirrel season, pheasant bag limit, quail season length, bag limit on game fish for archers, netting of rough fish and catfish, snagging as a method of fishing, method of fish measurement, and size lengths for bass.

Petitions were received requesting netting of rough fish in Caddo Lake—722 and 89 signatures, the running of deer with dogs be prohibited in Panola County—9, 23, 57 signatures; continuation of the running of deer with dogs—269, 422, 277, 17, 9, 14, 87, and 37 signatures; a Smith County deer archery season from October 20-November 16—38 signatures, that pheasants be stocked in Carson County—43 signatures, nine-day mule deer season—134 signatures; netting of rough fish in the Sabine River in Smith County—197 signatures, and split deer season of no more than 15 days for Marion County—173 signatures.

Resolutions were received from the commissioners court of Gonzales County opposing the proposed fall turkey season, and the commissioners court of Reeves and Jeff Davis Counties objecting to the proposed 16-day mule deer season.

Letters were received in opposition to and favoring the running of deer with dogs, proposing that Maverick County's deer season be December 1-January 13, opposed to opening Caddo Lake and Lake O' the Pines to net fishing, requesting regulation of yo-yo fishing devices, opposing the lengthened quail season, opposing a lengthened mule deer season, requesting that deer archers have a period of quiet before the squirrel season opens, and opposing a two-buck limit in Medina County.

Telephone calls were received concerning antlerless deer permit issuance in DeWitt County, favoring legalizing net fishing, favoring the statewide quail season,

favoring the use of dogs to hunt deer, favoring the two-buck bag limit in Medina County, favoring a pheasant season in Fort Bend County, and opposing a 16-day mule deer season.

The following commented against the rules: Mrs. Dennis B. Allen, A. H. Ranch; W. Wayne Spahn, Gonzales County landowners; Joseph R. Chamblee, JGJ Hunting Club; Rory Reynolds, Killam Ranch; Frank Turley, Callaghan Ranch; Lloyd Munson, Big Thicket Wildlife Association; Arthur E. Johnson, Hardin County Game Preserve; Raymond Dearwood Pope, Forest and Wildlife Protective Association of Tyler County; Representative Dudley Harrison, Trans Pecos area; and Robert Weinheimer, Gillespie County.

The Texas Parks and Wildlife Commission disagreed with several of the comments received because they were judged not to be consistent with recognized wildlife management principles. The commission must act to deal effectively with changing conditions to prevent depletion or waste of wildlife resources.

The rules are adopted under the Texas Parks and Wildlife Code, Chapter 61, which provide the Texas Parks and Wildlife Commission with authority to provide wildlife resource regulations for this state.

§65.14. *Firearms.*

(a) It is lawful to shoot game animals and game birds with a rifle, shotgun, or other legal firearm, except it is unlawful to shoot prairie chickens with a rifle, and migratory game birds with any firearm other than a shotgun.

(b) It is unlawful to use rimfire ammunition, jet gun, or rocket gun in taking or shooting, or attempting to take or shoot, deer, elk, antelope, desert bighorn sheep; or aoudad sheep in Armstrong, Briscoe, Donley, Floyd, Hall, Motley, Randal, and Swisher Counties.

(c) It is unlawful to hunt deer or turkey with a firearm or possess a firearm while hunting deer or turkey with a longbow and arrow during the archery season.

(d) Subsection (c) of this section does not prohibit the possession of a shotgun on the person of the hunter, in a hunting camp, or in an automobile if.

(1) the shotgun is not used for the taking or assisting in the taking of deer or turkey; and

(2) the person possesses on his person or in the hunting camp or automobile no shotgun shells having shot larger in size than number four shot.

(e) It is unlawful to hunt game animals or game birds with automatic or fully automatic firearm or any firearm equipped with a silencer or sound suppressing device.

§65.23. *Antlerless Deer Permits.*

(a) In all counties where antlerless deer are to be harvested, the department shall issue antlerless deer hunting permits, except where subsections (h) and (i) of this section apply, for designated tracts of land only to the landowners or their agents only after the owners or agents have applied in writing for the exact number of permits to be used on the designated tracts.

(b) It is unlawful to falsify ownership of land or amount of acreage owned or leased when applying for antlerless deer permits.

(c) It is unlawful for a landowner or agent to issue an antlerless deer hunting permit to a hunter to hunt on a tract of land other than the designated tract for which the permit was issued.

(d) The owners or agents shall then issue permits to individual hunters before the hunter begins his hunt on the designated tracts.

(e) It is unlawful for a person to possess an antlerless deer, including axis deer taken in Bexar County, that are not individually owned, unless the person has been issued an antlerless deer hunting permit on which appear:

- (1) the date of kill;
- (2) the hunter's name; and
- (3) the signature of the owner or agent on whose tract the deer was killed.

(f) It is unlawful for a hunter to use an antlerless deer hunting permit on a tract of land other than the designated tract for which the permit was issued.

(g) The permit shall be attached to each antlerless deer taken, and shall remain attached until the deer has been fully processed

(h) No antlerless deer permit is required for a deer legally killed with longbow and arrow during the archery-only open season (§65.33(2) and (4) of this title relating to Deer), when bag limits are designated as either sex.

(i) No antlerless deer permit is required for deer legally taken during white-tailed deer general open seasons (§65.33(1) of this title (relating to Deer)), when regulations provide that antlerless deer may be taken without an antlerless deer permit.

§65.27. Antlerless Deer Tags.

(a) It shall be unlawful to possess any antlerless deer taken in counties listed in §65.33(1)(B) and (D) of this title (relating to Deer) unless tagged with an antlerless deer tag issued by the department to the landowner or his authorized agent only after said landowner or agent has applied in writing for the exact number of tags to be used on the designated tracts. Such tag shall be properly filled out and attached to each antlerless deer taken and shall remain attached until the deer has been fully processed.

(b) It shall be unlawful for a landowner or agent to issue an antlerless deer tag to a hunter to hunt on any tract other than the designated tract for which the tag was issued.

(c) It shall be unlawful for a hunter to use an antlerless deer tag on a tract other than the designated tract for which the tag was issued.

§65.33. Deer. The general statewide bag and possession limit is no more than four deer, no more than two mule deer, only one of which may be a buck mule deer, no more than two white-tailed bucks, and no more than three antlerless deer of all species combined (see §65.6 of this title (relating to Definitions) and §65.26(d) and (e) of this title (relating to Buck Deer Permits for Duval, Maverick, Webb, and Zapata Counties), for definition of buck deer).

(1) White-tailed deer: general open seasons, bag, and possession limits shall be as follows:

(A) In Anderson, Angelina, Aransas, Banderita, Bee, Bosque, Brazoria, Brooks, Brown, Calhoun, Callahan, Cameron, Chambers, Cherokee, Coleman,

Comal, Comanche, Concho, Coryell, Crane, DeWitt, Dimmit, Duval, Eastland, Ector, Edwards, Erath, Fort Bend, Freestone, Frio, Gillespie, Glasscock, Goliad, Gonzales, Grimes, Guadalupe, Hamilton, Hardin, Harris, Harrison, Hays, Hidalgo, Houston, Jackson, Jasper, Jefferson, Jim Hogg, Jim Wells, Karnes, Kendall, Kenedy, Kerr, Kimble, Kinney, Kleberg, Lampasas, LaSalle, Leon, Liberty, Limestone, Live Oak, Llano, Loving, Mason, Matagorda, Maverick, McMullen, Medina, Midland, Montgomery, Nacogdoches, Newton, Nueces, Orange, Panola, Polk, Reagan, Real, Refugio, Robertson, Runnels, Rusk, San Augustine, Sabine, San Jacinto, San Patricio, San Saba, Shelby, Somervell, Starr, Taylor, Travis, Trinity, Tyler, Upton, Uvalde, Victoria, Walker, Ward, Webb, Wharton, Willacy, Wilson, Zapata, and Zavala Counties, there is an open season for white-tailed deer.

(i) Open season: Saturday nearest November 15 through the first Sunday in January.

(ii) Bag limit: Three white-tailed deer, no more than two bucks, antlerless by permit only.

(B) In Atascosa, Bell, Bexar, Blanco, Burnet, Coke, Crockett, Irion, McCulloch, Menard, Mills, Mitchell, Nolan, Schleicher, Sterling, Sutton, Tom Green, Val Verde (east of the Pecos River), and Williamson Counties, there is an open season for white-tailed deer.

(i) Open season: Saturday nearest November 15 through the first Sunday in January.

(ii) Bag limit: Three white-tailed deer, no more than two bucks.

(iii) Antlerless deer may be taken without an antlerless deer permit required by §65.21 of this title (relating to Permits) and §65.23 of this title (relating to Antlerless Deer Permits).

(iv) An antlerless deer tag is required except in Menard County by §65.27 of this title (relating to Antlerless Deer Tags) to take antlerless deer in counties listed within this subparagraph.

(v) Special exception: In Menard County, antlerless deer may be taken without an antlerless deer permit or tag required by §65.21 of this title (relating to Permits), §65.23 of this title (relating to Antlerless Deer Permits), and §65.27 of this title (relating to Antlerless Deer Tags).

(C) No person may take or possess more than one white-tailed buck deer per season from counties, in the aggregate, listed within this subparagraph.

(i) In Archer, Austin, Bastrop, Baylor, Borden, Brazos, Burleson, Caldwell, Clay, Colorado, Cooke, Crosby, Denton, Dickens, Ellis, Falls, Fayette, Fisher, Garza, Grayson (only on the Hagerman National Wildlife Refuge), Haskell, Hill, Hood, Howard, Jack, Johnson, Jones, Kent, King, Knox, Lavaca, Lee, Madison, McLennan, Milam, Montague, Navarro, Palo Pinto, Parker, Scurry, Shackelford, Smith, Stephens, Stonewall, Tarrant, Throckmorton, Van Zandt, Waller, Washington, Wichita, Wilbarger, Wise, and Young Counties, there is an open season for white-tailed deer.

(I) Open season: Saturday nearest November 15 through the first Sunday in January.

(II) Bag limit: Three white-tailed deer, no more than one buck, antlerless by permit only.

(III) Special exception: In Grayson County (only on the Hagerman National Wildlife Refuge), no antlerless deer permit is required to take antlerless deer in compliance with §65.21(c) of this title (relating to Permits).

(ii) In Armstrong, Briscoe, Carson, Childress, Collingsworth, Cottle, Donley, Floyd, Foard, Gray, Hall, Hansford, Hardeman, Hemphill, Hutchinson, Lipscomb, Moore, Motley, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher, and Wheeler Counties, there is an open season for white-tailed deer.

(I) Open season: Saturday before Thanksgiving for 16 consecutive days.

(II) Bag limit: One white-tailed deer, buck or antlerless, antlerless by permit only.

(iii) In Camp, Delta, Franklin, Gregg, Hopkins, Lamar, Rains, and Titus Counties, there is an open season for white-tailed deer.

(I) Open season: Saturday nearest November 15 through November 30.

(II) Bag limit: Three white-tailed deer, no more than one buck, antlerless by permit only.

(vi) In Upshur and Wood Counties, there is an open season for white-tailed deer.

(I) Open season: Saturday nearest November 15 for 30 consecutive days.

(II) Bag limit: Three white-tailed deer, no more than one buck, antlerless by permit only.

(v) In Fannin County, there is an open season for white-tailed deer.

(I) Open season: Saturday nearest November 15 for five consecutive days.

(II) Bag limit: Three white-tailed deer, no more than one buck, antlerless by permit only.

(iv) In Morris and Red River Counties, there is an open season for white-tailed deer.

(I) Open season: Saturday nearest November 15 through November 30 and December 26 through December 31.

(II) Bag limit: Three white-tailed deer, no more than one buck, antlerless by permit only.

(D) In Brewster, Culberson, Jeff Davis, Pecos, Presidio, Reeves, Terrell, and Val Verde (west of the Pecos River) Counties, there is an open season for white-tailed deer.

(i) Open season: Last Saturday in November through the first Sunday in January.

(ii) Bag limit: Three white-tailed deer, no more than two bucks.

(iii) Antlerless deer may be taken without an antlerless deer permit required by §65.21 of this title (relating to Permits) and §65.23 of this title (relating to Antlerless Deer Permits), an antlerless deer tag is required by §65.27 of this title (relating to Antlerless Deer Tags) to take antlerless deer in counties listed within this subparagraph.

(E) In Bowie, Cass, and Marion Counties, there is an open season for white-tailed deer.

(i) Open season: Saturday nearest November 15 through November 30 and December 26 through December 31.

(ii) Bag limit: Three white-tailed deer, no more than two bucks, antlerless by permit only.

(F) In Henderson County, there is an open season for white-tailed deer.

(i) Open season: Saturday nearest November 15 through the first Sunday in January.

(ii) Bag limit: Three white-tailed deer, no more than two bucks, antlerless by permit only.

(iii) Special requirement: In that portion of Henderson County bounded on the north by the county line, on the east by U.S. Highway 175 and Tin Can Alley Road, on the south by State Highway 31, and on the west by State Highway 274, hunting, shooting, or taking of deer is restricted to shotguns with buckshot or longbow and arrows, and other game animals or game birds may be taken only with shotgun or longbow and arrows.

(G) In Dimmit, Duval, Maverick, Webb, Zapata, and Zavala Counties, there is an additional open season for white-tailed antlerless deer.

(i) Open season: Fourth Saturday in October for 16 consecutive days.

(ii) Bag limit: Three antlerless white-tailed deer only, only by antlerless deer permit. The bag limit is not in addition to general or archery-only seasons bag limits.

(H) In Andrews, Bailey, Castro, Cochran, Collin, Dallam, Dallas, Dawson, Deaf Smith, El Paso, Gaines, Galveston, Grayson (except Hagerman National Wildlife Refuge), Hale, Hartley, Hockley, Hudspeth, Hunt, Kaufman, Lamb, Lubbock, Lynn, Martin, Parmer, Rockwall, Terry, Winkler, and Yoakum Counties, there is no general open season for white-tailed deer.

(2) White-tailed deer: archery-only open seasons, bag, and possession limits shall be as follows:

(A) In Anderson, Angelina, Aransas, Atascosa, Bandera, Bee, Bell, Bexar, Blanco, Bosque, Bowie, Brazoria, Brewster, Brooks, Brown, Burnet, Calhoun, Callahan, Cass, Cherokee, Coke, Coleman, Comal, Comanche, Concho, Coryell, Crockett, Culberson, DeWitt, Dimmit, Duval, Eastland, Edwards, Erath, Fort Bend, Freestone, Frio, Gillespie, Glasscock, Goliad, Gonzales, Grimes, Guadalupe, Hamilton, Hardin, Harrison, Hays, Henderson, Hidalgo, Houston, Irion, Jackson, Jasper, Jeff Davis, Jefferson, Jim Hogg, Jim Wells, Kendall, Kenedy, Kerr, Kimble, Kinney, Kleberg, Lampasas, LaSalle, Leon, Liberty, Limestone, Live Oak, Llano, Marion, Mason, Matagorda, Maverick, McCulloch, McMullen, Medina, Menard, Mills, Mitchell, Nacogdoches, Newton, Nolan, Pecos, Polk, Presidio, Reagan, Real, Reeves, Refugio, Robertson, Runnels, San Jacinto, San Patricio, San Saba, Schleicher, Somervell, Starr, Sterling, Sutton, Taylor, Terrell, Tom Green, Travis, Trinity, Tyler, Uvalde, Val Verde, Victoria, Walker, Webb, Wharton, Willacy, Williamson, Wilson, Zapata, and Zavala Counties, there is an open season during which white-tailed deer may be taken only with longbow and arrows.

(i) Open season: First Saturday in October for 30 consecutive days.

(ii) Bag limit: Three white-tailed deer, either sex, no more than two bucks.

(B) In Cameron, Chambers, Crane, Ector, Harris, Karnes, Loving, Midland, Montgomery, Nueces, Orange, Panola, Rusk, San Augustine, Sabine, Shelby, Upton, and Ward Counties, there is an open season dur-

ing which white-tailed buck deer may be taken only with longbow and arrows.

(i) Open season: First Saturday in October for 30 consecutive days.

(ii) Bag limit: Two white-tailed buck deer.

(C) No person may take or possess more than one white-tailed buck deer per season from counties, in the aggregate, listed within this subparagraph.

(i) In Brazos, Burleson, Colorado, Fayette, Fisher, Haskell, Hood, Kent, Lavaca, Madison, McLennan, Morris, Navarro, Palo Pinto, Parker, Red River, Scurry, Shackelford, Stephens, Titus, and Throckmorton Counties, there is an open season during which white-tailed deer may be taken only with longbow and arrows.

(I) Open season: First Saturday in October for 30 consecutive days.

(II) Bag limit: Three white-tailed deer, either sex, no more than one buck.

(ii) In Archer, Armstrong, Austin, Bastrop, Baylor, Borden, Briscoe, Caldwell, Camp, Carson, Childress, Clay, Collinworth, Cooke, Cottle, Crosby, Delta, Denton, Dickens, Donley, Ellis, Falls, Fannin, Floyd, Foard, Franklin, Garza, Gray, Grayson (only on the Hagerman National Wildlife Refuge), Gregg, Hall, Hansford, Hardeman, Hill, Hopkins, Howard, Hutchinson, Jack, Johnson, Jones, King, Knox, Lamar, Lee, Lipscomb, Milam, Montague, Moore, Motley, Ochiltree, Oldham, Potter, Randall, Rains, Roberts, Sherman, Smith, Stonewall, Swisher, Tarrant, Upshur, Van Zandt, Waller, Washington, Wichita, Wilbarger, Wise, Wood, and Young Counties, there is an open season during which white-tailed buck deer may be taken only with longbow and arrows.

(I) Open season: First Saturday in October for 30 consecutive days.

(II) Bag limit: One white-tailed buck deer.

(D) In Hemphill and Wheeler Counties there is an open season during which white-tailed deer may be taken only with longbow and arrows.

(i) Open season: First Saturday in October for 30 consecutive days.

(ii) Bag limit: One white-tailed deer, either sex.

(E) In Andrews, Bailey, Castro, Cochran, Collin, Dallam, Dallas, Dawson, Deaf Smith, El Paso, Gaines, Galveston, Grayson (except on Hagerman National Wildlife Refuge), Hale, Hartley, Hockley, Hudspeth, Hunt, Kaufman, Lamb, Lubbock, Lynn, Martin, Parmer, Rockwall, Terry, Winkler, and Yoakum Counties, there is no archery-only open season for white-tailed deer.

(F) The archery-only season bag limit is not in addition to the general open season bag limits for white-tailed deer.

(3) Mule deer: general open seasons, bag, and possession limits shall be as follows:

(A) In Armstrong, Borden, Briscoe, Carson, Childress, Cottle, Crosby, Dallam, Deaf Smith, Dickens, Donley, Fisher, Floyd, Garza, Gray, Hall, Hartley, Haskell, Hemphill, Hutchinson, Jones, Kent, King, Knox, Moore, Motley, Ochiltree, Oldham, Potter, Randall, Roberts, Scurry, Stonewall, and Swisher Counties, there is an open season for mule deer.

(i) Open season: Saturday before Thanksgiving for nine consecutive days.

(ii) Bag limit: Two mule deer, no more than one buck, antlerless by permit only.

(B) In Brewster, Crane, Crockett, Culberson, Ector, El Paso, Hudspeth, Jeff Davis, Loving, Midland, Pecos, Presidio, Reagan, Reeves, Terrell, Upton, Val Verde, Ward, and Winkler Counties, there is an open season for mule deer.

