

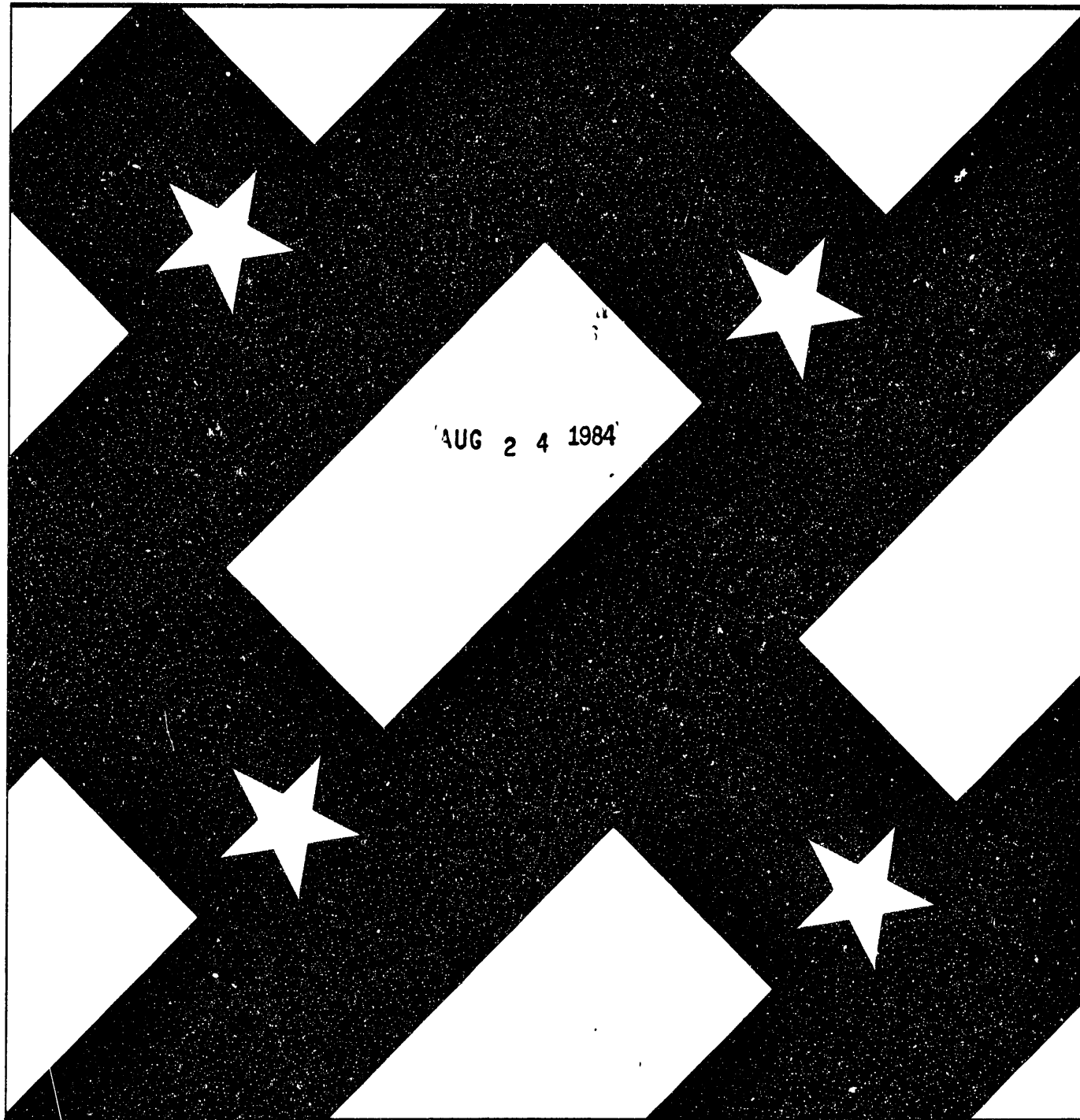
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Texas Register

Volume 9, Number 61, August 17, 1984

Pages 4427 - 4486



Highlights

The Coordinating Board, Texas College and University System proposes new sections concerning the Teacher Education Loan Program Proposed date of adoption - October 26 page 4433

The Texas State Board of Pharmacy proposes

amendments in a chapter concerning pharmacies Earliest possible date of adoption - September 17 page 4401

The Texas Department of Health proposes new sections concerning emergency medical services Proposed date of adoption - November 30 page 4441

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- Withdrawn Rules—rules withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date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

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

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

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

Texas Administrative Code

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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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As required by Texas Civil Statutes, Article 6252-13a, §6, the *Register* publishes executive orders issued by the Governor of Texas. Appointments made and proclamations issued by the governor are also published. Appointments are published in chronological order

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

The Governor

Appointments Made August 7

Sabine Bar, Pass, and Tributaries

To be branch pilots for terms to expire August 15, 1988:

Millard A. Scott
5285 Stardust
Beaumont, Texas 77704

Konstantinos I. Selinidis
3741 Memorial Boulevard
Port Arthur, Texas 77640

To be a branch pilot for a term to expire June 23, 1988:

Robert C. Brown
1011 17th Street
Nederland, Texas 77627

Issued in Austin, Texas, on August 7, 1984.

TRD-848234 Mark White
Governor of Texas

Appointments Made August 8

State Job Training Coordinating Council

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

William Grossenbacher
Administrator
Texas Employment Commission
15th Street and Congress Avenue
Austin, Texas

Mr. Grossenbacher is replacing Ernie Tullis of Austin, who no longer qualifies.

Science and Technology Council

To be chairman for a term to continue at the pleasure of this governor:

Arthur Hansen, Ph.D.
Chancellor
Texas A&M University System
College Station, Texas 77843

Sabine Bar, Pass, and Tributaries

To be branch pilots for terms to expire May 31, 1985:

William J. Baran
668 Ruth
Port Neches, Texas 77651

Michael J. Casey
3161 Gardendale
Port Neches, Texas 77651

Michael J. Gerdes
5920 Wynden Way
Beaumont, Texas 77707

Thomas B. Smith
4201 Rachel Avenue
Port Arthur, Texas 77640

Issued in Austin, Texas, on August 8, 1984.

TRD-848234 Mark White
Governor of Texas

Proposed Rules

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 and 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.



TITLE 19. EDUCATION Part 1. Coordinating Board, Texas College and University System Chapter 5. Program Development Subchapter D. Criteria for Approval of New Doctoral Degree Programs

19 TAC §5.73

The Coordinating Board, Texas College and University System proposes an amendment to §5.73, concerning criteria for approval of new doctoral degree programs, to clarify the provisions of the rule concerning consideration and action on doctoral degree programs by the board.

James McWhorter, assistant commissioner for administration, 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.

Robert R. Ramsey, academic and health affairs deputy commissioner, has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is a more careful and thorough evaluation of new doctoral degree programs. 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 Kenneth H. Ashworth, Coordinating Board, Texas College and University System, P.O. Box 12788, Austin, Texas 78711.

The amendment is proposed under the Texas Education Code, §61.051, which provides the coordinating board with the authority to set forth guidelines for the implementation of new doctoral degree programs.

§5.73. *Specific Steps for Implementation.*

(a) Strong support from the governing board, administration, and faculty for the proposed program must be demonstrated, and the following specific steps must be taken before a new doctoral program can be initiated:

(1) (No change.)

(2) approval of the program by the Coordinating Board, Texas College and University System, with consideration of the proposal by the Committee on Senior

Colleges and Universities at two quarterly meetings and the decision by the board being made at the second of the two meetings [such approval requiring consideration of the proposal by the senior college program committee at two quarterly meetings]; and

(3) (No change.)

(b) (No change.)

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

Issued in Austin, Texas, on August 8, 1984.

TRD-848311 James McWhorter
Assistant Commissioner for
Administration
Coordinating Board, Texas
College and University System

Proposed date of adoption:

October 26, 1984

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

Chapter 21. Student Services

Subchapter H. Teacher Education Loan Program

19 TAC §§21.191-21.206

The Coordinating Board, Texas College and University System proposes new §§21.191-21.206, concerning a Teacher Education Loan Program to implement the financial aid provision of House Bill 72, 68th Legislature, Second Called Session, 1984, which added Subchapter C to Chapter 54 of the Texas Education Code, concerning teacher education loans.

James McWhorter, assistant commissioner for administration, 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.

Mack C. Adams, assistant commissioner for student services, 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 the provision of loans to teachers enrolled in a course leading to certification in a primary or secondary grade subject in which a teacher shortage exists and to students enrolled in a program leading to certification as a classroom teacher. 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 Kenneth H. Ashworth, Coordinating Board, Texas College and University System, P.O. Box 12788, Austin, Texas 78711.

The new sections are proposed under the Texas Education Code, Chapter 54, Subchapter C, which provides the board with the authority to administer a loan program for teachers.

§21.191. Purpose. The purpose of the Teacher Education Loan Program is to provide loans to persons who are regularly employed as teachers in public schools in the state and who are enrolled in a course that will lead to a certificate or endorsement to teach a primary or secondary grade subject in which a teacher shortage exists as determined by the State Board of Education. The program also will provide loans to qualified undergraduate and graduate students who are enrolled in a program leading to certification as a classroom teacher or leading to a master's degree in a field for which the person is seeking certification or already holds certification.

§21.192. Administration. The Coordinating Board, Texas College and University System, or its successor or successors, shall administer the teacher education loan fund and the Teacher Education Loan Program.

§21.193. Delegation of Powers and Duties. The board delegates to the commissioner the powers, duties, and functions authorized by the Texas Education Code, Chapter 54, Subchapter C, except those relating to the setting of interest rates.

§21.194. Designation of Institutional Representative. Unless otherwise specified by the chief executive officer of the institution, the Hinson-Hazlewood College Student Loan Program officer shall serve as the Teacher Education Loan Program officer and shall be the board's on-campus agent with respect to the fund, and shall be responsible for all records and reports reflecting the transactions with respect to the fund.

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

Accredited public school—Any public school in the state that is accredited by the State Board of Education.

Approved Teacher Education Program—A teacher education program whose graduates are eligible for certification as teachers by the State Board of Education.

Board—The Coordinating Board, Texas College and University System.

Certification—A credential from the State Board of Education to teach in Texas.

Commissioner—The commissioner of higher education, the chief executive officer of the board.

Consecutive semesters—Semesters which immediately follow one another, excluding summer.

Cosigner—A cosigner of a note executed under the authority of the Teacher Education Loan Program shall be such a person signing a note, other than the loan recipient, who is over 21 years of age and who is gainfully employed full time or otherwise demonstrates financial responsibility. Such a person may be a relative other than the spouse. A cosigner is jointly and severally responsible for all promissory notes signed by the maker and him/herself.

Determination of credit worthiness—Evaluation of credit reports by the board.

Eligible institution—An eligible institution shall be any institution of higher education within the State of Texas that:

(A) admits as regular students only those persons having a certificate of graduation from a school

providing secondary education or the recognized equivalent of such a certificate;

(B) is legally authorized within the state to provide a program of education beyond secondary level;

(C) provides an educational program for which it awards a bachelor's degree;

(D) is a public or other nonprofit institution;

(E) is accredited by the Southern Association of Colleges and Schools;

(F) is an institution having its parent campus in Texas; and

(G) offers courses which will lead to teacher certification or endorsement by the State Board of Education.