(i) Open season: Last Saturday in November for nine consecutive days.

(ii) Bag limit: Two mule deer, no more than one buck, antlerless by permit only.

(C) In all other counties, there is no general open season for mule deer.

(4) Mule deer: archery-only open seasons, bag, and possession limits shall be as follows:

(A) In Armstrong, Borden, Briscoe, Carson, Childress, Cottle, Crane, Crockett, Crosby, Dallam, Deaf Smith, Dickens, Donley, Ector, El Paso, Fisher, Floyd, Garza, Gray, Hall, Hartley, Haskell, Hemphill, Hutchinson, Jeff Davis, Jones, Kent, King, Knox, Loving, Midland, Moore, Motley, Ochiltree, Oldham, Potter, Randall, Reagan, Reeves, Roberts, Scurry, Stonewall, Swisher, Upton, Val Verde, Ward, and Winkler Counties, there is an open season during which mule deer may be taken only with longbow and arrows.

(i) Open season: First Saturday in October for 30 consecutive days.

(ii) Bag limit: One buck mule deer.

(B) In Brewster, Culberson, Hudspeth, Pecos, Presidio, and Terrell Counties, there is an open season during which mule deer may be taken only with longbow and arrows.

(i) Open season: First Saturday in October for 30 consecutive days.

(ii) Bag limit: Two mule deer, either sex, no more than one buck.

(C) In all other counties, there is no archery-only open season for mule deer.

(D) The archery-only season bag limit is not in addition to the general open season bag limits for mule deer.

(5) Deer: national wildlife refuges. Hunting season dates may further be restricted in compliance with regulations promulgated by the U.S. Fish and Wildlife Service and published in the *Federal Register*.

(A) An open season on so much of the Aransas National Wildlife Refuge as lies in Aransas County is permitted during which white-tailed deer of either sex may be taken beginning September 16 through October 15. The bag limit is three white-tailed deer, no more than two bucks. A metal box-car type seal issued by the Parks and Wildlife Department must be attached to the deer carcass at the Aransas National Wildlife Refuge's deer checkin station.

(B) On the Laguna Atascosa National Wildlife Refuge in Cameron County, the white-tailed deer bag limit is either sex during the archery-only season. During both the general open and archery-only seasons, a metal box-car type seal issued by the Texas Parks and Wildlife Department must be attached to the deer car-

cass at the Laguna Atascosa National Wildlife Refuge's deer checking station.

(C) On the Hagerman National Wildlife Refuge in Grayson County, a metal box-car type seal issued by the Parks and Wildlife Department must be attached to the deer carcass at the Hagerman National Wildlife Refuge's deer checking station.

§65.43. *Partridge: Open Seasons and Bag Limits.* The season on partridge is closed in all counties.

§65.46. *Turkey.*

(a) General open season, archery-only season, and bag limit. In Aransas, Archer, Atascosa, Bandera, Bee, Bell, Bexar, Blanco, Bosque, Brooks, Brown, Burnet, Calhoun, Clay, Comal, Comanche, Coryell, Crane, Dimmit, Duval, Eastland, Edwards, Erath, Frio, Gillespie, Goliad, Hamilton, Hays, Hood, Jack, Jim Hogg, Jim Wells, Karnes, Kendall, Kenedy, Kerr, Kimble, Kinney, Kleberg, Lampasas, La Salle, Live Oak, Llano, Mason, Maverick, McCulloch, McMullen, Medina, Menard, Mills, Montague, Nueces, Palo Pinto, Parker, Real, Refugio, San Patricio, San Saba, Somervell, Stephens, Travis, Uvalde, Ward, Webb, Wichita, Willacy, Williamson, Wilson, Young, and Zavala Counties, there are open seasons for turkey.

(1) Open seasons.

(A) General open season: Saturday nearest November 15 through the first Sunday in January.

(B) Archery-only season: First Saturday in October for 30 consecutive days during which turkeys may be taken only with longbow and arrows.

(2) Bag limit: Two turkeys, gobblers or bearded hens.

(b) Exceptions to general open season, archery-only season, or bag limits.

(1) In Anderson, Andrews, Angelina, Austin, Bailey, Bastrop, Bowie, Brazoria, Brazos, Brewster, Burleson, Caldwell, Cameron, Camp, Cass, Castro, Chambers, Cherokee, Cochran, Collin, Colorado, Cooke, Culberson, Dallas, Deaf Smith, Delta, Denton, DeWitt, Ellis, El Paso, Falls, Fannin, Fayette, Fort Bend, Franklin, Freestone, Gaines, Galveston, Gonzales, Grayson, Gregg, Grimes, Guadalupe, Hale, Hardin, Harris, Harrison, Henderson, Hidalgo, Hill, Hockley, Hopkins, Houston, Hudspeth, Hunt, Jackson, Jasper, Jeff Davis, Jefferson, Johnson, Kaufman, Lamar, Lamb, Lavaca, Lee, Leon, Liberty, Limestone, Loving, Lubbock, Madison, Marion, Matagorda, McLennan, Milam, Montgomery, Morris, Nacogdoches, Navarro, Newton, Orange, Panola, Parmer, Polk, Presidio, Rains, Red River, Rceves, Robertson, Rockwall, Rusk, Sabine, San Augustine, San Jacinto, Shelby, Smith, Starr, Tarrant, Terry, Titus, Trinity, Tyler, Upshur, Van Zandt, Victoria, Walker, Waller, Washington, Wharton, Winkler, Wise, Wood, Yoakum, and Zapata Counties, there is no general or archery-only season on turkey.

(2) In Armstrong, Briscoe, Carson, Childress, Collingsworth, Cottle, Dallam, Donley, Floyd, Foard, Gray, Hall, Hansford, Hardeman, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Motley, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher, and Wheeler Counties, there are open seasons for turkey.

(A) Open seasons:

(i) General open season: Saturday before Thanksgiving for 16 consecutive days.

(ii) Archery-only open season: First Saturday in October for 30 consecutive days during which turkeys may be taken only with longbow and arrows.

(B) Bag limit: One turkey, either sex.

(3) In Borden, Crosby, Dawson, Dickens, Ector, Fisher, Garza, Haskell, Jones, Kent, King, Knox, Lynn, Martin, Midland, Scurry, Stonewall, and Upton Counties, there are open seasons for turkey.

(A) Open seasons:

(i) General open season: Saturday nearest November 15 through the first Sunday in January.

(ii) Archery-only open season: First Saturday in October for 30 consecutive days during which turkeys may be taken only with longbows and arrows.

(B) Bag limit: One turkey, either sex.

(4) In Baylor, Callahan, Coke, Coleman, Concho, Crockett, Glasscock, Howard, Irion, Mitchell, Nolan, Reagan, Runnels, Schleicher, Shackelford, Sterling, Sutton, Taylor, Throckmorton, Tom Green, Val Verde and Wilbarger Counties, there are open seasons for turkey.

(A) Open seasons:

(i) General open season: Saturday nearest November 15 through first Sunday in January.

(ii) Archery-only season: First Saturday in October for 30 consecutive days during which turkeys may be taken only with longbow and arrows.

(B) Bag limit: Two turkeys, either sex.

(5) In Pecos and Terrell Counties, there are open seasons for turkey.

(A) Open seasons:

(i) General open season: Last Saturday in November for nine consecutive days.

(ii) Archery-only season: First Saturday in October for 30 consecutive days.

(B) Bag limit: one turkey, gobbler, or bearded hen.

(c) Spring turkey gobbler season.

(1) In Aransas, Archer, Armstrong, Atascosa, Bandera, Bastrop, Baylor, Bee, Bell, Bexar, Blanco, Borden, Bosque, Briscoe, Brooks, Brown, Burnet, Caldwell, Calhoun, Callahan, Carson, Childress, Clay, Coke, Coleman, Collingsworth, Comal, Comanche, Concho, Coryell, Cottle, Crane, Crockett, Crosby, Dallam, Dawson, DeWitt, Dickens, Dimmit, Donley, Duval, Eastland, Ector, Edwards, Erath, Fisher, Floyd, Foard, Frio, Garza, Gillespie, Glasscock, Goliad, Gonzales, Gray, Guadalupe, Hall, Hamilton, Hansford, Hardeman, Hartley, Haskell, Hays, Hemphill, Hidalgo, Hill, Hood, Howard, Hutchinson, Irion, Jack, Jim Hogg, Jim Wells, Johnson, Jones, Karnes, Kendall, Kenedy, Kent, Kerr, Kimble, King, Kinney, Kleberg, Knox, Lampasas, LaSalle, Lipscomb, Live Oak, Llano, Lynn, Martin, Mason, Maverick, McCulloch, McLennan, McMullen, Medina, Menard, Midland, Mills, Mitchell, Montague, Moore, Motley, Nolan, Ochiltree, Oldham, Palo Pinto, Parker, Pecos, Potter, Reagan, Real, Refugio, Randall, Roberts, Runnels, San Patricio, San Saba, Scleicher, Scurry, Shackelford, Sherman, Somervell, Stephens, Sterling, Stonewall, Swisher, Sutton, Taylor, Terrell, Throckmorton, Tom Green, Travis, Upton, Uvalde, Val Verde, Victoria, Ward, Webb, Wheeler, Wichita, Wilbarger, Willacy, Williamson, Wil-

son, Wise, Young, and Zavala Counties, there is a spring season on turkey gobblers.

(A) Spring season: Saturday nearest April 15 for 16 consecutive days.

(B) Bag limit: One turkey gobbler.

(2) In Houston, Jasper, Newton, Polk, Trinity, and Tyler Counties, there is a spring season on turkey gobblers.

(A) Spring season: Saturday nearest April 1 for 16 consecutive days only in northeastern Houston, southwestern and northeastern Trinity, northern Polk, northern Tyler, northern Jasper, and northern Newton Counties, that area lying within boundaries beginning at the Neches River bridge on State Highway 7 in Houston County, thence southeasterly along the Neches River to the Angelina-Jasper County line, thence easterly along the Angelina-Jasper, San Augustine-Jasper, Sabine-Jasper, Sabine-Newton County lines to the junction of the Sabine River, thence southerly along the Sabine River to the junction of State Highway 63, thence westerly along State Highway 63 to the junction of U.S. Highway 190 in Jasper, thence westerly along U.S. Highway 190 to the junction of FM Road 256 in Tyler County, thence northwesterly along FM Road 256 to Colmesneil, thence southeasterly along FM Road 256 to the junction with U.S. Highway 287, thence northwesterly along U.S. Highway 287 to the junction of U.S. Highway 59 in Corrigan, thence southerly along U.S. Highway 59 to the junction of FM Road 350, thence westerly and southerly along FM Road 350 to the junction of FM Road 3152, thence southwesterly along FM Road 3152 to the junction of U.S. Highway 190, thence westerly along U.S. Highway 190 to the junction of FM Road 356, thence northwesterly along FM Road 356 to the junction of State Highway 94 in Trinity, thence northeasterly along State Highway 94 to the junction of U.S. Highway 287, thence southeasterly along U.S. Highway 287 to the junction of FM Road 2262, thence easterly along FM Road 2262 to the junction of FM Road 357, thence northerly along FM Road 357 through Apple Springs to the junction with State Highway 7 at Kennard, thence easterly along State Highway 7 to the Neches River bridge in Houston County.

(B) Bag limit: One turkey gobbler.

(3) In Newton County, there is an additional area where one turkey gobbler may be taken during the spring season.

(A) Spring season: Saturday nearest April 1 for 16 consecutive days only in that area lying within boundaries beginning at the junction of Big Cow Creek and the Sabine River, thence southerly along the Sabine River to the junction of Big Cypress Creek, thence westerly along Big Cypress Creek to the junction of State Highway 87, thence northerly along State Highway 87 to the junction of FM Road 1416, thence easterly along FM Road 1416 to the junction with Big Cow Creek, thence southeasterly along Big Cow Creek to the junction of the Sabine River.

(B) Bag limit: One turkey gobbler.

§65.62. Freshwater Fish: Bag, Possession, and Size Limits.

(a) Provisions relating to bass in public waters shall be as follows:

(1) The daily bag limit on largemouth, smallmouth, and spotted black bass is 10 and the possession limit is 20 in the aggregate.

(2) The possession limit does not apply to fish stored at the places of business licensed as a retail or wholesale fish dealer, including retail and wholesale truck dealers, or licensed fish farmers if adequate documentation is produced showing the source of origin for the fish, or fish stored at a person's permanent residence for personal consumption

(3) Minimum size limit is 10 inches except as noted.

(4) In the Fayette power project cooling pond in Fayette County, Squaw Creek (Comanche Peak) Reservoir in Hood and Somervell Counties, Coletto Creek Reservoir in Goliad and Victoria Counties, and Nacogdoches City Lake in Nacogdoches County, there is a daily bag limit of three largemouth bass; a possession limit of six; and a minimum size limit of 16 inches.

(5) In Brandy Branch Reservoir in Harrison County, Bryson Lake in Jack County, Cottonwood Lake in Wise County, and Lake Fork Reservoir in Hopkins, Wood, and Rains Counties, there is a daily bag limit of five black bass (largemouth, smallmouth, and spotted); a possession limit of 10; and a minimum size limit of 14 inches.

(6) In Calaveras Lake in Bexar County and Lake Monticello in Titus County, it is unlawful to retain largemouth bass between 14 and 18 inches in length. Bass less than 14 inches and greater than 18 inches long may be retained.

(b) Provisions relating to catfish shall be as follows:

(1) In all counties except as noted, it is unlawful to possess channel, blue, or flathead catfish less than nine inches in length taken from public waters. The daily bag limit on channel and blue catfish is 25 in the aggregate, and the possession limit is 50 in the aggregate. The daily bag limit on flathead catfish is five, and the possession limit is 10, except:

(2) In Lake Livingston, the daily bag limit on channel and blue catfish is 50 in the aggregate and the holder of a commercial fishing license may not retain any channel or blue catfish less than 14 inches in length; and

(3) In the Anderson County lakes of Wolf Creek, Upper Waterworks, Lower Waterworks, and Blue, the daily bag limit on channel catfish is five.

(c) The daily bag limit on walleye is 10, and the possession limit is 20

(d) Provisions relating to striped bass and hybrids of striped bass shall be as follows:

(1) The daily bag limit on striped bass is five and the possession limit is 10, and in the Toledo Bend Reservoir, no more than two striped bass over 30 inches in length may be retained per day.

(2) In Lake Texoma, the daily bag limit on striped bass is 15 and the possession limit is 30, and no more than five per day may be over 20 inches in length.

(3) There is no daily bag or possession limit on hybrids of striped bass except in Calaveras Lake in Bexar County and Squaw Creek (Comanche Peak) Reservoir in Hood and Somervell Counties, where the daily bag limit is five and the possession limit is 10.

(e) The daily bag limit on freshwater trout is five and the possession limit is 10.

(f) The daily bag limit on northern pike is three and the possession limit is six.

(g) The daily bag limit on Nile perch is three, the possession limit is six, and the minimum size limit is 16 inches.

(h) The daily bag limit on peacock bass is 10, the possession limit is 20, and the minimum size limit is 10 inches.

(i) The daily bag limit on red drum or hybrids of red drum taken from fresh waters is 10, the possession limit is 20 and the minimum size is 16 inches.

(j) In the Trinity River below Lake Livingston, between Polk and San Jacinto Counties, the daily bag limit on shad is 500 and the possession limit is 1,000.

(k) There are no bag or possession limits on other species of fish.

(l) It is unlawful for any person while actually fishing on the public waters of this state to have in his immediate possession fish in excess of the daily bag limit as established by these sections.

§65.63. Freshwater Fish: Means and Methods.

(a) Only the following means and methods may be used to take or attempt to take fish:

(1) All fish may be taken with pole and line, rod and reel, hand line, throwline, jug line, and trotline. No person may fish with more than 100 hooks on all devices combined. Rough fish, as defined, may be taken with methods described in this paragraph and with spear, gig, bow and arrow, and wire loop. Grass carp, when captured, must be eviscerated. Rough fish and catfish may be taken with nets only as specifically allowed in this section.

(2) Bait fish may be taken with unstaked seines, no more than 60 feet in length with a mesh size no larger than ¼ inch square, a common fruit jar trap or its metallic counterpart not longer than 24 inches with a throat not larger than one by three inches, dip net, cast net, umbrella net, and shad trawl. Black bass, white bass, striped bass, hybrids of striped bass, crappie, walleye, trout, northern pike, peacock bass, Nile perch, channel, blue, and flathead catfish, and introduced marine game fish may not be used as bait fish.

(3) Freshwater trotlines, as defined, may be used in all waters unless specifically prohibited within this section.

(A) No trotline may contain more than 50 hooks, spaced not less than three feet apart.

(B) All freshwater trotlines must be identified by a legible tag bearing the name and address of the fisherman and the date it was set out. Such tags shall be re-dated at the end of each 90-day period.

(C) No trotlines may be placed in bodies of water 500 acres or less which lie totally within the boundaries of a state park or in that portion of a stream bordering a state park.

(D) The use of trotlines is prohibited in Fayette power project cooling pond in Fayette County, Bryson Lake in Jack County, Cottonwood Lake in Wise County, Old Anson Lake in Jones County and Upper Waterworks, Lower Waterworks, Blue Lake and Wolf Creek Lakes in Anderson County.

(E) In Lake Buchanan, there is no limit on the number of trotlines a person may fish. Each trotline may have no more than 30 hooks.

(4) Hoop nets, trammel nets, and gill nets may be used only as specifically permitted within this paragraph. It is unlawful to have in possession or aboard a boat or vessel, fish other than specifically allowed in this paragraph while fishing with or possessing a hoop net, trammel net, or gill net. Any net used in public waters by sports fishermen shall be identified by a legible tag constructed of a material as durable as the net, bearing the name and address of the fisherman and the date it was set out.

(A) In Bowie, Cass, and Morris (except Ellison Creek Reservoir, Lake O' the Pines, and Daingerfield State Park Lake) Counties, nonmetallic hoop nets, gill nets, and trammel nets with meshes not less than three inches square may be used for taking only rough fish, as defined, and catfish.

(B) In the mainstreams of the following rivers and streams, exclusive of oxbows and tributaries, non-metallic hoop nets, trammel nets, and gill nets with meshes not less than three inches square may be used to take rough fish only, as defined:

(i) The Angelina River from U.S. Highway 84 in Rusk County to the Texas Eastern Transmission Company pipeline above Sam Rayburn Reservoir;

(ii) The Attoyac River (Bayou) from U.S. Highway 84 in Rusk County to Cottonham Crossing above Sam Rayburn Reservoir;

(iii) The Brazos River from State Highway 7 in Falls County to IH 10 in Austin County;

(iv) The Navasota River from State Highway 7 in Robertson County to its confluence with the Brazos River;

(v) The Neches River from State Highway 294 in Cherokee County to U.S. Highway 69 in Jasper County and from FM Road 1013 in Jasper County to IH 10 in Jefferson County;

(vi) The Sabine River from Lake Tawakoni Dam to U.S. Highway 80 in Van Zandt County and from State Highway 63 in Newton County to Sabine Lake;

(vii) The San Antonio River and Coletto Creek (exclusive of Coletto Creek Reservoir) in Goliad and Victoria Counties;

(viii) The San Bernard River between Austin and Colorado Counties;

(ix) The Sulfur and North Sulfur Rivers in Delta and Hopkins Counties, excluding Cooper Reservoir; and

(x) Yegua Creek from Somerville Dam to its confluence with the Brazos River.

(C) Hoop nets, trammel nets, and gill nets of not less than three-inch square mesh may be used to take rough fish only in all fresh waters of Chambers, Dimmit, Galveston, Gillespie, Liberty, and Zavala Counties and all freshwaters of Jefferson and Orange Counties except for those eastward of State Highway 347 and southward of IH 10.

(b) Snagging or jerking fish (a method of taking fish by means of one or more hooks attaches to a line and periodically jerking the line) is specifically defined as an illegal method for taking fish, artificial lures not included.

(c) It is unlawful to use a hand-operated device under water designed to snag fish.

§65.64. Other Freshwater Aquatic Animal Life.

(a) There is no closed season or bag limit on other freshwater aquatic life.

(b) Means and methods are not restricted, except as limited by statute.

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 July 3, 1984

TRD-847055 Maurine Ray
Administrative Assistant
Texas Parks and Wildlife
Department

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Proposal publication date: February 10, 1984
For further information, please call (512) 479-4974
or (800) 792-1112.

**Subchapter H. Wildlife Management
Areas Hunting, Fishing, and Trapping**

**31 TAC §§65.191, 65.194-65.198,
65.200-65.204, 65.207-65.209, 65.211,
65.212, 65.214-65.217, 65.219**

The Texas Parks and Wildlife Commission, in a regularly scheduled public hearing held June 13, 1984, adopted amendments to §65.197 and §65.215, concerning hunting, fishing, and trapping on wildlife management areas, with changes to the proposed text published in the May 15, 1984, issue of the *Texas Register* (9 TexReg 2681). Sections 65.191, 65.194-65.196, 65.198, 65.200-65.204, 65.207-65.209, 65.211, 65.212, 65.214, 65.216, 65.217, and 65.219 are adopted without changes and will not be republished.

Section 65.197(i) was revised to clarify that deer hunters must continue to wear fluorescent orange material during the regular deer season, and the word "Eastern" was removed from the title of §63.215

Fluctuations of wildlife resources on wildlife management areas required the Texas Parks and Wildlife Commission to adopt amendments for the 1984-1985 seasons. The adopted rules provide harvest of wildlife resource populations consistent with recognized wildlife management principles.

A petition of 456 signatures was received requesting that the use of dogs to hunt coons and coyotes be continued in all government lands in Fannin County (Caddo Wildlife Management Area), except during the gun deer season. One letter was received requesting that air guns (pellet guns) be allowed to take appropriate game on the Granger Wildlife Management Area, as these guns are much less dangerous than shotguns.

No persons at the public hearing spoke for or against the proposed amendments.

The Texas Parks and Wildlife Commission, in the proposed text, provided for an extended period of time for the taking of coyotes and fur-bearing animals by the use of dogs on the Caddo Wildlife Management Area; however, taking of such animals is prohibited during the breeding season. The commission took no action concerning the use of air guns to take wildlife resources on wildlife management areas.

The amendments are adopted under the Texas Parks and Wildlife Code, Chapter 81, Subchapter E, which provides the Texas Parks and Wildlife Commission with the authority to regulate seasons, numbers, means, methods, and conditions for taking wildlife resources on wildlife management areas.

§65.197. General Regulations.

(a) (No change.)

(b) All vehicles shall be restricted to designated roads, except where authorized on national forest wildlife management areas by the U.S. Forest Service. Parking will be permitted only in designated areas on the Granger, Las Palomas, and Somerville Wildlife Management Areas. On other areas, parking is permitted on the shoulders of or immediately adjacent to designated roads as long as traffic is not blocked.

(c) (No change.)

(d) Use of firearms except during open hunting season, or the disturbance or removal of plants, rocks, artifacts, or other objects, is prohibited. It is unlawful for any person to possess firearms, bow and arrow, or any other weapon on a wildlife management area, except persons authorized by the Texas Parks and Wildlife Department to hunt on the area, or commissioned law enforcement officers and department employees in the performance of their duties.

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

(i) A person hunting any wildlife on a wildlife management area must visibly wear a minimum of 400 square inches of daylight fluorescent orange material with 144 square inches appearing on both the chest and back, except that persons hunting migratory birds, turkey, deer, and javelina during the archery-only seasons, and coyotes and furbearers at night on wildlife management areas are exempt from this requirement.

(j) (No change.)

(k) No person may enter or attempt to enter a wildlife management area with a firearm, bow and arrow, or any other weapon, except persons authorized to hunt on the areas or employees of the department in performance of their duties.

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

(o) Airboats are prohibited on the Angelina-Neches Scientific Area and the J. D. Murphree Area, except in Big Hill Bayou, Blind Bayou, and Keith Lake.

(p)-(s) (No change.)

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

(u) The use of traps, snares, and deadfalls is prohibited.

(v) The use of mechanical, hand held, mouth operated, or electrically amplified calls is prohibited for taking coyotes and furbearers.

§65.215. Other Nonprotected Species: Rabbits and Hares.

(a) Granger Unit (permission by registration): no closed season and no bag or possession limit, except that only persons possessing a special permit may take rabbits and hares during periods when hunting by special permit is conducted.

(b) Pat Mayse Unit (permission by registration): no closed season and no bag limit, except that only persons possessing a special permit may take rabbits and hares during periods when hunting by special permit is conducted.

(c) (No change.)

(d) Somerville Unit (permission by registration): no closed season and no bag or possession limit, except that only persons possessing a special permit may take rabbits and hares during periods when hunting by special permit is conducted.

(e) (No change.)

(f) Alabama Creek (permission by registration): no closed season, except that only persons possessing a special permit may take rabbits and hares during periods when hunting by special permit is conducted. No bag or possession limit.

(g) Bannister (permission by registration): no closed season, except that only persons possessing a special permit may take rabbits and hares during periods when hunting by special permit is conducted. No bag or possession limit.

(h) Moore Plantation (permission by registration): no closed season, except that only persons possessing a special permit may take rabbits and hares during periods when hunting by special permit is conducted. No bag or possession limit.

(i) Caddo (permission by registration): no closed season, except that only persons possessing a special permit may take rabbits and hares during periods when hunting by special permit is conducted. No bag or possession limit.

(j) Other areas: No open season.

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 July 3, 1984.

TRD-847057 Maurine Ray
Administrative Assistant
Texas Parks and Wildlife
Department

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For further information, please call (512) 479-4972
or (800) 792-1112.



TITLE 40. SOCIAL SERVICES AND ASSISTANCE

**Part I. Texas Department of Human Resources
Chapter 9. Food Stamps
Subchapter NNNN. Support Documents
40 TAC §9.9801**

The Texas Department of Human Resources adopts an amendment to §9.9801, which adopts by reference the federal regulations that establish the basis of issuance tables for the Food Stamp Program. These regulations, issued by the United States Department of Agriculture (USDA), appear in *Federal Register* Document 84-13555, with a federally mandated effective date of July 1, 1984. These regulations incorporate new gross and net income limits into the food stamp issuance tables. By adjusting the income eligibility limits, USDA takes into account changes in the cost of living. There are no changes to the amounts of the maximum allotments or deductions.

This amendment is adopted under the Human Resources Code, Title 2, Chapter 33, which authorizes the department to administer public assistance programs. This amendment is adopted under federal requirements effective July 1, 1984.

§9.9801. *Federal Register* Document 84-13555. The Texas Department of Human Resources adopts by reference the food stamp rules and appendix contained in *Federal Register* Document 84-13555, Volume 49, Number 99, Page 21388, which amends 7 Code of Federal Regulations Part 272 and Part 273.

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 July 9, 1984.

TRD-847173 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Effective date: July 1, 1984
Proposal publication date: N/A
For further information, please call (512) 441-3355,
ext. 2037.

**Part X. Texas Employment Commission
Chapter 301. Unemployment Insurance**

40 TAC §301.30

The Texas Employment Commission adopts new §301.30, by federal mandate. The Federal Unemployment Tax Act, §3304(a)(6)(A)(iv), as amended (26 United States Code §3304(a)(6)(A)(iv)) requires states to deny, in certain circumstances, unemployment

compensation benefits to individuals who have worked for educational service agencies. Section 301.30 complies with this requirement. Sanctions for failure to comply with the requirements of the Federal Unemployment Tax Act, §3304, include the loss to the employers of Texas of their credits against the federal unemployment tax.

This new section denies unemployment compensation benefits based on wages from educational service agencies under the same circumstances that such a denial already applies to benefits based on wages from an educational institution. Such denials apply in the period between academic years or terms. An "educational service agency" for purposes of this denial is a governmental agency or governmental entity which is established and operated exclusively for the purpose of providing services to one or more educational institutions.

The new section is adopted under Texas Civil Statutes, Article 5221b, which give the Texas Employment Commission the authority to adopt, amend, or rescind such rules as it deems necessary for the effective administration of this Act. The Federal Unemployment Tax Act, §3304(a)(6)(A)(iv), as amended (26 United States Code §3304(a)(6)(A)(iv)) has mandated that, as of April 1, 1984, the Texas Employ-

ment Commission deny unemployment compensation benefits in certain limited circumstances. This new section provides for this federally mandated denial.

§301.30. Eligibility of Employees of Educational Service Agencies. Pursuant to the Texas Unemployment Compensation Act, Texas Civil Statutes, Article 5221b-22e, §30, the commission will administer said Act as though it contained the provisions required by the Federal Unemployment Compensation Act, §3304(a)(6)(A)(iv) (26 United States Code §3304(a)(6)(A)(iv)), concerning employees of educational service agencies. A copy of 26 United States Code §3304(a)(6)(A)(iv) is adopted by reference and is available at the office of the General Counsel, Texas Employment Commission, TEC Building, 15th Street and Congress Avenue, Austin, Texas 78778.

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 July 9, 1984

TRD-847179

Helen S. Anderson
Administrative Assistant
Texas Employment Commission

Effective date: April 1, 1984

Proposal publication date: N/A

For further information, please call (512) 397-4400.

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 Aeronautics Commission

Wednesday, July 19, 1984, 10 a.m. The Air Carrier Division of the Texas Aeronautics Commission will meet in Room 221, 410 East Fifth Street, Austin. According to the agenda, the division will conduct a public hearing on the application of Texas Airlines, Inc., for a Texas air carrier certificate of operating authority to provide scheduled passenger service between and among the points of Austin, Galveston, Houston Intercontinental Airport, Lake Jackson, and San Antonio. The hearing will be conducted pursuant to Texas Civil Statutes, Article 46c-6, Subdivision 3, and 43 TAC Chapters 63.1, 63.3, and 63.11.

Contact: Thomas L. Butier, 410 East Fifth Street, Austin, Texas 78701, (512) 476-9262.

Filed: July 6, 1984, 9:36 a.m.
TRD-847117

Texas Commission on the Arts

Wednesday, July 25, 1984, 10 a.m. The Executive Committee of the Texas Commission on the Arts will meet in the board room, Alley Theatre, 615 Louisiana, Houston. According to the agenda, the committee will approve the June 7, 1984, minutes and hear a progress report on an economic

impact study. The committee will also meet in executive session pursuant to Texas Civil Statutes, Article 6252-17, §(g), to consider the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee, if necessary.

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

Filed: July 6, 1984, 1:42 p.m.
TRD-847145

Automated Information Systems Advisory Council

Thursday, July 19, 1984, 9 a.m. The Board of the Automated Information Systems Advisory Council will meet in the commissioners conference room, basement, 510 South Congress Avenue, Austin. According to the agenda, the council will consider the minutes from the previous meeting, procurement proposals, a model procurement proposal, and council priorities and an appropriation request.

Contact: Charlotte D. Craig, P.O. Box 13564, Austin, Texas 78711, (512) 475-2362.

Filed: July 9, 1984, 4:16 p.m.
TRD-847248

State Banking Board

Friday, July 6, 1984, 11:30 a.m. The State Banking Board made emergency additions to the agenda of a meeting held at 2601 North Lamar Boulevard, Austin. The additions concerned interim charter applications of First Bank Rowlett, Rowlett; North Texas Bank Lewisville, Lewisville, New Crockett Bank, Crockett; New Pan American Bank, Dallas; and New Parkway Bank, Dallas. The emergency status was necessary because the applicants would suffer detrimental federal tax consequences if the applications were not promptly approved.

Contact: William F. Aldridge, 2601 North Lamar Boulevard, Austin, Texas, (512) 475-4451.

Filed: July 5, 1984, 3:18 p.m.
TRD-847095

State Bar of Texas

The Board of Directors of the State Bar of Texas made emergency additions to the agendas of meetings held at the Hyatt Regency Hotel, 123 Lasoya Street, San Antonio. Days, times, rooms, and revised agendas follow.

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Tuesday, July 3, 1984, 4 p.m. The addition concerned board consideration of a request by the attorney general of Texas for a change in board policy regarding meetings in the Texas Law Center. The emergency status was necessary because the attorney general has planned preexisting seminars in the Texas Law Center that would be disrupted in the event the board of directors does not change its policy.

Contact: Steve Peterson, 1414 Colorado Street, Austin, Texas 78711, (512) 475-2037.

Filed: July 3, 1984, 1:35 p.m.
TRD-847052

Friday, July 6, 1984, 2 p.m. The additions concerned consideration of the Scope and Correlation, Facilities and Equipment, and Grant Development Implementation and Oversight Committees, and two committees to oversee committees; and a resolution urging the federal district courts for the Northern District and Western District of Texas to reconsider adoption of a uniform set of local court rules. The emergency status was necessary because of the need for attention to the matters which have just become apparent and because the board does not meet again until October 1984.

Contact: Steve Peterson, 1414 Colorado Street, Austin, Texas 78701, (512) 475-2288.

Filed: July 3, 1984, 3:58 p.m.
TRD 847066

Texas State Board of Chiropractic Examiners

Wednesday-Saturday, July 18-21, 1984, 8 a.m. daily. The Texas State Board of Chiropractic Examiners will meet at Concordia Lutheran College (CLC) and in Building C-245, 1300 East Anderson Lane, Austin. According to the agenda summary, on Wednesday the board will meet at CLC to register applicants for examinations and conduct the examinations; on Thursday, the board will meet at CLC to orient licensees and conduct written examinations, then meet at 1300 East Anderson Lane to hear a presentation by Dr. Mohele of the Texas Chiropractic College, conduct enforcement hearings, and discuss the license renewal seminar; on Friday, the board will continue the written licensure exams at CLC and meet at 1300 East Anderson Lane to discuss acupuncture and a peer review, conduct an enforcement hearing, and hear a presentation by Rod Phelps of Parker Chiropractic

College and a presentation by John Porterfield of the fiscal year 1986-1987 budget; and on Saturday, the board will meet at 1300 East Anderson Lane to discuss a possible change to the board rule pertaining to the approval of chiropractic schools and colleges, a possible new board rule concerning the acceptance of insurance payment in full, certify the January minutes, sign licenses, and consider general board business.

Contact: Edna A. Parsons, 1300 East Anderson Lane, C-245, Austin, Texas 78752, (512) 835-2006.

Filed: July 9, 1984, 10:04 a.m.
TRD-847184

Texas Conservation Foundation

Monday, July 9, 1984, 2 p.m. The Board of the Texas Conservation Foundation submitted an emergency revised agenda for a rescheduled meeting held in Room 833, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the revised agenda, the board considered the previous meeting minutes, the executive director's report, the sesquicentennial project, the Brown Foundation property, the 1986-1987 budget request, and the 1985-1986 operating budget. The emergency status was necessary to meet the convenience of a board member. The meeting was originally scheduled for July 9, 1984, at 1 p.m.

Contact: Mary J. Hutchinson, Stephen F. Austin Building, Room 611, 1700 North Congress Avenue, Austin, Texas 78701, (512) 475-0342

Filed: July 9, 1984, 10:12 a.m.
TRD-847183

Coordinating Board, Texas College and University System

Thursday, July 19, 1984. Committees of the Coordinating Board, Texas College and University System will meet in the boardroom, Bevington A. Reed Building, 200 East Riverside Drive, Austin. Times, committees, and agendas follow

9:30 a.m. The Community Junior College Committee will consider approval of transfer curriculum in engineering.

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

Filed: July 5, 1984, 9:52 a.m.
TRD-847075

9:45 a.m. The Health Affairs Committee will consider the Family Practice Residency Advisory Committee recommendation of a supplemental grant to the University of Texas Health Science Center at San Antonio Family Practice Residency Program; recommendations by the Family Practice Residency Advisory Committee for allocation of fiscal year 1985 funds for graduate family practice training; and a request from Texas Southern University for a bachelor of science degree with a major in environmental health.

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

Filed: July 5, 1984, 9:53 a.m.
TRD-847076

10 a.m. The Campus Planning and Facilities Committee will consider the final adoption of an amendment to rules pertaining to criteria for approval of new construction and major repair and rehabilitation projects (§17.30 and §17.31); requests for endorsement of construction and rehabilitation projects at Southwest Texas State University, University of Houston—University Park, Texas A&M University, University of Texas at San Antonio, University of Texas Medical Branch at Galveston, University of Texas Health Science Center at Tyler, and University of Texas Health Science Center at San Antonio; and requests for endorsement of the acquisition of real property at Angelo State University, Lamar University, Southwest Texas State University, and the University of Houston—University Park

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

Filed: July 5, 1984, 9:51 a.m.
TRD-847072

10:30 a.m. The Senior College and University Committee will consider amendments to the rules and regulations for approval of new doctoral degree programs; the institutional mission (role and scope); requests for new degree programs and administrative changes; a report on annual plans for off-campus course offerings; proposed rules for televised instruction; programs to be offered in the academic common market; applications of private institutions for certificates of authority; and final adoption of amendments to rules for nonexempt private degree granting institutions operating in Texas

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

Filed: July 5, 1984, 9:52 a.m.
TRD-847073

11:30 a.m. The Financial Planning Committee will consider ratification of investment transactions since April 27, 1984; the board operating budget for fiscal year 1984; trustee fund allocations for Baylor College of Medicine, Baylor College of Dentistry, and resident physician compensation; and a board appropriations request for fiscal year 1986 and fiscal year 1987

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

Filed: July 5, 1984, 9:52 a.m.
TRD-847074

2 p.m. The Student Services Committee will consider emergency amendments to board rules, Chapter 21, concerning the establishment of a loan program for persons preparing to teach in critical shortage areas, in accordance with the authority contained in the Texas Education Code, Chapter 60; cancellation of certain loan repayments from the Hinson-Hazlewood Loan Program, in accordance with the Texas Education Code, §54 101; and establishment of a program to provide scholarships for certain persons enrolled in teacher education programs, in accordance with the Texas Education Code, §54.101.

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

Filed: July 5, 1984, 9:51 a.m.
TRD-847077

Friday, July 20, 1984, 9 a.m. The Coordinating Board, Texas College and University System will meet in the boardroom, Bevington A. Reed Building, 200 East Riverside Drive, Austin. According to the agenda summary, the board will consider matters relating to the Financial Planning and Administration, Health Affairs, Community Junior Colleges, Facilities and Campus Planning, Senior Colleges and Universities, and Student Services Committees.

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

Filed: July 5, 1984, 9:51 a.m.
TRD-847078

Texas Department of Corrections

Monday, July 9, 1984, 8 a.m. The Board of the Texas Department of Corrections made an emergency addition to the agenda of a meeting held in Room 103, Administration Building, 815 11th Street, Huntsville. The addition concerned the inmate affairs section regarding additional funding for unit recreation yards from E&R funds. The emergency status was necessary because

additional funding requirements developed subsequent to the original posting.