Endorsement—Completion of specific course work approved by the State Board of Education which enables a teacher to teach in a field other than that for which certification was obtained.

Fund—Teacher Education Loan Program fund.

Graduate student—Any student who has been accepted for postbaccalaureate study by the graduate dean or other authorized agent of the participating institution.

Enrolled for at least one-half of a full course load—Formal admission to a program and enrollment in an eligible institution leading to teacher certification or a master's degree in a field in which the person holds teacher certification or is seeking certification. Enrollment as an undergraduate must be for six or more semester or quarter credit hours. Enrollment as a graduate must be for 4½ or more semester or quarter credit hours. Enrollment as an undergraduate or graduate in a summer session must be for three or more semester or quarter credit hours.

Pro rata—A proportionate basis upon which amounts of loans will be scaled, depending upon the share of a full-time course load being carried.

Regularly employed as a teacher by a public school—A teacher who teaches more than 20 hours a week and who teaches at least 185 days a year (not including substitute teaching).

Resident of Texas—A bona fide resident of Texas as defined in the Texas Education Code, §§54.052, 54.054, and 54.055. Nonresidents classified as Texas residents for purposes of paying Texas resident tuition and fees are excluded.

Shortage area—As defined by the State Board of Education.

§21.196. Qualifications for Loans.

(a) Loans to teachers. The commissioner may authorize loans to teachers, provided such applicant:

(1) is regularly employed as a teacher by a public school in Texas.

(2) is enrolled in a course required by rule of the State Board of Education as a qualification for a certificate or an endorsement to teach a primary or secondary grade subject for which the State Board of Education has officially recognized there to be a teacher shortage; and

(3) has been determined by the board to be credit worthy.

(b) Loans to students. The commissioner may authorize loans to qualified students provided the applicant:

(1) is a Texas resident as defined in regulations adopted by the board;

(2) has graduated in the top 15% of his or her high school graduating class;

(3) is enrolled for at least one-half of a full course load as a junior, senior, or graduate student in an approved teacher education program leading to certification as a classroom teacher or to a master's degree in a field for which the person is seeking teacher certification or already holds teacher certification;

(4) has a grade point average equal to at least 3.0 on a 4.0 scale in courses other than education courses taken while enrolled at least half time at an institution of higher education and completed not later than the semester before the semester in which the loan is awarded;

(5) enters into an agreement with the board to maintain a grade point average of at least 3.0 on a 4.0 scale in courses taken after receiving a teacher education loan, to become certified as a classroom teacher, and to teach in an elementary or secondary school in Texas or to repay the teacher education loan on terms adopted by the board;

(6) has not defaulted on other student loans; and

(7) meets other requirements the board may set.

(c) General criteria. The commissioner may authorize loans to students or teachers, provided such applicant:

(1) has provided the board the names and addresses of three references, one of which may be a credit reference—a credit reference must be provided by qualified teachers; other references must have known the applicant at least two years and may not be relatives or students;

(2) has not received a teacher education loan for more than four regular or summer semesters;

(3) has provided evidence of knowledge of the institution's accreditation status as a condition to receiving the loan if the institution is placed on public probation by the appropriate accrediting agency; and

(4) has complied with other provisions of these rules as required to become an eligible recipient.

(d) Duplication of aid prohibited. Under no circumstances is a person to be considered for a teacher education loan, or for cancellation of such a loan, if he or she receives aid during the same academic year under another state or federal program designed for the purpose of encouraging teacher certification.

§21.197. Allocation of Funds. The commissioner shall allocate and/or reallocate funds annually or at other times to be determined by the commissioner, based upon the number of full-time Texas resident students of appropriate classification enrolled in approved teacher education programs in eligible institutions in Texas.

§21.198. Amount of Loan.

(a) Students enrolled in an approved teacher education program. Students meeting the qualifications stated in §21.196 of this subchapter (relating to Qualifications for Loans) may receive up to \$1,000 in loans for each of four regular semesters or summer sessions of study.

(b) Regularly employed teachers. Teachers who meet the qualifications stated in §21.196 of this subchapter (relating to Qualifications for Loans) may receive up to \$1,000 in loans for each of four regular semesters or summer sessions of study on a pro rata basis, depending upon the number of courses in which enrolled.

(c) Aggregate maximum of loans. The total of loans to any eligible person may not exceed \$4,000 or a lesser amount equal to the total borrowed during four regular semesters or summer sessions of study.

§21.199. Notification of Availability of Teacher Education Loans. The financial aid director at each participating institution must notify the dean of the school of education at that institution annually prior to the beginning of the fall semester of the availability of the teacher education loan.

§21.200. Payments to Students.

(a) No payment shall be made to any student until he or she has executed a promissory note payable to the teacher education loan fund for the full amount of any authorized loan plus interest and other fees, has obtained the signature of a cosigner, and has entered into an agreement with the board to teach in an elementary or secondary school in Texas or to repay the teacher education loan on terms specified in these rules. The original of such executed promissory note shall be forwarded immediately to the commissioner.

(b) For purpose of any contract executed by the borrower, the defense that he or she was a minor at the time he or she executed a promissory note shall not be available to him or her in any action arising on said note.

§21.201. Period of Loans. The principal amounts of all authorized loans shall be repaid in installments over a period of not more than five years unless sooner repaid. Repayments shall begin in accordance with the following.

(1) Loan periods for regularly employed teachers. Teachers who return to school to attain a new endorsement or recertification to teach in a subject area determined to have a teacher shortage shall begin repayment not earlier than the beginning of the third consecutive semester spent as other than a teacher in an accredited public elementary or secondary school in Texas.

(2) Loan periods for students. Students who are enrolled for at least one half of a full course load as a junior, senior, or graduate student in an approved teacher education program leading to certification as a classroom teacher or to a master's degree in a field for which the person is seeking certification or already holds certification shall begin repayment not earlier than 18 months after certification or completing their master's degree.

(3) Loan periods for teachers not maintaining loan program requirements. Repayment shall begin not earlier than the beginning of the third consecutive semester spent as other than a teacher in an accredited public elementary or secondary school in Texas.

(4) Loan periods for students not maintaining loan program requirements. Repayment shall begin not earlier than nine months after a student ceases to be enrolled for at least one half of a full course load or changes to a degree plan other than for teacher certification or master's degree work in his or her field of previous certification.

§21.202. Loan Interest. The interest rate to be charged on teacher education loans shall be a fixed rate and shall be set from time to time by the board and shall accrue from the date of disbursement until the loans are either totally repaid or canceled.

§21.203. Repayment of Loans.

(a) Although loans may be prepaid at any time without penalty, repayment shall begin as provided in §21.201 of this title (relating to Period of Loans) and shall extend over such period authorized therein.

(b) The board will provide a repayment schedule calling for the minimum payment amount sufficient to repay all loans made under this subchapter over the maximum authorized period. In no case will the minimum annual repayment be less than \$600 on all such loans.

(c) The commissioner may postpone required periodic installments of principal and any accrued interest during any authorized period. Any such periods shall not be included in determining the five-year repayment period.

(d) A charge of 5.0% of the monthly payment or \$5.00, whichever is less, shall be assessed on any payment received later than 10 days from the due date of such payment. Such charges shall be collected out of the first payments made in excess of the interest then due.

§21.204. Loan Cancellation. The commissioner may authorize cancellation of loans to students seeking teacher certification and to regularly employed teachers who return to school for endorsement or recertification to teach in the following circumstances.

(1) Any regularly employed teacher who resumes teaching not later than the beginning of the third consecutive semester after returning to school for recertification or endorsement as a teacher is entitled to have loans canceled by semester, beginning with the loan of highest amount, with one semester's loan canceled for each semester of employment as a teacher in an accredited public elementary or secondary school in Texas.

(2) Any student borrower who begins teaching within 18 months of certification as a classroom teacher is entitled to have loans canceled by semester with one semester's loan canceled for each semester of employment as a teacher in an accredited public elementary or secondary school in Texas.

§21.205. Postponements. The board may delay the repayment requirement for recipients enrolled on at least a half-time basis at an eligible institution. These deferment periods are not included when calculating the maximum repayment period. The board may also waive or delay repayment for recipients who give evidence of extreme financial hardship, in which case the period of postponement will be included in determining the maximum repayment period. The board may require payments on the interest being accrued during the time of a postponement.

§21.206. Enforcement of Collection.

(a) When any person who has received a loan authorized by this law shall have failed or refused to make as many as six monthly payments due in accordance with a promissory note(s), then the full amount of remaining principal, interest, and/or late charges shall immediately become due and payable. The person's name and last known address and other information as requested by the commissioner shall be reported to the attorney general. Suit for the remaining sum shall be instituted by the attorney general or any county or district attorney acting for him in the county of the person's residence or in Travis County, unless the attorney general shall find reasonable

justification for delaying suit and shall so advise the commissioner in writing.

(b) Upon notification by the commissioner of default on a teacher education loan, the educational institution shall cause the records, including transcripts of the loan recipient, to become unavailable to her or him or any other person outside the institution until the participating institution has been notified by the commissioner that such default has been corrected. Should the default continue beyond at least 60 days from the date suit service was obtained, the board will cause a judgment to be entered which may be filed in the county records where service was obtained and will release such judgment once the borrower has completed the repayment of the debt as stipulated in the judgment.

(c) In all cases of default, the loan recipient will be responsible for the payment of principal and all accrued charges, including interest, late charge, skiptracing fees, court costs, and attorney fees.

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

Issued in Austin, Texas, on August 8, 1984

TRD-848312 James McWhorter
Assistant Commissioner for
Administration
Coordinating Board, Texas
College and University System

Proposed date of adoption:

October 26, 1984

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

Subchapter I. Future Teacher Loan Program

19 TAC §§21.221-21.240

The Coordinating Board, Texas College and University System proposes new §§21.221-21.240, concerning the Future Teacher Loan Program, to implement the financial aid provisions of House Bill 72, 68th Legislature, Second Called Session, 1984, which added Chapter 60, concerning loans to future teachers, to the Texas Education Code.

James McWhorter, assistant commissioner for administration, 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

Mack C. Adams, assistant commissioner for student services, 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 the provision of loans to students preparing to teach subjects for which teachers are critically in need. 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 Kenneth H. Ashworth, Coordinating Board, Texas College and University System, P.O. Box 12788, Austin, Texas 78711.

The sections are proposed under the Texas Education Code, Chapter 60, which provides the coordinating board with the authority to administer a loan program for future teachers.

§21.221. Purpose. The purpose of the Future Teacher Loan Program is to provide loans to students preparing to teach subjects for which teachers are critically needed.

§21.222. Administration. The Coordinating Board, Texas College and University System, or its successor or successors, shall administer the Future Teacher Loan Program.

§21.223. Delegation of Powers and Duties. The board delegates to the commissioner of higher education the powers, duties, and functions, except those relating to the letting of contracts for insurance.

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

Approved Teacher Education Program—A teacher education program whose graduates are eligible for certification by the State Board of Education.