Contact: R. K. Procnier, P.O. Box 99, Huntsville, Texas 77340, (409) 295-6371, ext. 160.

Filed: July 6, 1984, 2:43 p.m.
TRD-847148

Criminal Justice Policy Council

Friday, July 13, 1984, 10 a.m. The Commission on Sentencing Practices and Procedures of the Criminal Justice Policy Council will meet in the city council chambers, 101 West Abram, Arlington. According to the agenda, the commission will hear public testimony on issues involving sentencing.

Contact: Mark Burk, Sam Houston Building, Room 410, 201 East 14th Street, Austin, Texas 78711, (512) 475-2150

Filed: July 3, 1984, 2:42 p.m.
TRD-847070

Friday, July 20, 1984, 10 a.m. The Commission on Sentencing Practices and Procedures of the Criminal Justice Policy Council will meet in the senate chambers, State Capitol, Austin. According to the agenda, the commission will hear guest speakers, conduct a public hearing review, consider a staff report, and conduct a discussion.

Contact: Mark Burk, Sam Houston Building, Room 410, 201 East 14th Street, Austin, Texas 78711, (512) 475-2150.

Filed: July 9, 1984, 3:13 p.m.
TRD-847238



Texas Commission for the Deaf

Friday and Saturday, July 13 and 14, 1984, 2:30 p.m. and 9 a.m. respectively. The Board for Evaluation of Interpreters (BEI) of the Texas Commission for the Deaf will meet in Room 212, 510 South Congress Avenue, Austin. According to the agenda, the board will act on previous meeting minutes, discuss the commission's public hearings regarding comments on the BEI, and consider a report from the vice-chairperson on the status of evaluations and the chairperson's report. The board will also meet in executive session to discuss new manuals for evaluators which detail the evaluation process and provide explanations of scoring sheets and summary forms, discuss certification materials, and review certification applications and evaluations.

Contact: Fred R. Tammen, P.O. Box 12904, Austin, Texas 78711, (512) 475-2492.

Filed: July 3, 1984, 2:46 p.m.
TRD-847058

East Texas State University

Friday, July 13, 1984. Committees of the Board of Regents of East Texas State University (ETSU) and the full board changed the location of a meeting to be held at the Lancers Club, 1525 Elm, Dallas. The meeting was originally to be held in the Executive III Room, Sheraton-Mockingbird Hotel, 1893 West Mockingbird Lane, Dallas. Times, committees, and agendas follow.

9:30 a.m. The Finance and Investment Committee will consider changes in the ETSU—Commerce 1983-1984 budget, changes in the ETSU—Texarkana 1983-1984 budget, and legislative budget requests for ETSU—Commerce and ETSU—Texarkana.

10 a.m. The Executive Committee will consider Athletic Hall of Fame inductees, an honorary doctor of law degree, a B.B.A.—management information systems degree for ETSU—Texarkana, the holiday schedules for ETSU—Commerce and ETSU—Texarkana, a scholarship policy for ETSU—Texarkana, and financial aid policy changes for ETSU—Commerce.

10:30 a.m. The Board of Regents will consider Athletic Hall of Fame inductees, an honorary doctor of law degree, a B.B.A.—management information systems degree for ETSU—Texarkana, the holiday schedules for ETSU—Commerce and ETSU—

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Texarkana, a scholarship policy for ETSU—Texarkana, financial aid policy changes for ETSU—Commerce, changes in the 1983-1984 operating budgets for ETSU—Commerce and ETSU—Texarkana, and legislative budget requests for ETSU—Commerce and ETSU—Texarkana

Contact: Steve W. Batson, East Texas State University, Commerce, Texas 75428, (214) 886-5026.

Filed: July 9, 1984, 1:57 p.m.
TRD-847210, 847213, 847214

Texas Education Agency

Friday, July 13, 1984. Committees of the State Board of Education of the Texas Education Agency (TEA) will meet at 1200 East Anderson Lane, Austin. Times, rooms, committees, and agendas follow

8:30 a.m. In Room 101, the Committee for Vocational Education and High Technology will consider recommendations of the Apprenticeship and Training Advisory Committee, a recommendation for an appointment to the Apprenticeship and Training Advisory Committee, a report on coordinated vocational-academic education, and an adult and community education status report.

8:30 a.m. In Room 214, the Committee for Special Populations will consider testing and the classification of students for bilingual education, a list of approved tests for the identification of students with limited English proficiency, approve nonpublic schools for handicapped students for contracting purposes for the 1984-1985 school year, and special education contract rates for nonpublic schools for the 1984-1985 school year

8:30 a.m. In Room 101-E, the Committee for Rules, Budget, and Finance will consider a public school transportation contract, the 1984-1985 annual operating plan/budget, and the biennial budget estimates for fiscal year 1986 and fiscal year 1987

10:30 a.m. In the Joe Kelly Butler boardroom, the Committee of the Whole will consider a report of the State Board of Education Legislative Committee and meet in executive session in accordance with the Texas Education Code, §16 176(d), and Texas Civil Statutes, Article 6252-17, to consider the Texas assessment of basic skills proposed tests and mastery criteria for 1985

Noon. In Room 101-E, the Committee for Internal Rules will consider an amendment

to board operating rules, §5.5, concerning agendas; travel for board members; and the Sunset Advisory Commission review of advisory committees.

1:30 p.m. In Room 101-E, the Committee for Investment of the Permanent School Fund will consider a report by the Investment Advisory Committee of the permanent school fund, the recommended investment program for July and August, estimated funds available for the July and August program, a recommended revision of the equity diversification pattern, a recommended revision of the list of approved equity dealers, and a report of the investment officer; and review securities transactions and the investment portfolio.

2 p.m. In Room 214, the Committee for Teacher Preparation, Support Services, and Litigation/Appeals will consider the General Educational Development Program, the readability level designation for textbooks, hearings and appeals, the approval of the budget for the request for proposal for Phase I of the teacher certification tests, reports of management and service audits and the preprofessional skills test, and an update on the accreditation status of schools for the period of September 1, 1984, to June 30, 1984

2 p.m. In Room 101, the Committee for Instruction, Research, and Evaluation will consider meetings, compensatory per diem, and expenses for State Textbook Committee members, essential curriculum elements for grades nine-12; large type textbooks for the visually handicapped; the allocation of funds for the purchase and distribution of textbooks, a report of the result of a pilot program for improving management skills of principals, and curriculum

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

Filed: July 5, 1984, 4:15 p.m.
TRD-847097, 847099, 847102,
847098, 847104, 847100,
847103, 847101

Saturday, July 14, 1984, 8:30 a.m. The State Board of Education (SBOE) of the Texas Education Agency (TEA) will meet in the Joe Kelly Butler boardroom, 1200 East Anderson Lane, Austin. Items on the agenda summary include appeals from decisions of the commissioner; motions for the rehearing of SBOE decisions, agency administration, good neighbor scholarships for the 1984-1985 academic year; a public school transportation contract; the annual operating plan/budget for 1984-1985; biennial budget estimates for fiscal year 1986; testing and classification of students for

bilingual education; the list of approved tests for the identification of students with limited English proficiency; approved nonpublic schools for handicapped students for contracting purposes for the 1984-1985 school year; special education contract rates for nonpublic schools for the 1984-1985 school year; recommendations of the Apprenticeship and Training Advisory Committee; a recommendation for an appointment to the Apprenticeship and Training Advisory Committee; meetings, compensatory per diem, and expenses for the State Textbook Committee; essential curriculum elements for grades nine-12, large type textbooks for the visually handicapped, the allocation of funds for the purchase and distribution of textbooks; proposed tests and mastery criteria for the 1985 Texas assessment of basic skills; the estimated funds available for the July and August investment program for the permanent school fund; rules for the General Education Development Program; the readability level designation for textbooks, hearings and appeals; the approval of the budget for the request for proposals for Phase I of the teacher certification tests; an amendment to board operating rules, §5.5; travel for board members; public schools week for 1985; and resolutions.

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

Filed: July 5, 1984, 4:14 p.m.
TRD-847105

Friday and Saturday, July 20 and 21, 1984, 2 p.m. and 8:30 a.m. respectively. The State Parent Advisory Council for Migrant Education of the Texas Education Agency will meet at the Howard Johnson Motor Lodge, 7800 IH 35 North, Austin. According to the agenda, on July 20 the council will conduct an orientation for new members; consider its role; review regulations governing migrant education; consider parliamentary procedures, a description of the Texas Migrant Education Program, and the migrant student record transfer system; and on July 21 the council will conduct a brief review of the orientation meeting; elect officers; consider a status report on the Texas Migrant Education Program and interstate/intrastate project activities; review the Texas state plan for 1984-1985; select dates and sites for required meetings; and consider agenda items for the next meeting.

Contact: Frank Contreras, 201 East 11th Street, Austin, Texas 78701, (512) 834-4310.

Filed: July 9, 1984, 4:24 p.m.
TRD-847239

Texas Employment Commission

Wednesday, July 11, 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; reports of the administrative staff concerning operations, funding, and legislation; a public comment period; a discussion on the establishment of a policy on Hispanic translations; scheduling of the next Advisory Council meeting; consideration of the qualifications for and the position of the agency administrator and appropriate action thereon; staffing the commissioners' office; adoption of a policy manual; a report on the sale/exchange of property; adoption of procedures under extension of disaster unemployment assistance; expenditures from the unemployment compensation special administration fund; discussion of benefits for temporary employees, the TEC building program, and proposals for internal audit reports; consideration of withdrawal of Attorney General Opinion 104, concerning resolutions submitted by veterans' organizations; the date and agenda items for the next meeting; and any actions resulting from the executive session. The commission will meet in executive session under Texas Civil Statutes, Article 6252-17, §2(e) and (f), to consider Senate Bill 1355 as it affects the commission's sale, lease, or purchase of real property and related matters; discuss with attorneys Tullis v. Grisham; and other matters permitted by Texas Civil Statutes, Article 6252-17.

Contact: Steve Hollahan, Room 660, TEC Building, 15th Street and Congress Avenue, Austin, Texas, (512) 397-4400.

Filed: July 3, 1984, 4:21 p.m.
TRD-847066

Tuesday, July 17, 1984, 9 a.m. The Texas Employment Commission (TEC) will meet in Room 644, TEC Building, 15th Street and Congress Avenue, Austin. According to the agenda summary, the commission will consider prior meeting notes and internal procedures of the Office of Commission Appeals, consider and act on higher level appeals in unemployment compensation cases on Docket 29, and set the date of the next meeting.

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

Filed: July 9, 1984, 2:25 p.m.
TRD-847211

Firemen's Training School Advisory Board

Saturday, July 21, 1984, 7 p.m. The Firemen's Training School Advisory Board will meet in Room 206, Memorial Student Center, Texas A&M University, College Station. According to the agenda, the board will consider special recognitions of new state association officers and a new advisory board member; minutes of the April 6, 1984, meeting; an annual report; an overview of fire school activities, including the 55th annual school events, hazardous material control school for fire fighters, a municipal program, an industrial program, and a Spanish program; a board activity schedule; and general comments.

Contact: Henry D. Smith, Texas A&M University System, College Station, Texas 77843-8000.

Filed: July 9, 1984, 1:58 p.m.
TRD-847209

Office of the Governor

Monday, July 16, 1984, 10 a.m. The Benefits Subcommittee of the Governor's Task Force on State Employee Health Insurance Quality and Cost Containment of the Office of the Governor will meet in emergency session in Conference Room A109, State Board of Insurance Annex, 11th and San Jacinto Streets, Austin. According to the agenda, the subcommittee will review final report recommendations and discuss the attorney general's request on dependent insurance contributions. The emergency status is necessary because the advisory group recommendations must be received and reviewed in advance of the next meeting to make the deadline for the subcommittee's final report.

Contact: Evelyn Ireland, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-4285.

Filed: July 9, 1984, 1:59 p.m.
TRD-847208

Thursday, July 26, 1984, 10 a.m. The Juvenile Justice and Delinquency Prevention Advisory Board of the Criminal Justice Division of the Office of the Governor will meet in Room 117, Sam Houston Building, 201 East 14th Street, Austin. According to the agenda summary, the board will consider recommendations for funding fiscal year 1985 juvenile justice grants and will dis-

cuss the program direction for fiscal year 1986.

Contact: Gilbert J. Pena, Sam Houston Building, 201 East 14th Street, Austin, Texas 78711.

Filed: July 9, 1984, 3:27 p.m.
TRD-847237

Texas Department of Health

Thursday, July 19, 1984, 10 a.m. The Advisory Committee on Nursing Home Affairs of the Texas Department of Health will meet in Room G-209, 1100 West 49th Street, Austin. According to the agenda summary, the committee will approve minutes; discuss the status of compliance with nondiscrimination provisions of the Federal Rehabilitation Act, §504, (Public Law 93-112) and proposed legislation; and consider an interim report from the Subcommittee on the Permitting of Nurse Aides, a recommendation from the Subcommittee on Architectural Planning and Construction Manual, and the next meeting date.

Contact: Howard C. Allen, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7706.

Filed: July 6, 1984, 9:35 a.m.
TRD-847255

Texas Health Facilities Commission

Thursday, July 19, 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.

Certificates of Need

Valley Baptist Medical Center, Harlingen
AH83-1102-285

South Limestone Hospital, Groesbeck
AH84-0330-197

Town and Country Manor, Boerne
AN84-0314-168

Taylor Towers Retirement Facility, Houston
AN83-1229-472

West Coke County Hospital District, Robert Lee
AH84-0314-167

Terrell Convalescent Center 2, Terrell
AN84-0326-184

Villa Inn Nursing Center, Palestine
AN84-0223-123

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Gonzales County Health Agency, Inc.,
Gonzales
AS84-0208-081

Motions for Rehearing/Reconsideration
and Petitions
Surgicare Outpatient Center of Amarillo
Amarillo
AS83-1011-205
Amarillo Surgi-Center, Amarillo
AS83-0920-172
Day Surgery Center of Amarillo
AS83-1122-394
Baywood Psychiatric Hospital, Corpus
Christi
AH83-0615-626
Southwest Houston Surgical, Houston
AS82-1231-317A(010984)

The commission also will consider pending litigation regarding Northwest Texas Hospital, Amarillo.

Contact: John R. Neel, P.O. Box 50049,
Austin, Texas 78763.

Filed: July 9, 1984, 9:44 a.m.
TRD-847176

Texas Department of Human Resources

Thursday, July 12, 1984, 10 a.m. The Family Violence Advisory Committee of the Texas Department of Human Resources (DHR) met in the boardroom, 706 Banister Lane, Austin. Items on the agenda include an overview of DHR organization and the General Advisory Committee role, and Family Violence Program organization and Advisory Committee role; the history, overview, status, and direction of the Family Violence Program; Advisory Committee organization and bylaws development; and planning for the next meeting.

Contact: Kate Redfern, P.O. Box 2960,
Austin, Texas 78769, (512) 835-0440, ext
2831

Filed: July 3, 1984, 2:49 p.m.
TRD-847059

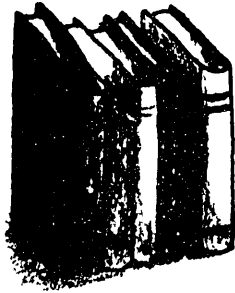
Industrial Accident Board

Friday, July 20, 1984, 1 p.m. The Legislative Advisory Benefits Subcommittee of the Industrial Accident Board will meet in Room 107, first floor, Bevington A. Reed Building, 200 East Riverside Drive, Austin. According to the agenda, the subcommittee will consider hernias, the wage loss con-

cept, the 4.0% statutory discount table, and mental injuries (psychological); and continue a discussion on vocational rehabilitation.

Contact: William Treacy, 200 East Riverside Drive, Austin, Texas 78704, (512) 448-7962.

Filed: July 9, 1984, 9:50 a.m.
TRD-847178



State Board of Insurance

Tuesday, July 17, 1984, 9 a.m. The Commissioner's Hearing Section of the State Board of Insurance will meet at 1110 San Jacinto Street, Austin. Rooms and dockets follow.

In Room 342, Docket 7702—application of American Hallmark Insurance Company, Oklahoma City, Oklahoma, to acquire control of Renaissance Insurance Company.

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

Filed: July 9, 1984, 11:19 a.m.
TRD-847201

In Room 353, Docket 7703—application for original charter of Tib Life Insurance Company, Carrollton.

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

Filed: July 9, 1984, 11:19 a.m.
TRD-847202

Tuesday, July 17, 1984, 10 a.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 reports of the commissioner and the fire marshal, including personnel matters; and board orders concerning several different matters.

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

Filed: July 9, 1984, 4:20 p.m.
TRD-847236

Wednesday, July 18, 1984, 9 a.m. The State Board of Insurance will meet in the hearing room, DeWitt Greer Building, 11th and Brazos Streets, Austin. According to the agenda summary, the board will conduct a public hearing to consider the revision of the fire and allied lines, commercial multiperil, homeowners, and farm and ranch owners rates and certain rules applicable to the Texas Catastrophe Property Insurance Association, and review the fire premiums and losses by classification.

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

Filed: July 6, 1984, 4:35 p.m.
TRD-847162

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

Thursday, July 19, 1984, 10:30 a.m. In Room 353, Docket 7707—whether the surplus lines agent's license held by Ferrell Travis Riley, doing business as Sheldon Excess Surplus Insurance Agency, Houston, should be canceled or revoked.

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

Filed: July 9, 1984, 11:19 a.m.
TRD-847203

Thursday, July 19, 1984, 1:30 p.m. In Room 342, Docket 7695—application for original charter of New Security Casualty Company, Houston.

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

Filed: July 9, 1984, 11:19 a.m.
TRD-847204

Thursday, July 19, 1984, 1:30 p.m. In Room 342, Docket 7692—whether the certificate of authority of United Fidelity Life Insurance Company, Forth Worth, should be canceled or revoked.

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

Filed: July 9, 1984, 11:19 a.m.
TRD-847205

Friday, July 20, 1984, 9 a.m. In Room 342, Docket 7705—application of Don B. Odum to acquire control of CN Life Insurance Company, Dallas.

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

Filed: July 9, 1984, 11:19 a.m.
TRD-847206

Monday, July 23, 1984, 1:30 p.m. In Room 342, Docket 7708—application of Morris Benjamin Slocum, Jr., Sulphur, Louisiana, for a nonresident legal reserve life, health, and accident insurance agent's license, Group I.

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

Filed: July 9, 1984, 11:19 a.m.
TRD-847207

Texas Department of Labor and Standards

Thursday, July 12, 1984, 9 a.m. The Manufactured Housing Division of the Texas Department of Labor and Standards met in Room 105, E. O. Thompson Building, 920 Colorado Street, Austin. According to the agenda, the division considered license and registration revocations, suspensions, and alleged violations of various rules and regulations of the department.

Contact: John Steele, P. O. Box 12157, Austin, Texas 78711, (512) 475-0155.

Filed: July 5, 1984, 1:26 p.m.
TRD-847088

Lamar University

Thursday, July 12, 1984, 10 a.m. The Board of Regents of Lamar University met in the boardroom, Plummer Administration Building, Lamar University, Beaumont. Items on the agenda included approval of the June 7 and 18, 1984, minutes; the chancellor's reports and announcements, approval of the Bertman resolution, staff awards, the master plan for Lamar University—Orange, fee policy revisions, revisions of the student handbook policy, bids recommended by the Building and Grounds Committee, and change orders from the Montagne Center; selection of an architect for Lamar University—Port Arthur, approval of signatures for contracts, bank accounts, and funds in the state treasury; and consideration of approval of employment of police officers. The board also met in executive session to consider promotions and titles for university system personnel.

Contact: Andrew J. Johnson, P. O. Box 10014, Beaumont, Texas 77710, (409) 838-8403

Filed: July 3, 1984, 10:20 a.m.
TRD-847046

Emergency addition to the previous agenda:

The board also considered the policy on satisfactory progress and the financial report for May 1984. The emergency status was necessary because this was the only time a quorum of the board could be assembled to consider the policy on satisfactory progress.

Contact: Andrew J. Johnson, Box 10014, Beaumont, Texas 77710, (409) 838-8403.

Filed: July 9, 1984, 10:15 a.m.
TRD-847182

Texas State Library and Archives Commission

Friday, July 13, 1984, 2:30 p.m. The Subcommittee on Legislation of the Texas State Library and Archives Commission met in the Lorenzo de Zavala Archives and Library Building, 12th and Brazos Streets, Austin. According to the agenda, the subcommittee met with representatives of the Texas Library Association to discuss the commission's 1986-1987 budget request for the Statewide Library Development Program.

Contact: Dorman H. Winfrey, P.O. Box 12927, Austin, Texas 78711, (512) 475-2166.

Filed: July 3, 1984, 2:46 p.m.
TRD-847060

Texas State Board of Medical Examiners

Tuesday, July 3, 1984, 4 p.m. The Texas State Board of Medical Examiners met in emergency session via conference call originating from Suite 201, 1101 Camino LaCosta, Austin. According to the agenda, the board considered board action on a moratorium. The board also met in executive session under Texas Civil Statutes, Article 6252-17, as related to Article 4495b, § 4 05(d), § 5 06(e)(1), and Attorney General Opinion H-484, 1974. The emergency status was necessary because information from the board's counsel had just been received and needed immediate board action. This will be referred to in an open meeting of the board at a later time.

Contact: Jean Davis, P. O. Box 13562, Austin, Texas 78711, (512) 452-1078

Filed: July 3, 1984, 1:16 p.m.
TRD-847051

Texas Department of Mental Health and Mental Retardation

Friday, July 6, 1984. A committee and the full board of the Texas Board of Mental Health and Mental Retardation of the Texas Department of Mental Health and Mental Retardation met in emergency session in the auditorium, 909 West 45th Street, Austin. The emergency status was necessary because the operating budget request required board approval prior to submission to the Legislative Budget Board on July 13, 1984. Times and agendas follow.

9 a.m.: The Business Committee considered reallocation of funds and revisions in quarterly budgets for Brenham and Travis State Schools for fiscal year 1984, grant-in-aid budget allocation methodology, approval of the operating budget request for fiscal year 1986-1987, and litigation.

3 p.m. The board considered approval of the June 29, 1984, minutes; reallocation of funds and revisions in quarterly budgets for Brenham and Travis State Schools for fiscal year 1984; grant-in-aid budget allocation methodology; approval of the operating budget request for fiscal year 1986-1987; citizens' comments; and the status of pending or contemplated litigation.

Contact: Gary E. Miller, M.D., P.O. Box 12668, Austin, Texas, (512) 465-4588.

Filed: July 5, 1984, 1:50 p.m.
TRD-847089, 847090

State Board of Morticians

Tuesday and Wednesday, July 17 and 18, 1984, 9 a.m. daily. The State Board of Morticians will meet at 1513 IH 35 South, Austin. According to the agenda summary, the board will conduct formal hearings on the action of licensees; consider applicants for the reinstatement of licenses, reports on the executive secretary's meeting in Georgia and the Federal Trade Commission seminar in Dallas, a request from Tim Holzrichter to waive apprenticeship, and reports from the executive secretary, investigators, and committees; review reciprocal interviews and recommendations and complaints; discuss the Conference of Funeral Service Examining Boards convention, and elect officers.

Contact: John W. Shocklee, 1513 IH 35 South, Austin, Texas 78741, (512) 442-6721.

Filed: July 6, 1984, 3:07 p.m.
TRD-847157

Texas Register

Texas National Guard Armory Board

Saturday, July 14, 1984, 1 p.m. The Texas National Guard Armory Board will meet in the conference room, Building 64, Camp Mabry, Austin. According to the agenda summary, the board will consider administrative matters and facility construction, remodeling, and renovation.

Contact: Donald J. Kerr, P.O. Box 5218, Austin, Texas 78763, (512) 451-6394.

Filed: July 3, 1984, 2:47 p.m.
TRD-847061

Texas Optometry Board

Wednesday and Thursday, July 18 and 19, 1984, 3 p.m. and 9 a.m. respectively. Committees of the Texas Optometry Board and the full board will meet at the Wyndham Hotel, 2222 Stemmons Freeway, Dallas. According to the agenda summary, on Wednesday the Investigation-Enforcement Committee and the Rules Committee will determine successful candidates of the June 15-17, 1984, board examination. On Thursday, following a meeting of all committees, the board will consider reports of the secretary-treasurer, legal counsel, executive director, and committees; old business concerning the adoption of rules and a discussion regarding implications to licensees concerning advertising, fee splitting, and physical office arrangements; and new business concerning the adoption of proposed rules, consideration of an attorney general opinion request, if received, and attendance at the National Clearinghouse on Licensure, Enforcement, and Regulation meeting. The board also will meet in executive session in compliance with the Open Meetings Act, Texas Civil Statutes, Article 6252-17, §2(e).

Contact: Lois Ewald, 1300 East Anderson Lane, Suite C-240, Austin, Texas 78752, (512) 835-1938.

Filed: July 10, 1984, 9:23 a.m.
TRD-847250

Board of Pardons and Paroles

Wednesday, July 11, 1984, 9 a.m. The Board of Pardons and Paroles met at 8610 Shoal Creek Boulevard, Austin. According to the agenda, the board conducted

full board interviews and also met with interested parties in connection with cases subject to the board's jurisdiction, including Jack Roberts, TDC #286,743 and Charles Roberts TDC #329,998.

Contact: Daniel R. Guerra, 8610 Shoal Creek Boulevard, Austin, Texas, (512) 459-2700.

Filed: July 3, 1984, 10:37 a.m.
TRD-847047

Monday, July 16, 1984, 9 a.m. The Supervision Oversight Committee of the Board of Pardons and Paroles will meet at 8610 Shoal Creek Boulevard, Austin. According to the agenda, the committee will discuss issues relevant to parole and mandatory supervision rules and policy.

Contact: Gladys Sommers, 8610 Shoal Creek Boulevard, Austin, Texas 78758, (512) 459-2704.

Filed: July 6, 1984, 10:39 a.m.
TRD-847140

Monday-Friday, July 16-20, 1984, 1:30 p.m. daily Monday-Thursday and 11 a.m. Friday. A three-member board panel of the Board of Pardons and Paroles will meet at 8610 Shoal Creek Boulevard, Austin. According to the agenda summary, the panel will receive, review, and consider information and reports concerning prisoners/inmates and administrative releasees subject to the board's jurisdiction and initiate and carry through with appropriate action.

Contact: Mike Roach, 8610 Shoal Creek Boulevard, Austin, Texas 78758, (512) 459-2713.

Filed: July 6, 1984, 10:38 a.m.
TRD-847142

Tuesday, July 17, 1984, 1:30 p.m. The Board of Pardons and Paroles will meet at 8610 Shoal Creek Boulevard, Austin. According to the agenda, the board will consider executive clemency recommendations and related actions other than out of country conditional pardons, including full pardons and restoration of civil rights of citizenship, emergency medical reprieves, commutations of sentence, and other reprieves, remissions, and executive clemency actions.

Contact: Gladys Sommers, 8610 Shoal Creek Boulevard, Austin, Texas 78758, (512) 459-2704

Filed: July 6, 1984, 10:38 a.m.
TRD-847141

Texas Parks and Wildlife Department

Friday, July 13, 1984, 8:30 a.m. The Parks Division of the Texas Parks and Wildlife Department will meet at 4200 Smith School Road, Austin. According to the agenda, the division will consider an easement request from the Woodside Trails Therapeutics Clinic for installation of an electric line by Bluebonnet Electric Cooperative across a portion of the Bastrop-Buescher State Park Road 1 right-of-way near Buescher State Park, Bastrop County.

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

Filed: July 5, 1984, 10:15 a.m.
TRD-847080

Texas State Board of Physical Therapy Examiners

Saturday, July 21, 1984, 1 p.m. The Investigation Committee of the Texas State Board of Physical Therapy Examiners will meet in Salon 4, Hilton Inn, Hobby Airport, Houston. According to the agenda, the committee will consider current investigation methods, investigation services being utilized, and miscellaneous business. The committee also will meet in executive session to discuss cases in litigation.

Contact: Lois M. Smith, 5555 North Lamar, H-135, Austin, Texas 78751, (512) 835-1846

Filed: July 6, 1984, 9:36 a.m.
TRD-847116

State Preservation Board

Thursday, July 12, 1984, 10 a.m. The Permanent Advisory Committee of the State Preservation Board met in the boardroom, State Bar of Texas, 15th and Colorado Streets, Austin. According to the agenda, the committee considered a request for a commemorative stamp, a request from the Sons of Confederate Veterans, and a subcommittee report on guidelines for accepting gifts and donations to the capitol. The committee also met in executive session to discuss applications for the architect of the capitol position.

Contact: Susan Willis, P.O. Box 12276, Austin, Texas, (512) 475-3092.

Filed: July 3, 1984, 4:40 p.m.
TRD-847067

State Property Tax Board

Friday, July 13, 1984, 9 a.m. The State Property Tax Board will meet in the agency conference room, 9501 IH 35 North, Austin. According to the agenda, the board will reconsider the agency budget for fiscal year 1985 and a legislative appropriations request for 1986-1987 due to program changes resulting from House Bill 72.

Contact: Ron Patterson, 9501 IH 35 North, Austin, Texas 78761, (512) 837-8622.

Filed: July 5, 1984, 3:53 p.m.
TRD-847096

Public Utility Commission of Texas

Tuesday, July 10, 1984, 9 a.m. The Hearings Division of 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 discussion of the publication of staff proposals concerning 16 TAC §§23.23, 23.31, and 23.66, dealing with cogeneration. The emergency status was necessary due to the urgent need for resolution of the question of cogeneration in Texas.

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

Filed: July 6, 1984, 3:50 p.m.
TRD-847160

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

Friday, July 13, 1984, 9:30 a.m. A prehearing conference in Docket 5800—application of AT&T Communications for authority to implement the Reach Out Texas Program.

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

Filed: July 5, 1984, 9:45 a.m.
TRD-847071

Monday, July 16, 1984, 10 a.m. A second prehearing conference in Docket 5779—application of Houston Lighting and Power Company for a rate increase

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

Filed: July 5, 1984, 2:49 p.m.
TRD-847091

Tuesday, July 17, 1984, 10 a.m. A prehearing conference in Docket 5235—application of Ladshaw-Miller Development Company, Inc., to amend its certificate of convenience and necessity.

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

Filed: July 6, 1984, 3:08 p.m.
TRD-847155

Thursday, July 19, 1984, 1:30 p.m. A prehearing conference in Docket 5562—application of Crowley Two Acres Water System to amend its certificate of convenience and necessity to include the Bell Manor Estates Subdivision within Johnson County.

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

Filed: July 10, 1984, 9:24 a.m.
TRD-847251

Thursday, July 26, 1984, 10 a.m. A hearing in Docket 5648—petition of Doris M. Shiflet to terminate water service.

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

Filed: July 6, 1984, 3:10 p.m.
TRD-847154

Tuesday, July 31, 1984, 10 a.m. A second prehearing conference in Docket 5755—inquiry into whether the certificate of convenience and necessity granted Houston Lighting and Power Company's Malakoff Electric Generation Station should be canceled

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

Filed: July 3, 1984, 2:46 p.m.
TRD-847062

Wednesday, September 12, 1984, 1 p.m. A hearing in Docket 5171—application of Acton Municipal Utility District for a certificate of convenience and necessity in Hood County and Johnson County.

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

Filed: July 10, 1984, 9:25 a.m.
TRD-847252

Thursday, September 20, 1984, 10 a.m. A final prehearing conference in Docket 5779—application of Houston Lighting and Power Company for a rate increase.

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

Filed: July 5, 1984, 2:50 p.m.
TRD-847092

Friday, September 21, 1984, 10 a.m. A settlement prehearing conference in Docket 5779—application of Houston Lighting and Power Company for a rate increase.

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

Filed: July 5, 1984, 2:50 p.m.
TRD-847093

Monday, September 24, 1984, 10 a.m. A hearing in Docket 5779—application of Houston Lighting and Power Company for a rate increase

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

Filed: July 5, 1984, 2:49 p.m.
TRD-847094



Railroad Commission of Texas

Monday, July 9, 1984, 9 a.m. The Oil and Gas Division of the Railroad Commission of Texas made emergency additions to the agenda of a meeting held in Room 309, 1124 IH 35 South, Austin. The additions concerned consideration of oil and gas Docket 3-80,307—Partners Oil Company, amend field rules, Moores Orchard (Yegua 2) Field, Fort Bend County, and a motion for rehearing in oil and gas Docket 3-80,927—complaint of Southwest Minerals, Inc., concerning the Colonel William E. Lobit Well 1-A, in the League City Area, Galveston County. The emergency status was necessary because these items were properly noticed for the July 2, 1984, meeting and were passed.

Contact: Greg Cloud, P O Drawer 12967, Austin, Texas 78711, (512) 445-1286 or Norman Bonner, 445-1292

Filed: July 6, 1984, 10:24 a.m.
TRD-847132

Monday, July 16, 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

Texas Register

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: July 6, 1984, 10:22 a.m.
TRD-847130

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. The commission will also consider interagency contracts with the General Land Office, the State Property Tax Board, and the University of Texas System Administration—University Lands Accounting office.

Contact: Bob Kmetz, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1204.

Filed: July 6, 1984, 10:26 a.m.
TRD-847123

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: July 6, 1984, 10:26 a.m.
TRD-847126

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: July 6, 1984, 10:23 a.m.
TRD-847137

Addition to the previous agenda:

Consideration of Docket 4662—statement of intent to change rates to Mobil Oil Corporation.

Contact: Lucia Sturdevant, P.O. Drawer 12967, Austin, Texas 78711, (512) 475-0461.

Filed: July 6, 1984, 3:38 p.m.
TRD-847158

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: July 6, 1984, 10:25 a.m.
TRD-847135

The LP-Gas Division will consider and act on the division director's report on division administration, budget, procedures, and personnel matters.

Contact: Thomas D. Petru, P.O. Drawer 12967, Austin, Texas 78711

Filed: July 6, 1984, 10:22 a.m.
TRD-847129

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: July 6, 1984, 10:24 a.m.
TRD-847138

Addition 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: July 6, 1984, 10:23 a.m.
TRD-847139

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: July 6, 1984, 10:23 a.m.
TRD-847131

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: July 6, 1984, 10:25 a.m.
TRD-847134

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: July 6, 1984, 10:26 a.m.
TRD-847124

The Surface Mining and Reclamation Division will consider a motion for rehearing, bonding requirements, and approval of the permit revision by the Lower Colorado River Authority for its Powell Bend Mine

in Docket 16A. The division will also 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: July 6, 1984, 10:22 a.m.
TRD-847128

The Transportation Division will consider various matters falling within the commission's transportation regulatory jurisdiction.

Contact: Michael A. James, 1124 IH 35 South, Austin, Texas 78704, (512) 445-1330.

Filed: July 6, 1984, 10:24 a.m.
TRD-847136

Additions to the previous agenda:

A show cause hearing in Docket 023450A7SP to show cause why the specialized motor carrier Certificate of Convenience and Necessity 23450 issued to Holladay Trucks, Inc., should not be canceled or suspended because of the acts, omissions, and violations alleged in the complaint.

Contact: Michael A. James, 1124 IH 35 South, Austin, Texas 78704, (512) 445-1330.

Filed: July 6, 1984, 10:21 a.m.
TRD-847127

Consideration of Docket 009852A8C concerning an investigation of the transportation services being provided by Morgan Drive Away Inc., 28651 U.S. 20 West, Elkhart, Indiana 46514, the holder of the Railroad Commission of Texas Specialized Motor Carrier 9852, in the movement of mobile homes in Bexar County

Contact: Michael A. James, 1124 IH 35 South, Austin, Texas 78704, (512) 445-1330.

Filed: July 6, 1984, 10:25 a.m.
TRD-847133

Texas Rehabilitation Commission

Friday, July 13, 1984, 3 p.m. The Texas Planning Council for Developmental Disabilities of the Texas Rehabilitation Commission will meet in emergency session via teleconference call originating in Room 163, 118 East Riverside Drive, Austin. According to the agenda, the council will conduct an executive committee meeting to consider the status of federal developmental disabilities reauthorization bills and recommend actions, old business, and new business.

The emergency status is necessary because reauthorization of the developmental disabilities bill has been sent to the Conference Committee and needs immediate discussion by the Executive Committee

Contact: Joellen F. Simmons, 118 East Riverside Drive, Austin, Texas 78704, (512) 445-8867

Filed: July 9, 1984, 10:12 a.m.
TRD-847187

Friday, July 27, 1984, 9 a.m. The Autism Task Force of the Texas Planning Council for Developmental Disabilities of the Texas Rehabilitation Commission will meet in Room 302, 118 East Riverside Drive, Austin. According to the agenda, the task force will consider approval of minutes; the NSAC conference; an update on senate concurrent resolutions on autism adopted by the 68th Legislature, an update on state agencies' funding requests pertaining to autism services; a discussion of a status report and work plan; additional planning issues; and future meeting dates

Contact: Roger Webb, 118 East Riverside Drive, Austin, Texas 78704, (512) 445-8870.

Filed: July 6, 1984, 3:15 p.m.
TRD-847153

Texas Savings and Loan Department

Thursday, July 19, 1984, 9 a.m. The Texas Savings and Loan Department will meet at 1004 Lavaca Street, Austin. According to the agenda summary, the department will accumulate a record of evidence in regard to the application of Heart O' Texas Savings Association, San Saba, to relocate a branch office from 409 Highway 277 North, Sonora, Sutton County, to 901 Congress Avenue, Austin, Travis County, from which record the commissioner shall determine whether to grant or deny this application.

Contact: Russell R. Oliver, 1004 Lavaca Street, Austin, Texas 78701, (512) 475-7991.

Filed: July 9, 1984, 10:30 a.m.
TRD-847188

School Land Board

Tuesday, July 17, 1984, 10 a.m. The School Land Board will meet in Room 831, Stephen F. Austin Building, 1700 North Con-

gress Avenue, Austin. Items on the agenda include approval of the previous board meeting minutes; pooling applications; pooling agreement amendments; an application for a lease suspension; consideration and approval of nominations, terms, conditions and procedures for the October 2, 1984, oil, gas, and other minerals lease sale; a coastal public lands lease application; easement applications; cabin permit transfer and alteration requests; good faith claimant applications; and excess acreage applications

Contact: Linda K. Fisher, 1700 North Congress Avenue, Room 835, Austin, Texas, (512) 475-4307.