Board—The Coordinating Board, Texas College and University System.

Commissioner—The commissioner of higher education, the chief executive officer of the board.

Cosigner—A cosigner of a note executed under the authority of the Future Teacher Loan Program shall be such a person signing a note, other than the loan recipient, who is over 21 years of age and who is gainfully employed or otherwise demonstrates financial responsibility. Such person may be a relative other than the spouse. A cosigner is jointly and severally responsible for all promissory notes signed by the maker and him or herself.

Fund—The future teacher loan fund.

Resident of Texas—A bona fide resident of Texas as defined in the Texas Education Code, §§54.052, 54.054, and 54.055. Nonresidents classified as Texas residents for purposes of paying Texas resident tuition and fees are excluded.

§21.225. Loans. All loans made through the Future Teacher Loan Program shall be subject to the provisions of the Higher Education Act of 1965, as amended, Title IV, Part B, and the regulations thereof (45 Code of Federal Regulations Part 177). Copies of these federal rules and statutes are on file in the offices of the board.

§21.226. Eligible Institutions.

(a) **Criteria.** An eligible institution shall be any Texas institution of higher education within the State of Texas which:

(1) admits as regular students only those persons having a certificate of graduation from a school providing secondary education or the recognized equivalent of such certificate;

(2) is legally authorized within the state to provide a program of education beyond secondary level;

(3) provides an educational program for which it awards a bachelor's degree;

(4) is a public or other nonprofit institution;

(5) is an eligible institution under the provisions of the Higher Education Act of 1965, as amended, Title IV, Part B;

(6) is accredited by the Southern Association of Colleges and Schools; and

(7) is an institution which has its parent campus within the State of Texas.

(b) Evidence of institution's accreditation status. If the institution is placed on public probation by the appropriate accrediting agency, students applying for loans shall provide evidence of knowledge of the school's accreditation status as a condition to receiving the loan.

(c) Students attending other institutions. Any student attending an institution other than an eligible institution as set forth in subsection (a) of this section shall not be eligible for a loan from the future teacher loan fund.

(d) Compliance by student. If, at any time, after notice and opportunity for hearing, it is determined that any monies in the fund or to be deposited therein have been disbursed to a student for purposes for which the fund is legally unavailable and such diversions have not been restored, no further disbursements of monies to such student shall be permitted to be made from the fund until there is no longer any failure of such compliance by the student. Monies disbursed to the student for purposes for which the fund is legally unavailable become due and payable to the fund immediately.

(e) Designation of institutional representative. Unless otherwise specified by the chief executive officer of the institution, the Hinson-Hazelwood College Student Loan Program officer shall serve as the Future Teacher Loan Program officer and shall be the board's on-campus agent to certify all institutional transactions and activities with respect to the fund, and shall be responsible for all records and reports reflecting the transactions with respect to the fund.

(f) Discrimination by eligible institution prohibited. Title VI of the Civil Rights Act of 1964 states:

No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving federal assistance

Therefore, all transactions with respect to the fund shall be made in compliance with the Civil Rights Act of 1964 and all students transferring from any other institution shall be considered for loans the same as students attending the eligible institution.

(g) Default rate. Whenever the default rate on loans made through an eligible institution exceeds 10% of all such loans on which repayments are due, the volume of loans to be available to students at that institution may be reduced in accordance with a formula to be established by the board.

§21.227. Qualifications for Loans.

(a) Criteria. The commissioner may authorize, or cause to be authorized, loans to qualified students at any eligible institution, provided the applicant:

(1) is a resident of Texas as defined in these regulations;

(2) has a grade point average of at least 3.0 on a 4.0 scale in courses taken while enrolled at least half time at an institution of higher education and completed not later than the semester before the semester in which the loan is awarded;

(3) has been accepted for admission into an approved teacher education program;

(4) has established, under criteria adopted by the State Board of Education, that he or she is preparing to teach a primary or secondary grade subject considered to be in critical need of teachers;

(5) has established financial need;

(6) is carrying at least one-half of the normal full-time workload as determined by said institution;

(7) has provided the fund with a statement of the institution which sets forth a schedule of the tuition and fees applicable to that student and its estimate of the cost of room and board for such a student;

(8) has been recommended by two reputable persons in his or her home community;

(9) has been counseled by a qualified financial aid counselor regarding his or her obligations and responsibilities to the loan program and has signed a statement acknowledging such;

(10) has complied with such other provisions of these rules as are required; and

(11) has not defaulted on other student loans.

(b) Authorization of loans. The commissioner may authorize, or cause to be authorized, loans from the fund to qualified students at any eligible institution, provided there is on file with the commissioner:

(1) a certification by the eligible institution that each applicant meets the qualifications for a loan as provided in subsection (a) of this section and a recommendation by the Future Teacher Loan Program officer that a loan from the fund be made;

(2) any supplemental information that may be required;

(3) an institutional certification that in the best opinion of the responsible institutional officials the student can reasonably be expected to repay the loan in a timely manner, along with other amounts that he or she may owe, in a maximum period of ten years after entering repayment status.

(c) Duplication of aid prohibited. Under no circumstances is a person to be considered for a future teacher loan, or for cancellation of such a loan, if he or she receives aid during the same academic year under another state or federal program designed for the purpose of encouraging teacher certification

§21.228. Allocation of Funds. The commissioner shall allocate and/or reallocate funds annually and at other times to be determined by the commissioner, based upon the number of full-time Texas resident students of appropriate classification enrolled in approved teacher education programs in eligible institutions in Texas

§21.229. Amount of Loan. The maximum amount of loan to any qualified applicant in a fiscal year is \$2,500. The total of loans to any eligible person through the Future Teacher Loan Program may not exceed \$5,000. A change in either financial resources or reasonable need of the student shall make the student responsible for the immediate repayment of any overcommitment of loan

funds. Prior to recommending the loan, the institutional loan program officer shall make certain that the student is properly utilizing all other appropriate forms of student financial assistance.

§21.230. Reasonable Expenses for a Student. Reasonable expenses for a student at an eligible institution shall be determined by the commissioner after consultation with representatives of the eligible institution. Lists of reasonable expenses for typical students shall be submitted to the commissioner by the eligible institution prior to April 1 of each year for use in the following summer session and in the following academic year. The lists shall follow the formats prescribed by the commissioner. Each eligible institution may submit as many lists of reasonable expenses as are required to properly reflect the different typical expense categories of students attending the institution. When more than one list is submitted, each list should be labeled so as to identify the category of student to be served by that list. On individual loan applications, the amounts listed for typical students must be adjusted downward when necessary to reflect the circumstances of the applicant. If a listed amount must be increased to properly reflect the reasonable expenses of an individual applicant, then justification for the increased amount must accompany the individual application with such increased amount subject to approval or disapproval by the commissioner.

§21.231 Notification of Availability of Future Teacher Loans. The financial aid director at each participating institution must notify the dean of the school of education at that institution annually prior to the beginning of the fall semester of the availability of the future teacher loan.

§21.232. Identification of Student Records. All records of each student who is a borrower under the future teacher loan fund shall be so identified in the office of the registrar at each eligible institution. An official certified copy of such records may be released, and/or the student may reregister in the eligible institution only upon certification by the designated institutional representative that the borrower's account is in good condition. Exceptions to this rule must be approved by the commissioner in advance of release of an official certified copy of the records or reregistration.

§21.233 Pre-Loan Interview.

(a) Each applicant shall be interviewed by the designated loan program officer or his or her representative prior to recommending of an initial loan. The loan program officer or his or her designated representative shall inform the applicant of his or her responsibilities as a borrower and shall certify that such pre-loan counseling session has been conducted by a qualified financial aid counselor. If necessary for the convenience of the applicant, the pre-loan interview may be conducted by or under the supervision of the loan program officer at a participating institution nearer to the applicant's home than is the institution to be attended.

(b) Prior to the end of each enrollment period (semester, quarter, etc.), a loan interview shall be conducted by the loan program officer or his or her designated representative with each student borrower who is currently enrolled in the eligible institution. A roster of

student borrowers will be forwarded to each eligible institution by the board prior to the end of each enrollment period. Information on each student borrower shall be obtained in a form prescribed by the commissioner.

§21.234. Payments to Student. No payment shall be made to any student until he or she has executed a promissory note payable to the future teacher loan fund for the full amount of any authorized loan plus interest, applicable insurance charges, and other fees as set forth in the Higher Education Act of 1965, as amended, Title IV, Part B, and the regulations thereof (45 Code of Federal Regulations Part 177) and has obtained the signature of a cosigner. The original of such executed promissory note shall be forwarded to the commissioner immediately, and a copy shall be retained by the eligible institution. For the purposes of any contract executed by him or her, the defense that he or she was a minor at the time he or she executed a note shall not be available to him or her in any action arising on said note. No funds shall be distributed to an eligible institution except to make payments to a student under a loan authorized by the Act.

§21.235. Period of Loans. Except as provided in §21.237 of this title (relating to Repayment under Provisions of Public Law 89-329, the Higher Education Act of 1965, of Loans of Deceased or Disabled Borrowers), the principal amounts of all authorized loans shall be repaid in installments over a period of not less than five years (unless sooner repaid) nor more than 10 years, beginning not earlier than six months nor later than nine months after the date on which the student ceases to carry at an eligible institution at least one half the normal full-time academic workload as determined by the institution.

§21.236. Loan Interest. The interest rate to be charged for loans shall be a fixed rate set from time to time by the commissioner and ratified by the board. Interest shall accrue from the date of disbursement. Loans made pursuant to these rules are eligible for interest subsidy to be paid in accordance with Public Law 89-329, the Higher Education Act of 1965, and 45 Code of Federal Regulations Part 177.

§21.237. Repayment under Provisions of Public Law 89-329, the Higher Education Act of 1965, of Loans of Deceased or Disabled Borrowers. If a student borrower who has received a loan under the Future Teacher Loan Act with respect to which a portion of the interest is payable by the U.S. Secretary of Education under the Higher Education Act of 1965, Title IV, Part B, §428(a), or would be payable but for the adjusted family income of the borrower, dies or becomes permanently and totally disabled (as determined in accordance with the regulations of the U.S. Secretary of Education), then the commissioner shall seek to have the borrower's liability on the loan discharged under provisions of Public Law 89-329.

§21.238. Repayment of Loans.

(a) Although a loan may be prepaid at any time without penalty, repayment of the loan shall begin as provided in §21.235 of this subchapter (relating to Period of Loans) and shall extend over such period as authorized therein. The board will provide a repayment

schedule calling for the minimum payment amount sufficient to repay all loans over the maximum authorized period. In no case will the minimum annual repayment be less than \$600.

(b) The commissioner shall postpone required periodic installments of principal during any period authorized by applicable federal law. For loans guaranteed through the federal Guaranteed Student Loan Program, postponement periods are those described in the Higher Education Act of 1965, Title IV, Part B, and the regulations thereof (45 Code of Federal Regulations Part 177). Any such period shall not be included in determining the 10-year repayment period provided in §21.237 of this subchapter (relating to Repayment under Provisions of Public Law 89-329, the Higher Education Act of 1965, of Loans of Deceased or Disabled Borrowers). Interest on loans guaranteed through the Guaranteed Student Loan Program shall accrue during periods of postponement and be paid by the Federal Interest Subsidy Program.

(c) A charge of 5.0% of the monthly payment or \$5.00, whichever is less, shall be assessed on any payment received later than 10 days from the due date of such payment. Such charges shall be collected out of the first payments made in excess of interest charges then due.

§21.239. Cancellation of Certain Loan Repayments.

(a) The board may cancel the repayment of a loan received by a student who is employed by a school district in the state and is teaching a subject considered to be in critical need of teachers under rules adopted by the State Board of Education

(b) A person who wishes to apply for a loan cancellation must enter into a contract with the board at the time the loan is requested that provides the following:

(1) a payment is not due from the person as long as he or she is employed by a school district in this state and is teaching a subject considered to be in critical need of teachers under rules adopted by the State Board of Education;

(2) half of the total amount of the loan plus interest due is to be canceled after the person has taught a subject considered to be in critical need of teachers for two school years, and the remainder is to be canceled after the person has taught a subject considered to be in critical need of teachers for two additional school years;

(3) repayment of the loan and interest is to begin immediately if the person leaves employment with a school district in this state or discontinues teaching a subject considered to be in critical need of teachers before the end of two school years after the date the person began teaching;

(4) repayment of one-half of the loan and interest is to begin immediately if the person ceases to teach in a school district in this state or discontinues teaching a subject considered to be in critical need of teachers before the end of four school years after the date the person began teaching;

(5) on completion of four years of teaching, the loan, principal, and interest, shall be fully canceled; and

(6) interest continues to accrue until the loan is canceled or repaid

(c) The board shall publicize the availability of the loan cancellation procedures provided by this section at institutions of higher education that offer approved teacher education programs.

§21.240. Enforcement of Collections. When any person who has received a loan through the Future Teacher Loan Program shall have failed or refused to make as many as five monthly payments due in accordance with an executed note, the full amount of remaining principal and accrued interest shall become due and payable immediately. When as many as six payments have been missed, the attorney general, at the request of the commissioner, shall file suit for the outstanding balance. It is agreed that collections will not be enforced against persons whose loan payment(s) is (are) eligible for cancellation.

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 August 8, 1984.

TRD-848313 James McWhorter
Assistant Commissioner for
Administration
Coordinating Board, Texas
College and University System

Proposed date of adoption.

October 26, 1984

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

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

**Chapter 291. Pharmacies
Community Pharmacy (Class A)**

22 TAC §291.34

The Texas State Board of Pharmacy proposes amendments to §291.34, concerning record-keeping requirements in a Class A pharmacy. These amendments specify the procedures whereby a prescription for a dangerous drug is not required to bear the address of the patient.

Fred S. Brinkley, Jr., R.Ph., executive director/secretary, 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. Brinkley 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 further ensure the public health, safety, and welfare by specifying requirements for the maintenance of prescription records in a Class A pharmacy. 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 Fred S. Brinkley, Jr., R.Ph., Executive Director/Secretary, 211 East Seventh, Suite 1121, Austin, Texas 78701.

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

§291.34. *Records*

(a) Prescriptions. The term "prescription drug order" means a written order from a practitioner or verbal order from a practitioner or his authorized agent to a pharmacist for a drug or device to be dispensed.

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

(3) All prescriptions shall bear:

(A) name and address of the patient, and if such drug is for an animal, the species of such animal; **provided, however, a prescription for a dangerous drug is not required to bear the address of the patient if such address is readily retrievable on another appropriate, uniformly maintained pharmacy record, such as medication records;**

(B)-(E) (No change.)

(b) Original prescription records.

(1) (No change.)

(2) If a pharmacy maintains prescription records in a data processing system, the original written prescription or a hard copy of an oral prescription shall be retained on file in numerical order for a period of two years from the date of dispensing or the date of the last refill dispensed "Hard-copy prescription orders," as used in this and any other subsection, means the original written prescription order or original oral prescription order reduced to writing (manually or electronically reproduced) by the pharmacist and shall include the following:

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

(C) name and address of the patient **and, if such drug is for an animal, the species of such animal; provided, however, a prescription for a dangerous drug is not required to bear the address of the patient if such address is readily retrievable on another appropriate, uniformly maintained pharmacy record, such as medication records;**

(D)-(G) (No change.)

(3) (No change.)

(c)-(j) (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 August 3, 1984.

TRD-848226 Fred S. Brinkley, Jr., R.Ph.
Executive Director/Secretary
Texas State Board of Pharmacy

Earliest possible date of adoption.
September 17, 1984

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



22 TAC §291.91

The Texas State Board of Pharmacy proposes amendments to §291.91, concerning the drug/clinic formulary of a Class D pharmacy. These amendments define the limited type of drug or device contained in the clinic formulary.

Fred S. Brinkley, Jr., R.Ph., executive director/secretary, 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. Brinkley 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 the regulation and control of clinic pharmacy practice to further protect the public health, safety, and welfare. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

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

The amendments are proposed under Texas Civil Statutes, Article 4542a-1, §26, which provide the Texas State Board of Pharmacy with the authority to establish by rule the standards that each pharmacy and its employees or personnel involved in the practice of pharmacy shall meet to qualify for the licensing or relicensing as a pharmacy in each classification.

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

[Limited type of] Device—An instrument, apparatus, implement, machine, contrivance, implant, *in vitro* reagent, or other similar or related article, including any component part or accessory, that is required under federal or state law to be ordered or prescribed by a practitioner [, that relates to the services provided by the clinic].

Limited type of drug or device—A dangerous drug or **device** contained in the clinic formulary [, and to be administered, dispensed, or provided according to the medical objectives of the clinic] **and limited to the following types of drugs and devices[.]:**

(A) oral contraceptives and family planning drugs and devices;

(B) topical anti-infectives for vaginal use;

(C) drugs for treatment of sexually transmitted diseases;

(D) immunization vaccines;

(E) drugs for health problems resulting from a lack of hygiene, to include scabies, ringworm, pinworm, and head lice;

(F) drugs which do not require a prescription (OTC);

(G) drugs for the prevention or treatment of specific communicable diseases or health conditions for which the Texas Department of Health is responsible for control under state law;

(H) drugs included in an emergency kit for life-threatening conditions; and

(I) drugs for treatment of injuries which occur at the site of the clinic.

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 August 3, 1984.

TRD-848230 Fred S. Brinkley, Jr., R.Ph.
Executive Director/Secretary
Texas State Board of Pharmacy

Earliest possible date of adoption:
September 17, 1984

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

TITLE 25. HEALTH SERVICES

Part I. Texas Department of Health

Chapter 157. Emergency Medical Care

Emergency Medical Services

25 TAC §157.75

The Texas Department of Health proposes new §157.75, concerning specialized vehicle requirements for a permit, specifically helicopters and fixed-wing aircraft.

Stephen Seale, chief accountant III, has determined that for the first five-year period the rule will be in effect there will be fiscal implications as a result of enforcing or administering the rule. The effect on state government will be an additional cost of \$250 in 1984 and \$250 each year in 1985-1988. There is no anticipated effect on local government. The cost of compliance with the rule for small businesses will be a two-year registration for vehicle permits at \$25 each with a maximum of \$500 for a fleet of vehicles. The biennial cost per employee for most small businesses would be \$12.50, assuming two employees per aircraft. The cost per employee for large businesses would be \$8.33 under the same assumption.

Mr. Seale 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 the establishment of statewide minimum standards for aircraft providing prehospital care. The anticipated economic cost to individuals who are required to comply with the rule as proposed is the \$30 fee for a four-year certification or recertification for specially-skilled emergency medical technician or paramedic emergency medical technician. The fee for a four-year certification or recertification for emergency care attendant or basic emergency medical technician is \$20. A two-year registration for vehicles is \$25 with a maximum of \$500 for a fleet of vehicles.

Comments on the proposal may be submitted to Charles H. Gregory, M.D., Chief, Bureau of Emergency Management, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756. Comments

will be accepted for 90 days after publication of this rule in the *Texas Register*. In addition, a public hearing on these rules will be held at 10 a.m. on Thursday, October 4, 1984, in the auditorium, Texas Department of Health, 1100 West 49th Street, Austin.

The new section is proposed under Texas Civil Statutes, Article 4447c, §§3.02, 3.03, and 3.04, which provide the Texas Board of Health with the authority to adopt rules to implement the Emergency Medical Services Act.

§157.75. Specialized Vehicle Requirements for a Permit.

(a) Helicopter air ambulance.

(1) A helicopter shall be required to provide advanced life support.

(2) The aircraft operator shall, in all operations, comply with the Federal Aviation Regulations, Part 135. The regulations are herein adopted by reference. Copies are indexed and filed in the Bureau of Emergency Management offices, 1101 East Anderson Lane, Austin, and are available for public inspection during regular working hours.

(3) A medical director shall be required.

(4) Staffing shall be as follows.

(A) The medical director shall:

(i) be a physician licensed to practice in Texas; and

(ii) be trained and experienced in emergency, trauma, critical care, and the effect of flight. If the medical director is not experienced in this area, he shall request aeromedical consultation by a physician knowledgeable about the effect of flight.

(B) The medical flight crew, excluding the pilot, shall:

(i) consist of one P-EMT and/or a registered nurse licensed to practice in Texas who has at least a B-EMT certification;

(ii) have additional training as evidenced by inservice records in:

(I) altitude physiology;

(II) EMS communications;

(III) aircraft and flight safety; and

(IV) the use of all patient care equipment on board.

(iii) be familiar with survival techniques appropriate to the terrain.

(C) The helicopter pilot shall comply with Federal Aviation Regulations, as adopted by reference in paragraph (2) of this subsection, Part 91 or Part 135, whichever is applicable.

(5) The helicopter shall have the following specifications:

(A) be configured in such a way that the medical attendants have adequate access for the provision of patient care within the cabin to give advanced life support;

(B) allow supine loading of the patient by two attendants;

(C) have radio communication with hospitals and public safety vehicles, air traffic control facilities, as well as appropriate navigational aids;

(D) be equipped with radio headsets that insure internal crew communication and transmission to appropriate agencies;

(E) have adequate interior lighting for patient care arranged so as not to interfere with the pilot's vision.

(6) The equipment required for each flight, except, however, when transporting a neonate or a patient in a hyperbaric chamber, shall be as follows:

(A) medical oxygen in cylinders, capable of being strapped down securely, with adequate tubing;

(B) semiopen valveless, transparent oxygen masks in adult and child sizes;

(C) suction operated by electric (battery) or gas supply with connecting tubing;

(D) two each suction catheters;

(E) two each tonsil tip suction catheters;

(F) one bag mask unit with adult and child size mask which can be used with an external oxygen supply;

(G) one stretcher with clean sheets and blanket and necessary restraints which is capable of being secured to the aircraft frame;

(H) one pillow with clean pillow case;

(I) patient personal care items to include:

(i) bed pan and urinal,

(ii) receptacle for emesis, and

(iii) rain cover for protection during ground

transport.