Filed: July 9, 1984, 4:54 p.m.
TRD-847247

Texas State Soil and Water Conservation Board

Thursday, July 19, 1984, 8 a.m. The Texas State Soil and Water Conservation Board will meet at 1006 First National Building, Temple. According to the agenda summary, the board will discuss and take necessary action on the May 17, 1984, minutes; district director appointments; technical assistance grants; matching funds; the 1985 fiscal year operating budget, agency reports; the state auditor's management letter dated June 12, 1984; the lease of office space, the Upstream Flood Prevention Program; farmland protection policy act rules; the 1984 annual statewide meeting of district directors; the 1985 NACD meeting; the NACD leadership conference, the conservation tillage conference; the soil conservation service 1985 fiscal year proposed budget; NACD concerns about the National Conservation Program released by Bud Mekelburg; the Clean Water Act, §404; and the next board meeting

Contact: Harvey Davis, 1002 First National Building, Temple, Texas. (817) 773-2250 or STS 820-1250.

Filed: July 6, 1984, 10:32 a.m.
TRD-847125

University System of South Texas

Wednesday, July 11, 1984, 1 p.m. The Board of Directors of the University System of South Texas met in the Founders Room, Lewis Hall, Texas A&I University, Kingsville. According to the agenda, the

board heard an address by Dr. George Kozmetsky. The board also met in executive session to interview and discuss candidates for the presidency at Laredo State University.

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

Filed: July 6, 1984, 9:39 a.m.
TRD-847121

Thursday, July 12, 1984. Committees of the Board of Directors of the University System of South Texas (USST) and the full board met in the Founders Room, Lewis Hall, Texas A&I University, Kingsville. Times, committees, and agendas follow.

8:30 a.m. The Building Committee considered a contract with an architect to develop plans and solicit bids for a greenhouse/headhouse complex at Texas A&I; a contract with an architect to develop plans and solicit bids for a new garage and the president's home at Texas A&I; a contract with an engineer to evaluate necessary repairs of the Texas A&I swimming pool; and construction needs within the University System of South Texas.

9 a.m. The Board of Regents considered approval of the April 12, 1984, minutes; gifts and donations; budget changes; small classes; the sale of surplus equipment at Laredo State; an appointment to fill a vacancy on the Advisory Committee at the Texas A&I Citrus Center; signature changes; authorization to approve in-state and out-of-state travel; requests to the USST Foundation; appropriations requests for the 1986-1987 biennium; routine personnel changes; a resolution of appreciation for President Billy F. Cowart; reports from presidents, the chancellor, and standing committees; discussion of personnel matters, acquisition of real estate, and legal matters within the system; board action relative to the presidency of Laredo State University; and the time and place of the next meeting.

1 p.m. The Finance and Development Committee met in executive session to discuss personnel matters pertaining to fund raising and institutional development

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

Filed: July 6, 1984, 9:39 a.m.
TRD-847118, 847120, 847119



Texas Register

Boards for Lease of State-Owned Lands

Monday, July 11, 1984, 12:45 p.m. The Board for Lease of the Texas Department of Corrections of the Boards for Lease of State-Owned Lands met in Room 831, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the board approved the minutes of the previous board meeting and considered and approved nominations, terms, conditions, and procedures for the October 2, 1984, oil, gas, and other minerals lease sale.

Contact: Linda K. Fisher, Room 835, 1700 North Congress Avenue, Austin, Texas 78701, (512) 475-4307.

Filed: July 3, 1984, 1:34 p.m.
TRD-847053

Teacher Retirement System of Texas

Sunday, July 15, 1984, 10 a.m. The Medical Board of the Teacher Retirement System of Texas will meet in the board room, fourth floor, 1001 Trinity Street, Austin. According to the agenda, the board will discuss a member's files that are due a reexamination report and discuss files on which the board has differing opinions.

Contact: James Preston, 1001 Trinity Street, Austin, Texas, (512) 397-6400.

Filed: July 6, 1984, 3:08 p.m.
TRD-847156

Teachers' Professional Practices Commission of Texas

Monday, July 23, 1984, 9 a.m. The Teachers' Professional Practices Commission of Texas will meet in rescheduled session in Hearing Room 111, 1200 East Anderson Lane, Austin. According to the agenda, a three-member panel of the commission will meet in executive session to hear a complaint 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. The meeting originally was scheduled for July 13, 1984.

Contact: James Salmon, 201 East 11th Street, Austin, Texas 78701, (512) 834-4091

Filed: July 9, 1984, 4 24 p.m.
TRD-847246

Commission on Standards for the Teaching Profession

Committees of the Commission on Standards for the Teaching Profession and the full commission will meet at 1200 East Anderson Lane, Austin. Days, times, rooms, committees, and agendas follow.

Wednesday, July 18, 1984, 8:30 a.m. In Room 101, the Committee of the Whole will conduct a work session to interpret 1984 institutional and program standards.

Thursday, July 19, 1984, 9:30 a.m. In Room 101-E, the Interim Reports Committee will consider interim reports from Concordia Lutheran College, Paul Quinn College, Texas Christian University, and the University of Texas at El Paso.

Thursday, July 19, 1984, 11:30 a.m. In Room 101-E, the Committee on Standards and Procedures for Institutional Approval will consider team reports from Bishop College, East Texas Baptist University, Paul Quinn College, Southern Methodist University, University of Houston—Victoria, and West Texas State University.

Thursday, July 19, 1984, 1:45 p.m. In Room 101-E, the Committee on Certification Programs and Requirements will discuss plans for certification tests and individual programs and study requirements for professional certificates.

Friday, July 20, 1984, 8:15 a.m. In Room 105, the Executive Committee will discuss commission agenda items.

Friday, July 20, 1984, 9 a.m. In Room 101, the commission will consider information items, including a report on legislative actions and a report on June workshop activities for the implementation of new standards; individual programs for the University of Texas at Tyler; and reports from the Interim Reports Committee, the Committee on Standards and Procedures for Institutional Approval, the Committee on Certification Programs and Requirements, and the Committee of the Whole.

Contact: Dr. Edward M. Vodicka, 201 East 11th Street, Austin, Texas 78701, (512) 834-4042

Filed: July 9, 1984, 4:24 p.m.
TRD-847240-847245

Texas State Technical Institute

Thursday, July 5, 1984, 9 a.m. The Policy Committee for Human Resources of the Texas State Technical Institute (TSTI) met

in emergency session at 3541 West Miller Road, Garland. According to the agenda, the committee reviewed alternatives for contracting TSTI group insurance for fiscal year 1985. The emergency status was necessary because the terms for contracting group insurance policy must be agreed upon before July 16, 1984.

Contact: Theodore A. Talbot, Texas State Technical Institute, Waco, Texas 76705, (817) 799-3611, ext. 3909

Filed: July 3, 1984, 4:42 p.m.
TRD-847068

Sunday and Monday, July 15 and 16, 1984, 1 p.m. and 9:15 a.m. respectively. Policy committees and the Board of Regents of the Texas State Technical Institute (TSTI) will meet in the conference room, Executive Offices Building, TSTI-System, Waco. According to the agenda, the committees and the board will approve minutes, hear the campus report, and consider the status report on enrollment estimates for the fall quarter, 1984, classes meeting with less than 10 students, a request for budget changes, a loan agreement with the United States Defense Logistics Agency, designation of a bank depository for the McAllen Extension Center, a fee schedule to recover excess costs associated with aircraft pilot training at TSTI-Waco, a lease agreement with Lazy Boy Ceramic Shop for Building 8206 at TSTI-Amarillo, an owner-easement of electrical distribution line to the Texas Power and Light Company, acceptance of student activities center at TSTI-Waco, a contract with the Hartford Insurance Company for the TSTI Group Insurance Program for fiscal year 1985, the holiday schedule for fiscal year 1985, the operating budget for fiscal year 1985 for the McAllen Extension Center, a request for legislative appropriations for the biennium beginning September 1, 1985, the next board meeting date, appointment of the Nominating Committee, and other business.

Contact: Theodore A. Talbot, Texas State Technical Institute, Waco, Texas 76705, (817) 799-3611, ext. 3909

Filed: July 5, 1984, 8:18 a.m.
TRD-847069

Texas Water Commission

The Texas Water Commission will meet in the Stephen F. Austin Building, 1700 North Congress Avenue, Austin. Days, times, rooms, and agendas follow.

Friday, August 10, 1984, 10 a.m. In Room 618, Application 4461 of Russell Lundberg and wife, Helen Lundberg, seeking a permit to maintain an existing dam and a 0.07 acre-foot capacity on-channel reservoir on an unnamed tributary of San Saba River, tributary of the Colorado River, Colorado River Basin, and to divert two acre-feet of water per annum from the reservoir for irrigation use in San Saba County.

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

Filed: July 3, 1984, 10:45 a.m.
TRD-847048

Wednesday, August 15, 1984, 10 a.m. In Room 515, application of Park 410 West, Ltd./RE-0224, seeking approval of preliminary plans to make certain improvements on Slick Creek, tributary of Leon Creek, in Bexar County

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

Filed: July 6, 1984, 10:39 a.m.
TRD-847144

Wednesday, August 22, 1984, 10 a.m. In Room 124A, application of J T Gasaway and Roger E Chapman (RE-0223) for approval of preliminary plans to make certain improvements on the Brazos River in Fort Bend County

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

Filed: July 6, 1984, 10:40 a.m.
TRD-847143

Thursday, August 23, 1984, 9 a.m. The Texas Water Commission will meet in council chambers, fifth floor, Odessa City Hall, 411 West Eighth Street, Odessa. According to the agenda summary, the commission will consider the application of Mansell Brine Sales, Inc., P O Box 884, Midland, Texas 79702, to the Texas Department of Water Resources for proposed Permit BR-50077 to authorize the production of 10 pounds per gallon of brine from a brine well located on a 191-acre permit area (West Andrews Brine Station), which will consist of three fresh water wells drilled on the site for the purpose of supplying fresh process water for the operation with one well also serving as monitor well to detect any contamination resulting from the brine operation. Surface facilities consist of a brine well, three fresh water wells, one fresh water storage tank, a lined retention pond, and related surface facilities. The production zone is the Salado Salt Formation at a depth interval of approximately 1,850 to 2,550 feet. The injection pressure of the brine well

shall not exceed a maximum of 1,050 psig. No surface discharge is authorized from any production or processing facilities.

Contact: Michael E. Field, P.O. Box 13087, Austin, Texas 78711, (512) 475-1317.

Filed: July 9, 1984, 10:19 a.m.
TRD-847189

Thursday, August 30, 1984, 9 a.m. The Texas Water Commission will meet in the community room basement, Johnson County Courthouse, Cleburne. According to the agenda summary, the commission will consider the application of Unimin Corporation, 50 Locust Avenue, New Canaan, Connecticut 06840, to the Texas Department of Water Resources for renewal of a permit which authorizes a discharge of process wastewater effluent at a volume not to exceed an average flow of 500,000 gallons per day from the sand mining and processing facilities which are located approximately 1.2 miles north of U.S. Highway 67 and 0.5 mile west of the eastern boundary of Somervell County. The effluent is discharged into George's Creek; thence to the Brazos River in Segment 1204 of the Brazos River Basin.

Contact: Carl X Forrester, P.O. Box 13087, Austin, Texas 78701, (512) 475-1418.

Filed: July 9, 1984, 10:19 a.m.
TRD-847190

Tuesday, September 11, 1984, 10 a.m. The Texas Water Commission will meet in Room 124A, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will consider Application 239A of the Northern Trust Company as trustee of Trust 2-45216 (Goodland Farms) seeking to amend Permit 228 for authorization to divert 3,750 acre-feet of water per annum directly from the Brazos River, Brazos River Basin, (with no restriction to use only two acre-feet for each acre irrigated) for irrigation use in Robertson County.

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

Filed: July 3, 1984, 10:45 a.m.
TRD-847049

**Regional Agencies
Meetings Filed July 3**

The Dawson County Central Appraisal District, Board of Directors, met at the Pheasant Restaurant, 611-B Dallas Avenue,

Lamesa, on July 11, 1984, at 7 a.m. Information may be obtained from Jim Warren, P.O. Box 797, Lamesa, Texas 79331, (806) 872-7060.

The Lee County Appraisal District, Board of Review, met at 218 East Richmond Street, Giddings, on July 10 and July 11, 1984, at 4 p.m. and 9 a.m. respectively. Information may be obtained from Delores Shaw, 218 East Richmond Street, Giddings, Texas 78942, (409) 542-9618.
TRD-847063

Meetings Filed July 5

The Brazos Valley Development Council, Executive Committee, met in the council office, 3006 East 29th, Bryan, on July 11, 1984, at 1:30 p.m. Information may be obtained from Glenn J. Cook, P O Drawer 4128, Bryan, Texas 77805-4128

The Coryell County Appraisal District, Appraisal Review Board, met in the appraisal district office, 105 North Seventh Street, Gatesville, on July 11, 1984, at 9 a.m. The Board of Directors met at the same location on July 12, 1984, at 7 p.m. Information may be obtained from Darrell Lisenbe, P.O. Box 142, Gatesville, Texas 76528, (817) 865-6593.

The Dallas Area Rapid Transit Authority, Communications and Community Involvement, met in emergency session at 601 Pacific Avenue, Dallas, on July 5, 1984, at 4 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 748-3278.

The Edwards County Appraisal District, Board of Directors, met in the new county office building, Rocksprings, on July 10, 1984, at 9 a.m. Information may be obtained from Glen T Whitehead, P O. Box 378, Rocksprings, Texas 78880, (512) 683-2337.

The Gonzales County Appraisal District, Appraisal Review Board, will meet in Suite 201, Gonzales Bank Building, 508 St Louis Street, Gonzales, on July 17-19, 1984, at 6 p.m. daily. Information may be obtained from Nancy Sertz, P.O. Box 867, Gonzales, Texas 78629, (512) 672-2879

The Hansford County Appraisal District, Appraisal Review Board, met at 13 West Kenneth Avenue, Spearman, on July 10, 1984, at 8 a.m. The board met at the same location on the same day at 9 a.m. Information may be obtained from Alice Peddy,

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Box 567, Spearman, Texas, 79081, (806) 659-5575.

The Hays County Central Appraisal District, Board of Directors, met in the boardroom, Hays Consolidated Independent School District, Buda, on July 10, 1984, at 7:30 p.m. Information may be obtained from Lynnell Sedlar, 102 LBJ Drive, San Marcos, Texas 78666

The Hockley County Appraisal District, Appraisal Review Board, met at 913 Austin Street, Levelland, on July 13, 1984, at 1:30 p.m. Information may be obtained from Keith Toomire, P.O. Box 1090, Levelland, Texas 79336, (806) 894-9654.

The Hood County Appraisal District, Appraisal Review Board, will meet in the district office, 1902 West Pearl, Granbury, on July 13 and 16-20, 1984, at 9:30 a.m. daily. Information may be obtained from Ben H. Griffin, P.O. Box 819, Granbury, Texas 76048, (817) 573-2471

The Lamb County Appraisal District, Board of Directors, will meet at 318 Phelps Avenue, Littlefield, on July 19, 1984, at 8:30 p.m. Information may be obtained from Jack Samford, P.O. Box 552, Littlefield, Texas 79339, (806) 385-6474.

The Mills County Appraisal District, Appraisal Review Board, will meet in the Mills County Courthouse, Goldthwaite, on July 16-18, 1984, at 9 a.m. daily. Information may be obtained from Doran E. Lemke, Box 565, Goldthwaite, Texas 76844, (915) 648-2253.

The Nolan County Central Appraisal District, Board of Directors, met in Suite 305B, Nolan County Courthouse, Sweetwater, on July 11, 1984, at 1:30 p.m. Information may be obtained from Patricia Davis, P.O. Box 1256, Sweetwater, Texas 79556, (915) 235-8421.

The Central Appraisal District of Rockwall, Board of Directors, met at 106 North San Jacinto, Rockwall, on July 10, 1984, at 7:30 p.m. Information may be obtained from Eugene Daffin, 106 North San Jacinto, Rockwall, Texas 75087.

The South Plains Association of Governments, Executive Committee, met at 3424 Avenue H, Lubbock, on July 10, 1984, at 9 a.m. The Board of Directors met at the same location on the same day at 10 a.m. Information may be obtained from Jerry D. Casstevens, P.O. Box 2787, Lubbock, Texas 79408, (806) 762-8721.

The Upshur County Appraisal District, Board of Directors, met in the Upshur County Appraisal District office, Warren and Trnity Streets, Gilmer, on July 9, 1984, at 7:30 p.m. Information may be obtained from Louise Stracener, P.O. Box 31, Gilmer, Texas 75644, (214) 843-3041.

The West Central Texas Council of Governments, Texas Community Development Program Regional Review Committee, will meet at 1025 East North 10th Street at Judge Ely Boulevard, Abilene, on July 18, 1984, at 9 a.m. Information may be obtained from James K. Compton, P.O. Box 3195, Abilene, Texas 79604, (915) 672-8544

The Wise County Appraisal District, Board of Directors, met at 206 South State, Decatur, on July 11, 1984, at 9 a.m. Information may be obtained from Angela Caraway, P.O. Box 509, Decatur, Texas 76234, (817) 627-3081.

TRD-847083

Meetings Filed July 6

The Bosque County Appraisal District, Board, will meet in emergency session in the Bosque County Courthouse, Meridian, on July 19, 1984, at 7 p.m. Information may be obtained from David G. Cooper, Box 393, Meridian, Texas 76665, (817) 435-2019

The Capital Area Rural Transportation System (CARTS), Board of Directors, met in the conference room, Suite 100, CAPCO office, 2520 IH 35 South, Austin, on July 12, 1984, at 9:30 a.m. Information may be obtained from Nancy Kowieski, 2520 IH 35 South, Austin, Texas 78704, (512) 443-0904.

The Central Texas Council of Governments, Area Agency on Aging, will meet at 302 East Central, Belton, on July 18, 1984, at 2 p.m. Information may be obtained from Margareta A. Williams, Box 729, Belton, Texas 76513, (817) 939-1801

The Dallas Area Rapid Transit Authority, By-Laws Committee, met at 601 Pacific Avenue, Dallas, on July 10, 1984, at 8 a.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 748-3278

The Dallas County Appraisal District, Board of Directors, met at 2601 Live Oak, Dallas, on July 11, 1984, at 7:30 a.m. Information may be obtained from Shirley Lensky, 2601 Live Oak, Dallas, Texas 75204, (214) 826-1480.

The Deep East Texas Council of Governments—Area Agency on Aging, Regional Aging Advisory Council, met in the Angelina County Senior Citizens Center, 2801 Valley Avenue, Lufkin, on July 13, 1984, at 1:30 p.m. Information may be obtained from Martha Jones, 272 East Lamar Street, P.O. Drawer 1170, Jasper, Texas 75951, (409) 384-5704.

The Edwards County Appraisal District, Appraisal Review Board, met in the new county office annex, Edwards County Office Building, Rocksprings, on July 13, 1984, at 9:30 a.m. The board also will meet at the same location on July 16-19 and 24, 1984, at 10 a.m. daily. Information may be obtained from Glen T. Whitehead, Box 378, Rocksprings, Texas 78880, (512) 683-2337.

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

The Houston-Galveston Area Council, Natural Resources Advisory Committee, will meet at 3701 West Alabama, Houston, on July 19, 1984, at 3 p.m. Information may be obtained from Carl E. Masterson, P.O. Box 22777, Houston, Texas 77027, (713) 627-3200.