(J) one adult sphygmomanometer;

(K) stethoscope, a doppler or electronic stethoscope will suffice;

(L) flashlight or penlight;

(M) splints as required in §157.67(d)(15) of this title (relating to Basic Life Support Vehicle Requirements for a Permit);

(N) esophageal obturator and/or endotracheal tubes with laryngoscope in adult sizes,

(O) oropharyngeal airways (nonmetallic) in adult, child, and infant sizes,

(P) intravenous fluids with administration sets, intravenous catheters, and butterflies in quantities and types as prescribed by the medical director;

(Q) one rigid, long spine board;

(R) one small, one medium, and one large size extrication cervical collar (soft foam rubber cervical collars are not acceptable);

(S) EKG monitor with defibrillator;

(T) drugs in quantities and types as prescribed by the medical director;

(U) dressings and supply kit to include:

(i) two multitrauma dressings approximately 10 inches by 30 inches in size;

(ii) one dozen sterile gauze pads;

(iii) six soft roller adhering bandages;

(iv) three sterile petroleum jelly impregnated gauze or suitable occlusive dressing,

(v) four rolls of adhesive tape;

(vi) two triangular bandages, and

(vii) one pair bandage scissors.

(V) Special kits to be carried as required shall be:

(i) burn kit, to be carried when required, to include:

(I) two sterile burn sheets,

(II) five packs zeroform gauze in five inches by nine inches;

(III) two pair sterile gloves;

(IV) one 50cc irrigating syringe; and

(V) two packs fluffy gauze.

(ii) obstetric kit, to be carried with all pregnant patients, as required in §157.67(d)(19) of this title (relating to Basic Life Support Vehicle Requirements for a Permit); and

(I) one ampule oxytocin 10 units/1ml;

(II) episiotomy scissors; and

(III) ring forceps.

(iii) pediatric kit, to be carried when the patient is under 12 years of age and always with the obstetric kit, to include:

(I) one pediatric laryngoscope handle with blades;

(II) one each pediatric endotracheal tubes with stylet in sizes 2.5, 3.0, 3.5, and 4.0 French;

(III) one pediatric Magill forceps;

(IV) two bulb syringes,

(V) two DeLee suction;

(VI) two pediatric drip intravenous tubing;

(VII) one each feeding tubes in sizes 3½, 5, 8 French;

(VIII) pediatric sphygmomanometer; and

(IX) pediatric bag mask unit which can be used with external oxygen supply.

(iv) additional equipment to be carried for a patient suspected of having a cardiac condition, to include:

(I) one each spare EKG electrode for each lead;

(II) spare roll of EKG recording paper; and

(III) cardiac board.

(7) Requirements for a permit shall be as follows.

(A) The helicopter air ambulance shall meet the requirement in §157.66(a)-(c) of this title (relating to General Requirements for Vehicle Permit).

(B) Prior to the issuance of a permit, the helicopter shall be inspected by the department at a reasonable time and place agreed upon between the EMS provider and the department.

(C) The inspection shall include:

(i) visual inspection of the vehicle for the purpose of determining compliance with the specialized vehicle specifications of these rules; and

(ii) visual and mechanical inspection of equipment for the purpose of compliance with the equipment specifications of these rules.

(D) A vehicle shall fail the inspection if the requirements in subparagraph (C) of this paragraph and the requirements of §157.66(d)(3)(A)-(D) of this title (relating to General Requirements for a Vehicle Permit) are not met.

(E) A vehicle that meets the requirements of this section shall be issued a permit as in §157.66(d)(4) of this title (relating to General Requirements for a Vehicle Permit.)

(b) Fixed-wing air ambulance.

(1) General requirements.

(A) The aircraft operator shall in all operations comply with all Federal Aviation Regulations, as

adopted by reference in subsection (a)(2) of this section, Part 91 or Part 135, whichever is applicable.

(B) The fixed-wing aircraft shall:

- (i) be at least single-engined;
- (ii) be configured in such a way that the medical attendants have adequate access for the provision of patient care within the cabin to give advanced life support;
- (iii) allow supine loading of the patient by two attendants;
- (iv) have adequate air to ground communication to allow medical flight following as well as appropriate navigational aids;
- (v) be equipped with radio that insure internal crew communication and transmission to appropriate agencies; and
- (vi) have adequate interior lighting for patient care arranged so as not to interfere with the pilot's vision.

(2) Requirements for a permit.

(A) The fixed-wing air ambulance shall meet the requirement in §157.66(a)-(c) of this title (relating to General Requirements for Vehicle Permit.)

(B) Prior to the issuance of a permit, the fixed-wing air ambulance shall be inspected by the department at a reasonable time and place agreed upon between the EMS provider and the department.

(C) The inspection shall include:

- (i) visual inspection of the vehicle for the purpose of determining compliance with the specialized vehicle specifications of these rules; and
- (ii) visual and mechanical inspection of equipment for the purpose of compliance with the equipment specifications of these rules.

(D) A vehicle shall fail the inspection if the requirements in subparagraph (C) of this paragraph and the requirements of §157.66(d)(3)(A)-(D) of this title (relating to General Requirements for a Vehicle Permit) are not met.

(E) A vehicle that meets the requirements of this subsection shall be issued a permit as in §157.66(d)(4) of this title (relating to General Requirements for a Vehicle Permit).

(3) Provision of basic life support.

(A) A fixed wing aircraft may be permitted to provide basic life support.

(B) Staffing required to provide basic life support shall be:

- (i) the medical director shall meet the requirements of subsection (a)(1)(A) of this section; and
- (ii) the medical flight crew, excluding the pilot, shall consist of at least a B-EMT, who has additional training in altitude physiology and aircraft and flight safety as evidenced by inservice records

(C) Equipment required for each flight, except, however, when transporting a neonate or a patient in a hyperbaric chamber, shall include:

- (i) medical oxygen in cylinders, capable of being strapped down securely, with adequate tubing;
- (ii) semiopen valveless, transparent oxygen masks in adult and child sizes;
- (iii) suction operated by electric (battery) or gas supply with connecting tubing;
- (iv) two each suction catheters;

(v) two each tonsil tip suction catheters;

(vi) one bag mask unit with adult and child size mask which can be used with an external oxygen supply;

(vii) one stretcher with clean sheets and blanket and necessary restraints which is capable of being secured to the aircraft frame;

(viii) one pillow with clean pillow case;

(ix) patient personal care items to include:

(I) bed pan and urinal;

(II) receptacle for emesis; and

(III) rain cover for protection during ground transport;

(x) one adult sphygmomanometer;

(xi) stethoscope, a doppler or electronic stethoscope will suffice;

(xii) flashlight or penlight; and

(xiii) oropharyngeal airways (nonmetallic) in adult, child, and infant sizes.

(D) Additional equipment to be carried to meet the special medical needs of patients shall be:

(i) burn kit, to include:

(I) two sterile burn sheets,

(II) five packs zeroform gauze in five inches by nine inches;

(III) two pair sterile gloves;

(IV) one 50cc irrigating syringe; and

(V) two packs fluffy gauze.

(ii) obstetric kit to be carried with all pregnant patients, as required in §157.67(d)(19) of this title (relating to Basic Life Support Vehicle Requirements for a Permit).

(iii) pediatric kit, to be carried when the patient is under 12 years of age and always with the obstetric kit, to include:

(I) pediatric sphygmomanometer;

(II) pediatric bag mask unit which can be used with external oxygen supply;

(III) two bulb syringes; and

(IV) two DeLee suction.

(iv) trauma kit to include:

(1) splints as required in §157.67(d)(15) of this title (relating to Basic Life Support Vehicle Requirements for a Permit);

(II) two multitrauma dressings approximately 10 inches by 30 inches in size;

(III) one dozen sterile gauze pads;

(IV) six soft roller adhering bandages;

(V) three sterile petroleum jelly impregnated gauze or suitable occlusive dressing;

(VI) four rolls of adhesive tape;

(VII) triangular bandages;

(VIII) one pair bandage scissors;

(IX) one rigid, long spine board; and

(X) one small, one medium, and one large size extrication cervical collar (soft foam rubber cervical collars are not acceptable).

(4) Provision of advanced life support

(A) A fixed-wing aircraft may be permitted to provide advanced life support.

(B) Staffing required to provide advanced life support shall be:

- (i) The medical director shall meet the requirements of subsection (a)(1)(A) of this section; and

(ii) The medical flight crew, excluding the pilot, shall consist of a SS-EMT or P-EMT who has had additional training in altitude physiology and aircraft and flight safety, as evidenced by inservice records.

(C) Required equipment for each flight, except when transporting a neonate or a patient in a hyperbaric chamber, shall include the equipment required in paragraph (3)(C) of this subsection plus the following:

(i) esophageal obturator and/or endotracheal tubes with laryngoscope in adult sizes; and

(ii) intravenous fluids with administration sets, intravenous catheters and butterflies in quantities and types as prescribed by the medical director.

(D) Additional equipment to be carried to meet the special medical needs of the patient shall include the additional equipment required in paragraph (3)(D) of this subsection and the following equipment

(i) Pediatric kit to include:

(I) one pediatric laryngoscope handle with blades;

(II) one each pediatric endotracheal tubes with stylet in sizes 2.5, 3.0, 3.5, and 4.0 French;

(III) two pediatric drip intravenous tubing;

(IV) one each feeding tubes in sizes 3½, 5, and 8 French; and

(V) one pediatric Magill forceps.

(ii) Medical kit to be carried when the patient is suspected of having a cardiac condition and a P-EMT is aboard to include:

(I) EKG monitor with defibrillator;

(II) drugs in quantities and types as prescribed by the medical director;

(III) one each spare EKG electrode for each lead;

(IV) spare roll of EKG recording paper; and

(V) cardiac board.

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

Issued in Austin, Texas, on August 13, 1984

TRD-848322 Robert A. MacLean, M.D.
Deputy Commissioner
Professional Services
Texas Department of Health

Proposed date of adoption

November 30, 1984

For further information, please call (512) 458-1393.

25 TAC §157.76

The Texas Department of Health proposes new §157.76, concerning continuing education requirements for recertification of emergency medical services (EMS) personnel. Section 157.64 of this title, relating to recertification, requires continuing education for a certificant to be recertified.

Stephen Seale, chief accountant III, has determined that for the first five-year period the rule is 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. Seale 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 the establishment of continuing education standards for the recertification of EMS personnel. The anticipated economic cost to individuals who are required to comply with the rule as proposed is dependent on the cost of continuing education courses, whether the entity providing continuing education requires a fee or tuition, a person could incur costs up to \$150.

Comments on the proposed rule may be submitted to Charles H. Gregory, M.D., Chief, Bureau of Emergency Management, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756. Comments will be accepted for 90 days after publication of this rule in the *Texas Register*. In addition, a public hearing on this rule will be held at 10 a.m. on Thursday, October 4, 1984, in the auditorium, Texas Department of Health, 1100 West 49th Street, Austin.

The new section is proposed under Texas Civil Statutes, Article 4447o, §3.02, which provide the Texas Board of Health with the authority to adopt rules to implement the Emergency Medical Services Act.

§157.76. Continuing Education.

(a) Continuing education is required for recertification. There are three options available for each level of certification. The certificant shall complete one of the three options to meet the requirements in §157.64 of this title (relating to Recertification). The requirements are as follows.

(1) ECA level of certification.

(A) Option I. The accumulation of 40 contact hours, in Categories I-V as in subsection (b) of this section, over the certification period

(B) Option II. The successful completion of a 24 hour refresher training course, once every two years, as defined by the department.

(C) Option III. Any combination of Options I and II which totals 40 contact hours or more per certification period

(2) B-EMT level of certification

(A) Option I. The accumulation of 100 contact hours, in Categories I-V as in subsection (b) of this section, over the certification period.

(B) Option II. The successful completion of a 24 hour refresher training course, once every two years, as defined by the department.

(C) Option III. Any combination of Options I and II which totals 100 contact hours or more per certification period.

(3) SS-EMT level of certification.

(A) Option I. The accumulation of 120 contact hours, in Categories I-V as in subsection (b) of this section, over the certification period.

(B) Option II. The successful completion of a 30 hour refresher training course, once every two years, as defined by the department.

(C) Option III. Any combination of Options I and II which totals 120 contact hours or more per certification period.

(4) P-EMT level of certification.

(A) Option I. The accumulation of 160 contact hours, in Categories I-V as in subsection (b) of this section, over the certification period.

(B) Option II. The successful completion of a 60-hour refresher training course, once every two years, as defined by the department. The course shall be increased to 80 hours on January 1, 1985.

(C) Option III. Any combination of Options I and II which totals 160 contact hours or more per certification period.

(b) Option I, Categories I-V, shall be required as follows:

(1) Category I. Lectures and critiques.

(A) Description. Programs, lectures, reviews, or critiques conducted by the sponsoring agency.

(B) Contact hours (may be awarded by the sponsoring agency subject to departmental approval):

(i) ECA—minimum of three, maximum of five, contact hours for a one-year period;

(ii) B-EMT—minimum of five, maximum of 15, contact hours for a one-year period;

(iii) SS-EMT—minimum of five, maximum of 14, contact hours for a one-year period; and

(iv) P-EMT—maximum of 25 contact hours per year.

(C) Example. Attending approved monthly in-service training conducted by your sponsoring agency which lasts three hours will earn up to three contact hours.

(2) Category II. Skills.

(A) Description. Participation in organized skill practice sessions covering the basic skills and advanced skills, at the applicable certification levels (listed as follows). There is no minimum amount of time required for each skill. However, time must be spent in each skill area each year and only documentation of satisfactory skill performance may be submitted for credit.

(i) Cardiopulmonary resuscitation.

(ii) Vital signs and patient assessment.

(iii) Mechanical aids to breathing.

(iv) Management of orthopedic injury.

(v) Management of soft tissue injury.

(vi) Patient packaging and moving.

(vii) Intravenous therapy (SS-EMT and

P-EMT).

(viii) Advanced airway management (SS-EMT and P-EMT).

(ix) Pneumatic antishock trousers (SS-EMT and P-EMT).

(x) Emergency drug administration (P-EMT).

(xi) Cardiac emergency management (P-EMT).

(B) Contact hours (may be awarded by the sponsoring agency subject to departmental approval):

(i) ECA—minimum of five, maximum of eight, contact hours allowed in this category per year;

(ii) B-EMT—minimum of eight, maximum of 15, contact hours allowed in this category per year;

(iii) SS-EMT—minimum of 10, maximum of 16, contact hours allowed in this category per year; and

(iv) P-EMT—maximum of 72 contact hours allowed in this category per certification period. A minimum of 12 contact hours is recommended per year.

(C) Example.

(i) Attendance at a skills practice session on "Management of Orthopedic Injuries" which lasts two hours may yield up to two contact hours.

(ii) Completing an eight-hour rotation with the intravenous team in the hospital may yield up to eight contact hours (SS-EMT and P-EMT).

(D) Partial waiver. Up to four hours of required skills may be waived for individuals who perform four documented successful intubations in actual emergency settings, on operating room patients, or on human cadavers; and have done a minimum of 10 documented intravenous administrations (SS-EMT and P-EMT). These skills must be completed in a one-year time period.

(3) Category III. Other learning experiences.

(A) Description. Attendance or participation in programs which are conducted by an organization other than the certificant's sponsoring agency.

(B) Contact hours (may be awarded by the sponsoring agency subject to departmental approval):

(i) ECA—maximum of three contact hours per year in this category;

(ii) B-EMT—maximum of 12 contact hours per year in this category;

(iii) SS-EMT—maximum of 12 contact hours per year in this category; and

(iv) P-EMT—maximum of 80 hours per certification period in this category.

(C) Lectures and programs in this category must be relevant to the expertise needed for the certificant's level of certification and should include material from the proper course. Attendance at a single continuing education activity may result in contact hours being awarded in more than one category.

(i) Example. Program conducted by a hospital on "The Burn Patient in the Emergency Room" which lasts four hours may receive up to four contact hours.

(ii) Example. Attending a course on "The Management of the Multi-Trauma Burn Patient" which lasts four hours may yield two contact hours in Category II and two contact hours in either Category I or Category III.

(4) Category IV. Evaluated emergency runs.

(A) Description. An evaluated emergency run is one in which emergency care is provided to a patient or patients and an unbiased, nonparticipating, third party observes, in a supervisory or evaluator role, to accurately document and assess the performance of an individual through critical observation and post-run documentation. The individual being assessed should eventually participate in an interview with the evaluator for a final critique of the run. The observer/evaluator must be responsible to the sponsoring agency.

(B) Contact hours (maximum of one contact hour per evaluated run):

(i) ECA—maximum of 3 contact hours per year for this category;

(ii) B-EMS, SS-EMT, and P-EMT—maximum of 10 contact hours per year for this category.

(5) Category V. Post emergency run evaluations.

(A) Description. A post-run evaluation is one in which emergency care is provided to a patient or patients and the receiving or supervising physician or nurse provides an assessment of the performance through critical observation and/or run documentation.

(B) Contact hours. Credit cannot be given for the same run in Category IV and V (maximum of one contact hour per post emergency run evaluation):

(i) ECA—maximum of three contact hours per year may be granted for this category; and

(ii) B-EMT, SS-EMT, and P-EMT—maximum of five contact hours per year may be granted for this category

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 August 13, 1984.

TRD-848323

Robert A. MacLean, M.D.
Deputy Commissioner
Professional Services
Texas Department of Health

Proposed date of adoption

November 30, 1984

For further information, please call (512) 458-1393.



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

The Texas State Board of Pharmacy has withdrawn from consideration for permanent adoption amendments to §291.95, concerning clinic pharmacies (Class D). The text of the amended section as proposed appeared in the April 10, 1984, issue of the *Texas Register* (9 TexReg 2012).

Issued in Austin, Texas, on August 3, 1984

TRD-848229 Bob Watson
 Director
 Operations and Administrative
 Services
 Texas State Board of Pharmacy

Filed: August 9, 1984
For further information, please call (512) 478-9827.

TITLE 40. SOCIAL SERVICES AND ASSISTANCE Part X. Texas Employment Commission Chapter 10. Unemployment Insurance

40 TAC §301.16

The Texas Employment Commission has withdrawn from consideration for permanent adoption amendments to §301.16, concerning unemployment insurance. The text of the amended section as proposed appeared in the June 1, 1984, issue of the *Texas Register* (9 TexReg 2967).

Issued in Austin, Texas, on August 8, 1984

TRD-848252 Helen S. Anderson
 Administrative Assistant
 Texas Employment Commission

Filed: August 9, 1984
For further information, please call (512) 397-4400

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 XV. Texas State Board of Pharmacy Chapter 283. Licensing Requirements for Pharmacists

22 TAC §283.4

The Texas State Board of Pharmacy adopts the repeal of §283.4, without changes to the proposal published in the May 4, 1984, issue of the *Texas Register* (9 TexReg 2426).

The repeal allows for a new section that will ensure that the pharmacist-intern will attain the knowledge, skills, and abilities to safely, efficiently, and effectively practice pharmacy under the laws and regulations of the State of Texas. The repeal also allows for a new section which revises the objectives and competencies of internship necessary for a pharmacist-intern to attain to effectively practice pharmacy under the laws and regulations of the State of Texas.

No comments were received regarding adoption of the repeal.

The repeal is adopted under Texas Civil Statutes, Article 4542a-1, §20 and §21, which provide the Texas State Board of Pharmacy with the authority to establish standards for internship or any other program necessary to qualify an applicant for the licensing examination, and to determine the necessary qualifica-

tions of any preceptors used in any internship or other program.

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 August 3, 1984

TRD-848219 Fred S. Brinkley, Jr., R Ph
Executive Director/Secretary
Texas State Board of Pharmacy

Effective date: August 30, 1984

Proposal publication date: May 4, 1984

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

The Texas State Board of Pharmacy adopts new §283.4, without changes to the proposed text published in the May 4, 1984, issue of the *Texas Register* (9 TexReg 2426).

Enforcement of the new section will ensure that the pharmacist-intern attain the knowledge, skills, and abilities to safely, efficiently, and effectively practice pharmacy under the laws and regulations of the State of Texas. The new section revises the objectives of internship necessary for a pharmacist-intern to attain to effectively practice pharmacy under the laws and regulations of the State of Texas

No comments were received regarding adoption of the new section.

The new section is adopted under Texas Civil Statutes, Article 4542a-1, §20 and §21, which provide the Texas State Board of Pharmacy with the authority to establish standards for internship or any other program necessary to qualify an applicant for the licensing examination, and to determine the necessary qualifications of any preceptors used in any internship or other program

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 August 3, 1984

TRD-848220 Fred S Brinkley, Jr., R Ph
Executive Director/Secretary
Texas State Board of Pharmacy

Effective date: August 30, 1984
Proposal publication date: May 4, 1984
For further information, please call (512) 478-9827

22 TAC §§283.6, 283.8, 283.11

The Texas State Board of Pharmacy adopts amendments to §§283.6, 283.8, and 283.11, without changes to the proposed text published in the May 4, 1984, issue of the *Texas Register* (9 TexReg 2427).

Enforcement of these amendments will ensure that the pharmacist-intern attains the knowledge, skills, and abilities to safely, efficiently, and effectively practice pharmacy under the laws and regulations of the State of Texas.

Amendments to §283.6 address that portion of the internship hours experience required for institutional and community pharmacy practice. Amendments to §283.8 address the board approval of the Texas Colleges of Pharmacy internship programs. Amendments to §283.11 address preceptor requirements.

No comments were received regarding adoption of these amendments

The amendments are adopted under Texas Civil Statutes, Article 4542a-1, §20 and §21, which provide the Texas State Board of Pharmacy with the authority to establish standards for internship or any other program necessary to qualify an applicant for the licensing examination, and to determine the necessary qualifications of any preceptors used in any internship or other program

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 August 3, 1984

TRD-848221 Fred S Brinkley, Jr., R Ph
Executive Director/Secretary
Texas State Board of Pharmacy

Effective date: August 30, 1984
Proposal publication date: May 4, 1984
For further information, please call (512) 478-9827.