The Central Appraisal District of Johnson County, Board of Directors, will meet at 109 North Main, Cleburne, on July 18, 1984, at 7:30 p.m. and 8 p.m. Information may be obtained from Don Gilmore, 109 North Main, Cleburne, Texas 76031, (817) 645-3986.

The Appraisal District of Jones County, Board of Directors, will meet at 1137 East Court Plaza, Anson, on July 19, 1984, at 9 a.m. Information may be obtained from John Steele, P.O. Box 348, Anson, Texas 79501, (915) 823-2422

The Middle Rio Grande Development Council, Regional Review Committee, met in the Crazy Horse Meeting Room, off IH 35, Cotulla, on July 10, 1984, at 1 p.m. Information may be obtained from Mike Patterson, P.O. Box 702, Carrizo Springs, Texas 78834, (512) 876-3533

The Palo Pinto Appraisal District, Board of Review, met at the Palo Pinto Courthouse, Palo Pinto, on July 10, 1984, at 1:30 p.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, Regional Review Advisory Committee, met in a rescheduled session at the Zapata Community Center, Zapata, on July 10, 1984, at 3 p.m. Information may be obtained from Juan Vargas, P.O. Box 2187, Laredo, Texas 78044-2187, (512) 722-3995.
TRD-847114

Meetings Filed July 9

The Capital Area Planning Council, Executive Committee, will meet in Suite 100, 2520 IH 35 South, Austin, on July 17, 1984, at 2 p.m. Information may be obtained from Richard G. Bean, 2520 IH 35 South, Suite 100, Austin, Texas 78704, (512) 443-7653.

The Colorado River Municipal Water District, Board of Directors, met at 400 East 24th Street, Big Spring, on July 12, 1984, at 2:30 p.m. Information may be obtained from O. H. Ivie, P.O. Box 869, Big Spring, Texas 79720, (915) 267-6341.

The Dallas Area Rapid Transit Authority, Search Committee, met in emergency session at 601 Pacific Avenue, Dallas, on July 11, 1984, at 1 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 748-3278.

The Dallas County Appraisal District, Appraisal Review Board, will meet at 2601 Live Oak, Dallas, on July 20, 1984, at 2 p.m. Information may be obtained from Shirley Lensky, 2601 Live Oak, Dallas, Texas 75204, (214) 826-1480

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

The Fisher County Appraisal District, Appraisal Review Board, will meet in the commissioners courtroom, Fisher County

Courthouse, Roby, on July 18-20, 1984, at 10 a.m. daily. Information may be obtained from Ginger Green, P.O. Box 516, Roby, Texas 79543, (915) 776-2733.

The Gillespie County Appraisal District, Board of Directors, will meet in the City Hall Assembly Room, Fredericksburg, on July 18, 1984, at 9 a.m. Information may be obtained from Gary Neffendorf, P.O. Box 429, Fredericksburg, Texas 78624, (512) 997-7655.

The Houston-Galveston Area Council, Project Review Committee, will meet in the large conference room, 3701 West Alabama Street, Houston, on July 17, 1984, at 8:30 a.m. The Board of Directors will meet at the same location on the same day at 9:30 a.m. Information may be obtained from Geraldine McCray, P.O. Box 22777, Houston, Texas 77027, (713) 627-3200.

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

The Lower Neches Valley Authority, Board of Directors, will meet at 7850 Eastex Freeway, Beaumont, on July 17, 1984, at 10:30 a.m. Information may be obtained from J.D. Nixon, P.O. Drawer 3464, Beaumont, Texas 77704, (409) 892-4011

The Middle Rio Grande Development Council, A-95 Project Review Committee, met in emergency session in the district courtroom, Kinney County Courthouse, Brackettville, on July 11, 1984, at 11 a.m. Information may be obtained from Oral: Saldua, Del Rio National Bank, Room 307, Del Rio, Texas 78840, (512) 774-4949.

The Nortex Regional Planning Commission, Executive Committee, will meet in the Clipper Room, Trade Winds Motor Hotel, 1212 Broad Street, Wichita Falls, on July 19, at noon. Information may be obtained from Edwin B. Daniel, 2101 Kemp Boulevard, Wichita Falls, Texas 76309, (817) 322-5281.

The Permian Basin Regional Planning Commission, Board of Directors, will meet at the Winkler County Country Club, Kermit, on July 13, 1984, at 2 p.m. Information may be obtained from Pam K. Hammit, P.O. Box 6391, Midland, Texas 79701, (915) 563-1061.

The Red River Authority of Texas, Board of Directors, met in emergency session in Room 218, Activity Center, 1001 Indiana, Wichita Falls, on July 12, 1984, at 9:30 a.m. Information may be obtained from Fred Parkey, 302 Hamilton Building, Wichita Falls, Texas 76301, (817) 723-8697.

TRD-847191

Meetings Filed July 10

The Central Counties Center for Mental Health and Mental Retardation Services, Board of Trustees, will meet at 302 South 22nd Street, Temple, on July 17, 1984, at 7:45 p.m. Information may be obtained from Steven B. Schnee, Ph.D., P.O. Box 518, Temple, Texas 76503, (817) 778-4841.

The Lee County Appraisal District, Board of Review, will meet at 218 East Richmond Street, Giddings, on July 18, 1984, at 9 a.m. The board also will meet at the same location on July 19, 1984, at the same time. Information may be obtained from Delores Shaw, 218 East Richmond Street, Giddings, Texas 78942, (409) 542-9618

The South Texas Development Council, STED Corporation Board of Trustees, will meet at the Zapata County Public Library, Zapata, on July 19, 1984, at 10 a.m. Information may be obtained from Roberto Mendiola, P.O. Box 2187, Laredo, Texas 78044-2187, (512) 722-3995

The Tyler County Tax Appraisal District, Board of Review, will meet at 1004 West Bluff, Woodville, on July 16, 1984, at 10 a.m. The board also will meet at the same location on July 20 and 25, 1984, at 1 p.m. daily. Information may be obtained from Mary F. Mann, 1004 West Bluff, Woodville, Texas 75979, (409) 283-3736.

TRD-847253

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 Applications for Construction Permits

The Texas Air Control Board gives notice of applications for construction permits received during the period of June 25-29, 1984.

Information relative to the following applications, including projected emissions and the opportunity to comment or to request a hearing, may be obtained by contacting the office of the executive director at the central office of the Texas Air Control Board, 6330 Highway 290 East, Austin, Texas 78723.

A copy of all material submitted by the applicant is available for public inspection at the central office of the Texas Air Control Board at the previously mentioned address, and at the regional office for the air quality control region within which the proposed facility will be located.

Listed are the names of the applicants and the cities in which the facilities are located, type of facilities, location of the facilities (if available), permit numbers; and type of application—new source or modification.

Southwestern Portland Cement Company, Odessa, cement handling and grinding system; Odessa, Ector County, 9490, new source,

Cosden Oil and Chemical Company, Big Spring, HDS unit revamp/petroleum refinery; IH 20 East, 9491, new source.

El Dorado Chemical Company, Inc., Terrell; ammonia storage, Terrell, Kaufman County; 7718A, modification.

El Dorado Chemical Company, Inc., Corsicana; bulk storage facility, Corsicana, Navarro County, 4425A, modification.

Textstyrene Plastics, Inc., Fort Worth, expandable styrene; 3607 North Sylvania, 4182B; modification.

Quail Plastics Corporation, Wichita Falls, PVC pipe extrusion plant, 3348 Industrial Drive; 1799D, modification.

Diamond Shamrock Chemicals Company, Deer Park; combined cycle cogeneration facility; Tidal Road; 9492; new source.

Armor Cote Corporation, Robstown; pipe coating facility; Robstown, Nueces County; 8584A; modification.

Longview Asphalt, Inc., Longview, soil stabilization plant; 1301 Ray Street, 3897A; modification.

GATX Terminals Corporation, Galena Park; barge loading/unloading facility, 906 Clinton Drive; 9493, new source.

North Texas Aggregates, Inc., Fort Worth; recycling of asphalt paving material, 2301 Austin Road, 8469B, modification.

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

TRD-847064

Paul Shinkawa
Director of Hearings
Texas Air Control Board

Filed July 3, 1984

For further information, please call (512) 451-5711, ext 354.

Banking Department of Texas Application to Acquire Control of a State Bank

Texas Civil Statutes, Article 342-401a, require any person who intends to buy control of a state bank to file an application with the banking commissioner for the commissioner's approval to purchase control of a particular bank. A hearing may be held if the application is denied by the commissioner.

On June 1, 1984, the banking commissioner received an application to acquire control of First State Bank of Bryson, Bryson, by Arthur S. Shanafelt, Sam A. Shanafelt, Larry D. Hargrove, and Stephen F. Stamper, all of Jacksboro.

On July 5, 1984, notice was given that the application would not be denied.

Additional information may be obtained from William F. Aldridge, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 475-4451.

Issued in Austin, Texas, on July 3, 1984

TRD-847062 William F. Aldridge
Director of Corporate Activities
Banking Department of Texas

Filed: July 5, 1984

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

Comptroller of Public Accounts Decision 14,642

For copies of the following opinion, contact Bob Bullock, Comptroller of Public Accounts, Attention: Administrative Law Judges, 111 East 17th Street, Austin, Texas 78774. Copies will be furnished without charge and edited to comply with confidentiality statutes.

Summary of Decision. The taxpayer contends that since it is on the cash basis of accounting, it does not owe sales tax to the state until it has received both the sales price and the sales tax from its customers. Comptroller held that a cash basis taxpayer must report a sale as having occurred when payment for that sale has been received. Sales tax is due when the sale occurs, regardless of whether or not the taxpayers has received payment of the tax from the customer.

Issued in Austin, Texas, on July 5, 1984

TRD-847106 Bob Bullock
Comptroller of Public Accounts

Filed July 5, 1984

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

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) 07/16/84-07/22/84	21.00%	21.00%
Monthly Rate—Article 1.04(c) ⁽¹⁾ 07/01/84-07/31/84	21.13%	21.13%

Type of Rate Ceilings Effective Period (Dates are Inclusive)	Consumer ⁽³⁾ Agricultural/Commercial ⁽⁴⁾ thru \$250,000	Commercial ⁽⁴⁾ over \$250,000
Standard Quarterly Rate—Article 1.04(a)(2) 07/01/84-09/30/84	19.90%	19.90%
Retail Credit Card Quarterly Rate—Article 1.11 ⁽³⁾ 07/01/84-09/30/84	19.90%	N/A
Lender Credit Card Quarterly Rate—Article 15.02(d) ⁽³⁾ 07/01/84-09/30/84	19.90%	N/A
Standard Annual Rate—Article 1.04(a)(2) ⁽²⁾ 07/01/84-09/30/84	19.90%	19.90%
Retail Credit Card Annual Rate—Article 1.11 ⁽³⁾ 07/01/84-09/30/84	19.90%	N/A
Annual Rate Applicable to Pre-July 1, 1983, Retail Credit Card and Lender Credit Card Balances with Annual Implementation Dates from 07/01/84-09/30/84	18.65%	N/A
Judgment Rate—Article 1.05, §2 07/01/84-07/31/84	10.92%	10.92%

- (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 July 9, 1984

TRD-847165 Sam Kelley
Consumer Credit Commissioner

Filed: July 9, 1984

For further information, please call (512) 475-2111.



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

Notice is 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.

Hillcrest Baptist Medical Center, a Texas nonprofit corporation, Waco
AN84-0627-415

NIEH—Request for a declaratory ruling that a certificate of need is not required for Hillcrest Baptist Medical Center, a Texas nonprofit corporation, to purchase from The Citizens Company the land and building on which Hillcrest Manor Nursing Home is operated. Hillcrest Manor Nursing Home is an existing 60-bed ICF nursing facility located in Waco.

Four Seasons Nursing Centers, Inc., for Four Seasons Nursing Center of Odessa, Odessa
AN83-0713-038A(062784)

CN/AMD—Request for an amendment of Certificate of Need AN83-0713-038, which authorized the certificate holder to provide skilled nursing care by reclassifying 56 ICF beds to skilled nursing care. The certificate holder requests an amendment to allow the conversion of only 26 ICF beds to skilled. There will be no change in the facility's total number of licensed beds.

Alliance Healthcare Corporation, Erdenheim,
Pennsylvania
AH84-0621-399

NIEH—Request for a declaratory ruling that a certificate of need is not required for Alliance Healthcare Corporation to acquire Certificate of Need AH83-0929-183, which was issued to South Central Health Services, Inc., a wholly owned subsidiary of Northwestern Corporation, on February 23, 1984, authorizing the construction, equipping, and operation of a 40-bed psychiatric hospital in Nacogdoches, to be known as Pinelands Hospital. The acquisition will result from the purchase by Alliance Healthcare Corporation of 100% of the stock of South Central Health Services, Inc.

Issued in Austin, Texas, on July 9, 1984

TRD-847177 John R. Neel
General Counsel
Texas Health Facilities
Commission

Filed: July 9, 1984

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

State Board of Insurance Company Licensing

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

(1) Application for a name change by Lutheran Mutual Life Insurance Company, a foreign life insurance company. The home office is in Waverly, Iowa. The proposed new name is Century Life of America.

(2) Application for a name change by PWM Life Insurance Company, a domestic life insurance company. The home office is in Dallas. The proposed new name is First Republic Life Insurance Company.

(3) Application for admission to do business in Texas of Ansvar American Insurance Company, a foreign fire and casualty insurance company. The home office is in Rolling Meadows, Illinois.

Issued in Austin, Texas, on July 6, 1984

TRD-847164 James W. Norman
Chief Clerk
State Board of Insurance

Filed July 6, 1984

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

Public Hearing

The State Board of Insurance gives notice of a public hearing to be held at 9 a.m. on Thursday, July 26, 1984, in the hearing room, DeWitt C. Greer Building, 11th and Brazos Streets, Austin. The purpose of the hearing is to consider amendments to the *Texas Basic Manual of Rules, Classifications, and Rates for Workers' Compensation and Employers' Liability Insurance* (Rule 059.05 55.001) and the *Texas Experience Rating Plan Manual Workers'*

Compensation Insurance (Rule 059.05.58.002) which will include amendments to manual rules, endorsements, classifications, rating plans, and such other matters as may be properly brought before the board pursuant to the provisions of the Texas Insurance Code, Articles 5.55-5.76 and 5.96. The items to be considered by the board are as follows.

Agenda Item 84.1. The Texas Classification and Rating Committee requests that the board consider and adopt an amendment to Rule II-G Waiver of Subrogation of the *Texas Basic Manual of Rules, Classifications, and Rates for Workers' Compensation and Employers' Liability Insurance*, hereinafter referred to as the basic manual. The purpose of this item is to provide for both a specific and a blanket waiver of subrogation, as opposed to the present specific alone, as there is more and more demand for blanket waivers

Agenda Item 84.2. The Texas Classification and Rating Committee requests that the board consider and adopt an amendment to the miscellaneous values section of the rate pages of the basic manual which refers to Code 7382—Taxicab Company and Limousine Company. The purpose of this item is to adjust the stated salary amounts upward in an effort to eliminate the premium loss suffered as a result of the rate offsets which accompanied the weekly payroll limitation rule change

Agenda Item 84.3. The Texas Classification and Rating Committee requests that the board consider and adopt a revised waiver of subrogation endorsement, the Texas Waiver of Our Right to Recover from Others Endorsement. The purpose of the revised endorsement is to accommodate the rule change requested in Agenda Item 84.1.

Agenda Item 84.4. The National Council on Compensation Insurance requests that the board consider and adopt the following amendments to classifications involving standard exceptions found in the classification section of the basic manual:

- (1) eliminate "& Salespersons" from Code 8017—AUCTIONEERS;
- (2) eliminate "Salespersons" from Code 8046—AUTOMOBILE ACCESSORY STORE—RETAIL—NOC & Drivers,
- (3) eliminate "& Drivers" from Code 5102—AWN-ING, Tent, or canvas goods ERECTION, Removal or Repair,
- (4) eliminate "Salespersons," from Code 2003—BAKERY & Drivers, Route Supervisors;
- (5) eliminate "& clerical" from Code 9015—CAMP OPERATIONS NOC,
- (6) eliminate "& Drivers" from Code 5102—CAN-VAS GOODS, Awning or Tent ERECTION, Removal or Repair;
- (7) eliminate "& Drivers" from Code 3082—CAR WHEEL MFG—RAILROAD,
- (8) eliminate "Salespersons" from Code 2581—CARPET, Rug, or Upholstery CLEANING—shop or outside & Drivers,
- (9) eliminate "& Drivers" from Code 9549—DECO-RATING;

(10) eliminate "& Clerical" from Code 4282—DRESS PATTERN MFG.—paper;

(11) eliminate "Salespersons," from Code 7539—ELECTRIC Light or POWER CO NOCALL EMPLOYEES & Drivers,

(12) eliminate "Salespersons." from Code 7502—GAS CO—NATURAL gas—LOCAL DISTRIBUTION—Drivers;

(13) eliminate "Salespersons," from Code 8753—HOUSEHOLD FURNISHINGS or Wearing Apparel DEALER—RETAIL—& Drivers,

(14) add "& Drivers" to Code 1430—LEAD MFG & Drivers,

(15) add "& Drivers" to Code 3331—LEAD WORKS & Drivers;

(16) add "clerical" to Code 9610—MOTION PIC-TURE PRODUCTION—in studios or outside—ALL OPERATIONS UP TO THE DEVELOPMENT OF NEGATIVES & Clerical, Drivers;

(17) eliminate "& Drivers" from Code 8601—OIL OR GAS GEOLOGIST or Scout;

(18) add "& Drivers" to Code 3331—PIPE or Tube MFG—Lead & Drivers;

(19) eliminate "Salespersons" from Code 7610—RADIO or Television BROADCASTING STATION—ALL EMPLOYEES & Clerical, Drivers;

(20) eliminate "Salespersons" from Code 2581—RUG, Carpet, or Upholstery CLEANING—shop or out-side—& Drivers;

(21) eliminate "Salespersons" from Code 7502—STEAM Heating or POWER CO—ALL EMPLOYERS & Drivers,

(22) eliminate "Salespersons" from Code 8046—Store. AUTOMOBILE ACCESSORIES—RETAIL—NOC & Drivers,

(23) eliminate "& Salespersons, Clerical" from Code 8039—Store DEPARTMENTS—RETAIL;

(24) eliminate "Salespersons" from Code 7610—TELEVISION or RADIO BROADCASTING STA-TION—ALL EMPLOYEES & Clerical, Drivers,

(25) eliminate "& Drivers" from Code 5102—TENT, Awning, or Canvas Goods ERECTION, Removal, or Re-pair;

(26) eliminate "& Clerical, Salespersons, Drivers" from Code 9154—THEATRE—DRIVE-IN—ALL EM-PLOYEES;

(27) eliminate "Salespersons" from Code 2587—TOILET or Towel SUPPLY CO & Route Supervisors, Drivers,

(28) eliminate "Salespersons," from Code 2587—TOWEL or Toilet SUPPLY CO & Route Supervisors, Drivers,

(29) eliminate "Salespersons" from Code 7230—TRUCKING PARCEL or Package DELIVERY—ALL EMPLOYEES & Drivers;

(30) eliminate "Clerical" from Code 9077—UNITED STATES ARMED SERVICE RISK—ALL EMPLOYEES & Drivers,

(31) eliminate "Salespersons" from Code 2581—UP-HOLSTERY, Carpet, or Rug CLEANING & Drivers;

(32) eliminate "Salespersons" from Code 8209—VEGETABLE PACKING & Drivers;

(33) eliminate "Salespersons," from Code 7520—WATERWORKS OPERATIONS & Drivers;

(34) eliminate "Salespersons" from Code 8753—WEARING APPAREL or Household Furnishings DEALER—RETAIL—& Drivers

The purpose of this item is to remove the current inclusion of clerical employees or outside salespersons from certain classifications and to make changes within other classifications to assure that subclassifications contain the same inclusions as the principal classifications

Agenda Item 84.5. The staff of the State Board of Insurance recommends that the board adopt the following amendments to the classification section of the basic manual.