22 TAC §283.14

The Texas State Board of Pharmacy adopts amendments to §283.14, without changes to the proposed text published in the June 1, 1984, issue of the *Texas Register* (9 TexReg 2960).

The amendments ensure that pharmacists are practicing pharmacy within the laws and rules governing the practice of pharmacy in the interest of the public health and welfare. The amendments refer to the licensure fee requirements in §295.6 and address the renewal date for licensure for new candidates.

No comments were received regarding adoption of the amendments.

The amendments are adopted under Texas Civil Statutes, Article 4542-a-1, §§24, 25 and 30, which provide the Texas State Board of Pharmacy with the authority to adopt a system in which licenses to practice pharmacy expire on various dates during the year; and establish a fee not to exceed \$85 a year for the processing of applications and issuance of a pharmacist license.

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 August 3, 1984

TRD-848222 Fred S Brinkley, Jr., R Ph
Executive Director/Secretary
Texas State Board of Pharmacy

Effective date: August 30, 1984
Proposal publication date: June 1, 1984
For further information, please call (512) 478-9827.



Chapter 291. Pharmacies

22 TAC §291.17

The Texas State Board of Pharmacy adopts amendments to §291.17, without changes to the proposed text published in the May 4, 1984, issue of the *Texas Register* (9 TexReg 2428)

Enforcement of the amendments will ensure that pharmacists are in compliance with the law by requiring a statement attesting that a controlled substance inventory has been conducted. The amendments specify certain requirements for submitting a controlled substances inventory.

No comments were received regarding adoption of the amendments

The amendments are adopted under Texas Civil Statutes, Article 4542a-1, §30, which authorize the Texas State Board of Pharmacy to specify, by rule, the licensing procedures to be followed, including the specifi-

cation of forms for use in applying for a license and fees for filing an application.

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 August 3, 1984

TRD-848223 Fred S. Brinkley, Jr., R Ph
Executive Director/Secretary
Texas State Board of Pharmacy

Effective date August 30, 1984
Proposal publication date May 4, 1984
For further information, please call (512) 478-9827

Community Pharmacies (Class A)

22 TAC §291.33

The Texas State Board of Pharmacy adopts an amendment to §291.33, without changes to the proposed text published in the May 4, 1984, issue of the *Texas Register* (9 TexReg 2429)

Enforcement of this amendment will ensure that proper procedures are required for the removal of outdated drugs, which further ensures the safety and welfare of the public. This amendment provides requirements for the removal of outdated drugs.

No comments were received regarding the adoption of this amendment.

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

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 August 3, 1984

TRD-848224 Fred S. Brinkley, Jr., R Ph
Executive Director/Secretary
Texas State Board of Pharmacy

Effective date August 30, 1984
Proposal publication date May 4, 1984
For further information, please call (512) 478-9827

Institutional Pharmacies (Class C)

22 TAC §291.74

The Texas State Board of Pharmacy adopts amendments to §291.74, without changes to the proposed text published in the May 4, 1984, issue of the *Texas Register* (9 TexReg 2429)

Enforcement of these amendments will ensure the safety, health, and welfare of the public by further specifying the operational standards of a Class C pharmacy.

These amendments reference the requirements of the library of the pharmacy, procurement, preparation,

and storage of outdated drugs; policies and procedures for the drug distribution system; and requirements of emergency room facilities.

No comments were received regarding the adoption of these amendments.

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

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

Issued in Austin, Texas, on August 3, 1984

TRD-848227 Fred S. Brinkley, Jr., R Ph
Executive Director/Secretary
Texas State Board of Pharmacy

Effective date August 30, 1984
Proposal publication date May 4, 1984
For further information, please call (512) 478-9827.

22 TAC §291.75

The Texas State Board of Pharmacy adopts amendments to §291.75, without changes to the proposed text published in the May 4, 1984, issue of the *Texas Register* (9 TexReg 2430)

Enforcement of this amendment will ensure the safety and welfare of the public by specifying requirements for the maintenance of outpatient records of a Class C pharmacy.

This amendment clarifies the sections of this title referencing the maintenance of outpatient records. Outpatient records shall be maintained as provided in §291.34 and §291.35 of this title, relating to records in a Class A pharmacy and triplicate prescription records.

No comments were received regarding the adoption of the amendment.

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

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

Issued in Austin, Texas, on August 3, 1984

TRD-848228 Fred S. Brinkley, Jr., R Ph
Executive Director/Secretary
Texas State Board of Pharmacy

Effective date August 30, 1984
Proposal publication date May 4, 1984
For further information, please call (512) 478-9827.

Clinic Pharmacy (Class D)

22 TAC §291.95

The Texas State Board of Pharmacy adopts amendments to §291.95, without changes to the proposed text published in the May 4, 1984, issue of the *Texas Register* (9 TexReg 2431)

Enforcement of this amendment will ensure the public health, safety, and welfare by specifying requirements for the maintenance of records for dangerous drugs dispensed through a Class D pharmacy

This amendment states that the record-keeping requirements for dangerous drugs dispensed through a Class D pharmacy are the same as for a Class A pharmacy

No comments were received regarding the adoption of the amendment

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

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

Issued in Austin, Texas, on August 3, 1984

TRD-848231 Fred S. Brinkley, Jr., R Ph
Executive Director/Secretary
Texas State Board of Pharmacy

Effective date: August 30, 1984
Proposal publication date May 4, 1984
For further information, please call (512) 478-9827.

Chapter 295. Regulations Governing Pharmacists

22 TAC §295.5, §295.7

The Texas State Board of Pharmacy adopts an amendment to §295.5, with changes to the proposed text published in the June 1, 1984, issue of the *Texas Register* (9 TexReg 2962) Section 295.7 is adopted without changes and will not be republished

Enforcement of this amendment will ensure that pharmacists are practicing pharmacy within the laws and rules of this state that govern the practice of pharmacy in the interest of the public health and welfare. The pharmacist licensure fee for the 1985 renewal cycle was lowered from \$60 to \$48, effective January 1, 1985.

The change in the pharmacist licensure fee is \$48, effective November 1, 1984. The pharmacist fee for the 1985 renewal cycle is prorated to establish staggered expiration dates for licensure. The amendment also defines "timely receipt of the completed application and renewal fee."

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 4542a-1, §24, §25, and §39, which provide the Texas State Board of Pharmacy with the authority to adopt a system in which licenses to practice pharmacy expire on various dates during the year, and to establish a fee not to exceed \$85 a year for the processing of applications and issuance of a pharmacist license

§295.5. Pharmacist License or Renewal Fees

(a) The pharmacist fee provided in Texas Civil Statutes, Article 4542a-1, §39(3), shall be \$50, effective for the 1983 renewal cycle; and shall be \$48, effective January 1, 1985, for the 1985 renewal cycle

(b) The pharmacist fee for the 1985 renewal cycle shall be prorated to establish staggered expiration dates for licensure

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 August 3, 1984

TRD-848232 Fred S. Brinkley, Jr., R Ph
Executive Director/Secretary
Texas State Board of Pharmacy

Effective date: August 30, 1984
Proposal publication date June 1, 1984
For further information, please call (512) 478-9827

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

22 TAC §303.1

The Texas State Board of Pharmacy adopts amendments to §303.1, without changes to the proposed text published in the June 1, 1984, issue of the *Texas Register* (9 TexReg 2962)

Enforcement of these amendments will further protect the public health, safety, and welfare by establishing standards for the destruction of drugs at a location other than the facility or institution

No comments were received regarding adoption of the amendments

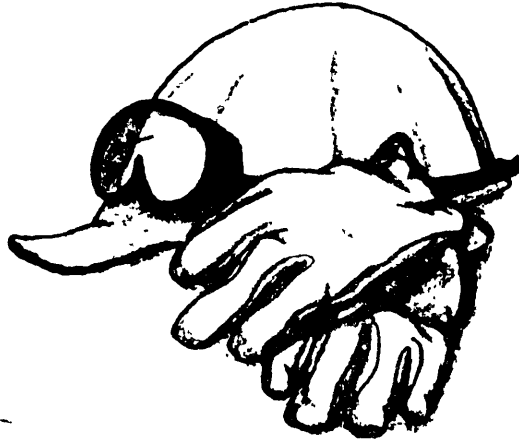
The amendments are adopted under Texas Civil Statutes, Article 4542a-1, §17, which provide the Texas State Board of Pharmacy with the authority to perform the duties, powers, and authority necessary to administer the Act

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

Issued in Austin, Texas, on August 3, 1984

TRD-848233 Fred S. Brinkley, Jr., R Ph
Executive Director/Secretary
Texas State Board of Pharmacy

Effective date: August 30, 1984
Proposal publication date June 1, 1984
For further information, please call (512) 478-9827



**Part XXII. Texas State Board of
Public Accountancy**
**Chapter 511. Certified as CPA
Certification**

22 TAC §511.165

The Texas State Board of Public Accountancy adopts amendments to §511.165, with changes to the proposed text published in the May 25, 1984, issue of the *Texas Register* (9 TexReg 2857).

The amendments do not require the 120 hours of continuing professional education upon application for reinstatement from those not actively engaged in the practice of public accountancy, i.e., those in retired status and those not in public practice.

The amendments provide an exemption for both individuals 65 years of age and over who apply for retired status and individuals who do not intend to enter public practice, from the 120-hour requirement for continuing professional education when applying for reinstatement.

No comments were received regarding adoption of the amendments

The amendments are adopted under Texas Civil Statutes, Article 41a-1, §6(a), which provide the Texas State Board of Public Accountancy with authority to promulgate rules of professional conduct and to ensure that the conduct and competitive practice of licensees serves the best interest of the public.

§511.165 Reinstatement of Certificate An individual seeking reinstatement of a certificate as a certified public accountant must, unless otherwise provided by board order, show satisfactory evidence of completion of a minimum of 120 hours of continuing professional education courses within the three years preceding reinstatement. Individuals who are over 65 years old who meet the board's qualifications to seek reinstatement under "retired status" are exempt from the 120-hour requirement for continuing professional education. Individuals who do not intend to enter the public practice of public accountancy who meet the board's qualifications to seek reinstatement are exempt from the 120-hour requirement

for continuing professional education. It is the responsibility of the individual seeking reinstatement to determine whether the courses taken conform to the standards for continuing professional education courses as established by the board. The board is not bound to accept hours in courses that do not conform to those standards. An individual who has resigned or surrendered a certificate may not apply for reinstatement, but must file an application for issuance of a new certificate.

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 August 8, 1984

TRD-848202 Bob E. Bradley
Executive Director
Texas State Board of Public
Accountancy

Effective date: August 29, 1984

Proposal publication date: May 25, 1984

For further information, please call (512) 451-0241.

TITLE 25. HEALTH SERVICES
**Part VIII. Interagency Council on
Early Childhood Intervention**
**Chapter 621. Early Childhood
Intervention Program**
**Funding of the Early Childhood
Intervention Program**

The Interagency Council on Early Childhood Intervention adopts amendments to §§621.21, 621.22, 621.25, 621.27-621.29, and new §621.30 and §621.31, concerning the funding of the Early Childhood Intervention Program, without changes to the proposed text published in the July 3, 1984, issue of the *Texas Register* (9 TexReg 3687)

The amendments and the new sections update the rules by incorporating provisions relating to uniform grant and contract management standards, withholding of funds under provider contracts, contract cancellations, hearing procedures, and other areas covering the funding of the Early Childhood Intervention Program.