(1) Relocate the classification BREEDING FARM or stable & Drivers 8279 from the rules section to the classification section of the basic manual,

(2) amend the classification CLEANER—DEBRIS REMOVAL 5610 to read CLEANER—DEBRIS REMOVAL—BY SPECIALTY CONTRACTOR 5610;

(3) add the reference title Domestic Workers—Residences—See basic manual Rule XV,

(4) reclassify HEALTH or Exercise INSTITUTE & Clerical from Code 9062 to 9063,

(5) amend the classification HOUSE FURNISHINGS INSTALLATION NOC & Drivers 9521 to read HOUSE FURNISHINGS INSTALLATION NOC & UPHOLSTERING & Drivers 9521,

(6) amend the classification IRON OR STEEL· IRON WORKS—SHOP—ORNAMENTAL —& Drivers 3040 to read IRON OR STEEL IRON WORKS—SHOP—NONSTRUCTURAL—& Drivers 3040,

(7) amend the classification PAINTING, DECORATING OR PAPER HANGING NOC & Drivers 5474 to read PAINTING OR PAPER HANGING NOC & shop operations, Drivers 5474,

(8) relocate the classification STABLE or Breeding Farm & Drivers 8279 from the rules section of the classification section of the basic manual,

(9) reclassify YMCA and YWCA INSTITUTION· RESTAURANT EMPLOYEES 9079 to YMCA and YWCA INSTITUTION—ALL EMPLOYEES & Clerical 9063,

(10) operations formerly assigned to YMCA and YWCA INSTITUTION· TEACHERS AND INSTRUCTORS 8866 and ALL OTHER EMPLOYEES 9062 are to be included in YMCA and YWCA INSTITUTION—ALL EMPLOYEES & Clerical 9063 The purpose of these amendments is an updating in phraseology or to clarify application in certain instances

Agenda Item 84.6. The staff of the State Board of Insurance recommends that the board adopt the following amendments to the classification underwriting guide of the basic manual

(1) Reclassify Boats and Motors—Outboard Type—Sales and Service 8018 to Boats and Motors—Pleasure Craft Sales 8748, Service 8391,

(2) reclassify Health Clubs from Code 9062 to 9063;

(3) add the classification Computer Sales—retail store 8017;

(4) amend the classification Service Station and Garage Equipment Dealers—& Chauffeurs 7999 to read Service Station and Garage Equipment Dealer & Drivers

7999. The purpose of this item is to update the classification underwriting guide with several current assignments

Agenda Item 84.7. The staff of the State Board of Insurance recommends that the board adopt the following classifications applicable to farming and agricultural operations:

(1) Animal Raising & Drivers 0170,
(2) Berry or Vineyard & Drivers 0079;
(3) CATTLE or Livestock RAISING NOC & Drivers 0083;

(4) DAIRY & Drivers 0036;

(5) EGG or Poultry PRODUCER & Drivers 0113;

(6) FIELD CROPS & Drivers 0037,

(7) FISH HATCHERY & Drivers 0113;

(8) FLORIST & Drivers 0035,

(9) GARDENING—market or truck & Drivers 0008;

(10) GOAT or Sheep RAISING & Drivers 0169;

(11) LIVESTOCK or Cattle RAISING NOC & Drivers 0083;

(12) NURSERY EMPLOYEES & Drivers 0005;

(13) ORCHARD & Drivers 0016;

(14) POULTRY or Egg PRODUCER & Drivers 0113;

(15) SHEEP or Goat RAISING & Drivers 0169;

(16) VEGETABLE & Drivers 0008,

(17) VINEYARD or Berry & Drivers 0079;

(18) NOC & Drivers 0011 The purpose of the item is to enlarge the classification schedule for farm and ranch workers which is in response to such a request by the board-appointed Advisory Committee on Agricultural Workers Compensation Classifications

Agenda Item 84.8. The staff of the State Board of Insurance recommends that the board adopt the Interpretation Section—Classifications as part of the classification underwriting guide of the basic manual. The interpretation section is designed to further define the application of class codes whose definition may not be so explicitly stated elsewhere in this manual Its purpose is to assist the underwriter and others in properly classifying and rating a risk. In all instances are these interpretations subject to the rules of the manual pertaining to classification assignments This item is in response to a request by the board-appointed Advisory Committee on Agricultural Workers' Compensation Classifications for a further definition of classifications applicable to agricultural workers

Agenda Item 84.9. The staff of the State Board of Insurance recommends that the board amend Rule XV, concerning domestic and agricultural workers, of the basic manual. The purpose of this item is to revise the rules to coincide with the expansion of the farm and ranch worker schedule and the deletion of several existing classifications.

Agenda Item 84.10. The staff of the State Board of Insurance recommends that the board adopt various amendments to the rule section of the basic manual The purpose of this item is purely editorial so that the rules and references of the manual will coincide with those stated in the new policy.

Agenda Item 84.11. The staff of the State Board of Insurance recommends removal of all but the retro endorsements from the endorsement supplement of the basic manual These endorsements have been replaced by en-

dorsements which are more compatible with the new policy.

Agenda Item 84.12. The West Gulf Maritime Association submits the request that the board amend its order of March 14, 1984, eliminating the \$300 weekly payroll limitation and substituting total payroll for use in premium computation so as to reinstate the \$300 weekly payroll limitation for contract stevedores. Further evidence pertinent to this request will be presented at the hearing.

Agenda Item 84.13. The United Employers Insurance Company submits the request that the rate offsets applicable to the temporary labor contractor segment of industry, as identified by class Codes 4022, 5608, 7371, 8019, and 8294, which were promulgated effective May 1, 1984, be withdrawn in favor of an offset factor of unit (1.00). Evidence pertinent to this request will be presented at the hearing.

Issued in Austin, Texas, on July 6, 1984

TRD-847163 James W Norman
Chief Clerk
State Board of Insurance

Filed July 6, 1984

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



Legislative Budget Office Joint Budget Hearing Schedules

The Executive and Legislative Budget Offices will conduct a joint public hearing for the period of July 9-13, 1984, concerning appropriations requests for the 1986-1987 biennium. Individuals planning to attend should confirm the date, time, and location of the hearing, since experience has shown that some rescheduling always occurs.

Agency	Date	Place
Advisory Commission on Intergovernmental Relations	2 p m - July 13	Room 408, Sam Houston Building, 201 East 14th Street, Austin

Issued in Austin, Texas, on July 6, 1984

TRD-847111 Larry Kopp
Assistant Director for Budgets
Legislative Budget Office

Filed July 6, 1984

For further information, please call (512) 475-3426

The Executive and Legislative Budget Offices will conduct joint budget hearings for the period of July 16-20, 1984,

concerning appropriations requests for the 1986-1987 biennium. Individuals planning to attend should confirm the dates, times, and locations of the hearings, since experience has shown that some rescheduling always occurs.

Agency	Date	Place
Public Utility Commission of Texas	2 p m - July 16	Room 618, Stephen F Austin Building, 1700 North Congress Avenue, Austin
Texas Commission on Human Rights	8 a m - July 17	Room 503-G, Sam Houston Building, 201 East 14th Street, Austin
Texas State University System-Central Office	9 a m - July 17	Room 505, Sam Houston Building, 201 East 14th Street, Austin
Sam Houston State University	9 30 a m - July 17	Room 505, Sam Houston Building, 201 East 14th Street, Austin
Texas Merit System Council	10 a.m - July 17	Room 503-G, Sam Houston Building, 201 East 14th Street, Austin
Texas State Board of Pharmacy	10 30 a m - July 17	Room 304, John H Reagan Building, 105 West 15th Street, Austin
Sam Houston Memorial Museum	11 a m - July 17	Room 505, Sam Houston Building, 201 East 14th Street, Austin
Sul Ross State University	1 30 p m - July 17	Room 505, Sam Houston Building, 201 East 14th Street, Austin
Texas Optometry Board	1 30 p m - July 17	Room 503-G, Sam Houston Building, 201 East 14th Street, Austin
Texas Cosmetology Commission	2 p m - July 17	Room 618, Stephen F Austin Building, 1700 North Congress Avenue, Austin
Angelo State University	2 30 p m - July 17	Room 505, Sam Houston Building, 201 East 14th Street, Austin
Texas Board of Land Surveying	9 30 a m - July 18	Room 304, John H Reagan Building, 105 West 15th Street, Austin
Railroad Commission of Texas	10 a m - July 18	Room 618, Stephen F Austin Building, 1700 North Congress Avenue, Austin
Texas State Board of Medical Examiners	1 30 p m - July 18	Room 503 G, Sam Houston Building, 201 East 14th Street, Austin
Board of Vocational Nurse Examiners	9 a m - July 19	Room 304, John H Reagan Building, 105 West 15th Street, Austin
Texas National Guard Armory Board	9 a m - July 19	Conference Room, Building 1, Camp Mabry, Austin
The Adjutant General's Department	10 30 a m - July 19	Conference Room, Building 1, Camp Mabry, Austin
State Board of Veterinary Medical Examiners	2 p m - July 19	Room 304, John H Reagan Building, 105 West 15th Street, Austin
Board of Professional Tax Examiners	9 a m - July 20	Conference Room, State Property Tax Building, Austin

Issued in Austin, Texas, on July 6, 1984

TRD-847110 Larry Kopp
Assistant Director for Budgets
Legislative Budget Office

Filed July 6, 1984

For further information, please call (512) 475-3426

**Texas State Library and Archives
Commission
Consultant Contract Reports**

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

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

Agency: Texas Education Agency
Consultant: IOX Assessment Associates
Titles: *Appraising the Preprofessional Skills Test for the State of Texas: Report Number 1, Test Suitability and Performance Standards*
Appraising the Preprofessional Skills Test for the State of Texas: Report Number 2, Student Perceptions Regarding Adequacy-of-Preparation
Appraising the Preprofessional Skills Test for the State of Texas: Report Number 3, Textbook Analysis
Appraising the Preprofessional Skills Test for the State of Texas: Report Number 4, Student Performance Data
Appraising the Preprofessional Skills Test for the State of Texas: Report Number 5, Standards-Advisors Performance Standards Recommendations
Appraising the Preprofessional Skills Test for the State of Texas: Final Report, A Synthesis of Study Results
Appraising the Preprofessional Skills Test for the State of Texas: Executive Summary

Agency: Texas Industrial Commission
Consultant: Louis Morales
Title: *Quarterly Report, International Division, Texas Economic Development Commission, First and Second Quarters, 1984*

Agency: North Central Texas Council of Governments
Consultant: Charles River Associates, Inc.
Title: *Fare System and Equity Study: Final Report*
Consultant: Peat, Marwick, Mitchell & Company
Title: *Regional Crime Analysis Information System: Final Report*
Consultant: William G. Barker and Associates; Robert Nelson, Transportation Consultants
Title: *Transit Development Program Update for the City of Fort Worth Phase I*

Agency: Texas Parks and Wildlife Department
Consultant: Arthur Andersen & Company.

Title: *Long-Range Plan for Automated Information Systems*

Agency: State Property Tax Board
Consultant: Pritchard & Abbott, Capitol Appraisal, Thomas Y. Pickett

Title: *Final Report of the Findings of the 1983 Property Value Study of School and Appraisal Districts*

Agency: The Prosecutor Council
Consultant: Texas District and County Attorneys Association
Title: *Annual Prosecutor Investigators School Packet*

Agency: Texas Tourist Development Agency
Consultant: Pannell Kerr Forster
Title: *Estimated Volume of Out-of-State Overnight Visitors to Texas*

Issued in Austin, Texas, on July 3, 1984

TRD-847122 William D. Gooch
Assistant State Librarian
Texas State Library and
Archives Commission

Filed: July 6, 1984

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

**Texas Low-Level Radioactive
Waste Disposal Authority
Request for Interest**

The Texas Low-Level Radioactive Waste Disposal Authority is seeking firms interested in operating a site for the disposal of low-level radioactive waste materials produced in Texas. This solicitation is only to determine the level of interest of those firms qualified to operate such sites and does not necessarily indicate a decision by the authority to select a private contractor.

The authority was created by the 67th Legislature, 1981, to locate, license, construct, and operate one site for the disposal of low-level radioactive wastes produced in Texas. The Act, Texas Civil Statutes, Article 4590f-1, §3.20, which establishes the authority, permits the authority to contract with persons for the operation of the site. However, no contract can relieve the authority of its management responsibility under this Act.

The authority's governing board will adopt rules governing acceptance of wastes and maintenance, monitoring, operation, and management of the site. Firms contracting to operate the site will be subject to these rules. Rules establishing criteria for determining the competence of a person to perform site operations are under development and will be published for public comment prior to adoption. Other requirements for operation of the site are given in the Act, a copy of which is available from the authority.

Firms interested in contracting for the operation of this site are invited to send a written notice of interest to Lawrence R. Jacobi, Jr., General Manager of the authority, at 1300-C East Anderson Lane, Austin, Texas

78752 Verbal inquiries are not precluded, but must be followed in writing. Failure to submit a written notice at this time will not prohibit a firm from acknowledging interest at a later date. Closing date for this request is July 27, 1984.

A conference with all firms responding to this notice will be scheduled at a later date.

Issued in Austin, Texas, on July 3, 1984

TRD-847079 Lee H. Mathews
 General Counsel
 Texas Low-Level Radioactive
 Waste Disposal Authority

Filed: July 5, 1984

For further information, please call (512) 835-6795.

Texas Savings and Loan Department Application for Change of Control of an Association

Texas Civil Statutes, Article 852a, §11.20, require any person who intends to acquire control of a state-chartered savings and loan association to file an application with the savings and loan commissioner for approval of the transaction. A hearing may be held if the application is denied by the commissioner.

On June 29, 1984, the savings and loan commissioner received an application for approval of the acquisition of control of the Ranchers Savings Association, Johnson City, by William S. Cochran III, Houston

Any inquiries may be directed to the Texas Savings and Loan Department, 1004 Lavaca Street, Austin, Texas 78701, (512) 475-7991

Issued in Austin, Texas, on July 3, 1984

TRD-847065 Russell R. Oliver
 General Counsel
 Texas Savings and Loan
 Department

Filed July 3, 1984

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

Texas Sesquicentennial Commission Public Information

The Texas Sesquicentennial Commission is requesting proposals from manufacturers interested in producing and distributing commemorative products for the celebration of Texas' 150th anniversary of independence in 1986

Based upon such criteria as product quality, adherence to the theme of the Sesquicentennial, and its track record for marketing and production, a single manufacturer will be chosen for each of some 25 categories. The categories

include a medallion, flag, "patriot kit" for schoolchildren, spur, belt buckle, boots, hat, ring, map, metal object, fine art print, ceramic object, pistol, rifle, knife, art poster, reproductions of early Texas currency and other artifacts, and Texana, an open category for uniquely Texan objects not fitting into another category, to be suggested by applicants

The items will be distributed through officially-sanctioned Texas Independence Communities and Texas Independence Associations, which are allowed to sell the products to help finance their Sesquicentennial projects

Interested manufacturers may contact the Texas Sesquicentennial Commission for a copy of the specifications for bid submittal at P.O. Box 1986, Austin, Texas 78767, before 5 p.m. on August 31, 1984.

All proposals submitted must conform to commission specifications. Incomplete applications will not be considered.

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 June 25-29, 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 June 25-29, 1984

The City of Laredo, Laredo; sewage treatment plant; between Marcella Avenue and Springfield Avenue, south of Willow Street in the City of Laredo, Webb County; 10681-02; amendment

Ingleside Properties, Inc , Ingleside, wastewater treatment plant; on Bishop Road in the City of Ingleside, San Patricio County; 02717; new permit

Rene Hinojosa, Houston, wastewater treatment plant; approximately 2,300 feet northeast of the intersection of Suburban and East Mount Houston Road in Harris County; 12944-01; new permit

Mills Road Municipal Utility District, Houston; sewage treatment plant; at 10128 Peachridge Drive, approximately 3,000 feet southwest of the intersection of Perry Road and Mills Road, northwest of the City of Houston in Harris County; 11907-02; new permit

USS Chemicals, division of U S. Steel Corporation, Houston; petrochemical manufacturing plant; at 9822 LaPorte Freeway in the City of Houston, Harris County; 00393; amendment

Jerald A. Turboff, Houston; sewage treatment plant; north of Intercontinental Airport and approximately 3,800 feet southwest of the intersection of Farrell Road and FM Road 1960 in Harris County, 12954-01; new permit

Tra-Tech Corporation, Fort Worth, wastewater treatment plant; on the west side of IH 35 West, at the intersection of Golden Triangle Boulevard and the west service road for IH 35 West, in Tarrant County, 12982-01; new permit

Raymond H. Winkelmann, Jr , Brenham; sewage treatment plant, approximately six miles east of the City of Brenham on the southwest corner of the intersection of U S. Highway 290 and County Road 87 in Washington County; 12942-01, new permit

Homecraft Land Development, Incorporated, Houston; sewage treatment plant; approximately 3,100

feet north of Spears Road and approximately 5,300 feet northeast of the intersection of Spears Road and Walters Road South in northern Harris County, 12934-01; new permit

The City of Houston, wastewater treatment plant, south of Huffman-Eastgate Road, approximately 6,500 feet west of the intersection of FM 1960 and Huffman-Eastgate Road in Harris County; 10495-112; new permit

Anchor Financial Corporation, Tomball; wastewater treatment plant; approximately 1 25 miles southeast of the intersection of Stagecoach Road and Silver Spur in Montgomery County; 12956-01; new permit

Southwest Chemical Services, Inc , Crockett, plastics manufacturing plant, approximately three miles north of the City of Crockett and west of U S Highway 287 in Houston County, 02207, amendment

John P Stanford, Jr , Houston, office/multifamily residential complex, approximately 700 feet northwest of the intersection of State Highway 494 and West Knox Drive; approximately 1,300 feet northwest of the intersection of U S Highway 59 and West Drive in Montgomery County, 12959-01, new permit

Bannworth, Incorporated, La Joya, vegetable packing shed and freezer plant, south of U S Highway 83, approximately one mile west of the City of La Joya, Hidalgo County, 02716, new permit

Issued in Austin, Texas, on June 29, 1984

TRD-847004

Mary Ann Hefner
Chief Clerk
Texas Water Commission

Filed: June 29, 1984

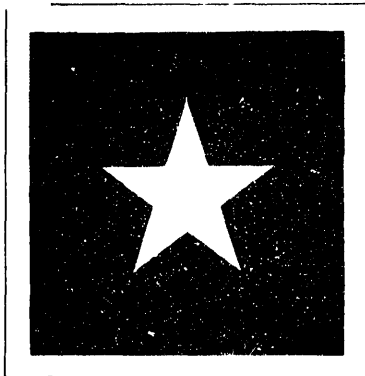
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