The amendments and the new sections clarify the statutory citation for the Early Childhood Intervention Act, definitions, and requirements on provider contracts and financial management and record keeping; and establish hearing procedures for the denial of a grant award and the cancellation of a provider contract.

Three comments were received regarding the change to the definition of interdisciplinary team in §621.21. The commenters were not in favor of changing the requirement of two or more professionals to all professionals because this would be difficult and expensive for programs which have to pay professional consultants to attend team meetings and would detract from the time spent by the professionals in providing direct services. The council agrees that there are several is-

sues related to how many team members must attend an interdisciplinary team meeting, and the council will consider these issues and decide whether to propose additional amendments to other portions of the early childhood intervention rules that address the interdisciplinary team process. However, the council believes that the amendment to the definition, as proposed, should not be changed because the definition only defines who should be considered members of the interdisciplinary team. The amendment in this definition will not require all professionals to attend the interdisciplinary team meeting.

One commenter asked for clarification regarding implementation enforcement of the sanctions provided in the proposed amendments to the rule. No specific language changes were recommended by the commenter. The council disagrees that the enforcement provisions of the rules are unclear and has decided to keep the language as it is in the proposed rules.

No group or organization was against the adoption of the amendments; however, some of the comments received consisted of concerns, questions, and recommendations regarding specific portions of the rules.

**25 TAC §§621.21, 621.22, 621.25,
621.27-621.29**

The amendments are adopted under the Human Resources Code, §73.003, which provides the council with the authority to establish procedures, guidelines and recommendations to implement the Early Childhood Intervention Program.

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 August 10, 1984.

TRD-848277 Cecil C. Chandler, D.D.S.
Chairman
Interagency Council on Early
Childhood Intervention

Effective date: September 1, 1984
Proposal publication date: July 3, 1984
For further information, please call (512) 465-2761.

25 TAC §§621.30, §621.31

The new sections are adopted under the Human Resources Code, §73.003, which provides the council with the authority to establish procedures, guidelines and recommendations to implement the Early Childhood Intervention Program.

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 August 10, 1984

TRD-848278 Cecil C. Chandler, D.D.S.
Chairman
Interagency Council on Early
Childhood Intervention

Effective date: September 1, 1984
Proposal publication date: July 3, 1984
For further information, please call (512) 465-2671.

**TITLE 31. NATURAL RESOURCES
AND CONSERVATION
Part II. Texas Parks and Wildlife
Department
Chapter 65. Wildlife
Subchapter N. Early Season Migratory
Game Bird**

31 TAC §§65.311-65.313, 65.315

The Texas Parks and Wildlife Commission adopts amendments to §§65.313 and §65.315, with changes to the proposed text published in the June 19, 1984, issue of the *Texas Register* (9 TexReg 3300). Sections 65.311 and 65.312 are adopted without changes and will not be republished.

Section 65.313(f)(5)(A) is amended to open the early teal season the third Saturday in September rather than the second Saturday to coincide closer with the expected teal migration. Section 65.315 is amended to comply with the federal mandate issued by the U.S. Fish and Wildlife Service on July 19, 1984, limiting the special falconry seasons for mourning doves and white-winged doves to 107 days. Since the falconry season for these species was 109 days, the amendment to comply with the federal mandate of 107 days is necessary.

Fluctuations in migratory game bird populations and the need to provide better hunting opportunities for most sportsmen require the commission to adopt regulation changes for the 1984-1985 hunting seasons.

The sections as amended allow the taking of early season migratory game bird wildlife resources consistent with their population.

The following comments were made in a public hearing held July 25, 1984. Alan Allen, executive director, Sportsmen's Clubs of Texas, favored the amendments as proposed. Wilbur Wilson, Medina County landowner, opposed portions of the proposed amendments as they would open the mourning dove season later. He stated a later opening would mean a loss of revenue from hunting leases, since dove hunters would go elsewhere on September 1 to lease hunting rights.

A total of 116 public comments, including 79 letters, 34 phone calls, and three petitions, concerning the proposed amendments were received by the department. Of the total comments, 47 were opposed to the proposed September 1 dove opening in the central zone due to the late nesting, and three were in favor of the proposal. The majority of the comments were from hunters in the Houston area. Forty-one persons were opposed to the proposed reduction in the mourning dove bag during the white-winged dove season and three were in favor of this change. Six were opposed to the proposed September 20 dove opening in the south zone, and 13 were in favor of the proposal. The majority of 27 persons present at a public meeting held by department personnel in Medina County on July 6, 1984, were opposed to a delayed dove opening.

The Texas Parks and Wildlife Commission disagreed with some recommendations made by the public because they were judged not to be consistent with recognized wildlife management principles and established federal regulation frameworks.

The amendments are adopted under the Texas Parks and Wildlife Code, Chapter 64, Subchapter C, which provides the commission with the authority to regulate seasons, means, methods, and devices for taking and possessing migratory game bird wildlife resources.

§65.313. Open Seasons, Shooting Hours, Bag and Possession Limits.

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

(f) Every migratory game bird wounded by hunting and retrieved by the hunter shall be immediately killed and become a part of the bag limit.

(1) (No change.)

(2) Mourning doves.

(A) North zone. That portion of the state north of a line beginning at the International Bridge south of Fort Hancock; thence north along FM Road 1088 to State Highway 20; thence west along State Highway 20 to State Highway 148; thence north along State Highway 148 to Interstate Highway 10 at Fort Hancock; thence east along Interstate Highway 10 to Interstate Highway 20; thence northeast along Interstate Highway 20 to Interstate Highway 30 at Fort Worth; thence northeast along Interstate Highway 30 to the Texas-Arkansas state line.

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

(iii) Bag and possession limits. Twelve mourning doves, white-winged doves, and white-tipped (white-fronted) doves in the aggregate, including no more than two white-winged doves and two white-tipped doves per day; 24 mourning doves, white-winged doves, and white-tipped doves in the aggregate, including no more than four white-winged doves and four white-tipped doves in possession.

(B) Central zone. That portion of the state east of a line beginning at the junction of the Texas-Arkansas state line and Interstate Highway 30; thence southwest along Interstate Highway 30 to Interstate Highway 20 at Fort Worth; thence southwest along Interstate Highway 20 to Interstate Highway 10; thence west on Interstate Highway 10 to U.S. Highway 90 at Van Horn; thence southeast along U.S. Highway 90 to U.S. Highway 87 at San Antonio; thence southeast along U.S. Highway 87 to the Port Lavaca Channel at Port Lavaca; thence southeast along the Port Lavaca Channel to the Gulf of Mexico.

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

(iii) Bag and possession limits. Twelve mourning doves, white-winged doves, and white-tipped (white-fronted) doves in the aggregate, including no more than two white-winged doves and two white-tipped doves per day; 24 mourning doves, white-winged doves, and white-tipped doves in the aggregate, including no more than four white-winged doves and four white-tipped doves in possession.

(C) South zone. That portion of the state south and west of a line beginning at the International Bridge south of Fort Hancock; thence north along FM

Road 1088 to State Highway 20; thence west along State Highway 20 to State Highway 148; thence north along State Highway 148 to Interstate Highway 10 at Fort Hancock; thence east along Interstate Highway 10 to U.S. Highway 90 at Van Horn; thence southeast along U.S. Highway 90 to U.S. Highway 87 at San Antonio; thence southeast along U.S. Highway 87 to the Port Lavaca Channel at Port Lavaca; thence southeast along the Port Lavaca Channel to the Gulf of Mexico.

(i) Dates Beginning on September 20, for 54 consecutive days (50 consecutive days in the special white-winged dove area) and beginning on the first Saturday in January, for 16 consecutive days

(ii) (No change)

(iii) Bag and possession limits. Twelve mourning doves, white-winged doves, and white-tipped (white-fronted) doves in the aggregate, including no more than two white-winged doves and two white-tipped doves per day; 24 mourning doves, white-winged doves, and white-tipped doves in the aggregate, including no more than four white-winged doves and four white-tipped doves in possession (Note: mourning doves and white-tipped doves may also be taken during the four-day white-winged dove season in the special white-winged dove area listed in paragraph (3) of this subsection).

(3) White-winged doves Special white-winged dove area. That portion of the state south and west of a line beginning at the International Bridge south of Fort Hancock; thence north along FM Road 1088 to State Highway 20; thence west along State Highway 20 to State Highway 148; thence north along State Highway 148 to Interstate Highway 10 at Fort Hancock; thence east along Interstate Highway 10 to U.S. Highway 90 at Van Horn; thence southeast along U.S. Highway 90 to U.S. Highway 83 at Uvalde; thence south along U.S. Highway 83 to State Highway 44; thence east along State Highway 44 to State Highway 16 at Freer, thence south along State Highway 16 to State Highway 285 at Hebbronville; thence east along State Highway 285 to FM Road 1017; thence southeast along FM Road 1017 to State Highway 186 at Linn; thence east along State Highway 186 to the Mansfield Channel at Port Mansfield; thence east along the Mansfield Channel to the Gulf of Mexico

(i)-(ii) (No change)

(iii) Bag and possession limits. Ten white-winged doves, mourning doves, and white-tipped (white-fronted) doves in the aggregate, including no more than two mourning doves and two white-tipped doves per day; 20 white-winged doves, mourning doves, and white-tipped doves in the aggregate, including no more than four mourning doves and four white-tipped doves in possession.

(4) (No change)

(5) Teal ducks All species (blue-winged, green-winged, and cinnamon) Statewide

(A) dates Beginning on the third Saturday in September, for nine consecutive days

(B)-(C) (No change)

(6) Red-billed pigeons and band-tailed pigeons. No open season.

(7) (No change)

§65.315 Extended Falconry Season.

(a) (No change)

(b) It is lawful to take migratory game birds by means of falconry during the following prescribed open seasons.

(1) (No change.)

(2) Mourning doves: September 1 through November 30 and beginning on the first Saturday in January for 16 consecutive days, from one-half hour before sunrise to sunset.

(3) White-winged doves: September 1 through November 30 and beginning on the first Saturday in January for 16 consecutive days, from one-half hour before sunrise to sunset.

(4) (No change.)

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

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

Issued in Austin, Texas, on August 9, 1984

TRD-848225 Maurine Ray
Administrative Assistant
Texas Parks and Wildlife
Department

Effective date: September 1, 1984
Proposal publication date: June 19, 1984
For further information, please call (512) 479-4979
or (800) 792-1112.

Part IV. School Land Board Chapter 155. Land Resources Coastal Public Lands

31 TAC §155.3

The School Land Board adopts amendments to §155.3, without changes to the proposed text published in the June 22, 1984, issue of the *Texas Register* (9 TexReg 3510).

The amendments shorten the General Land Office staff time required for processing certain easement applications for construction on coastal public lands of smaller structures having little effect on state-owned lands.

The amendments divide §155.3(f) into paragraphs, correct an out-of-date reference to the Interagency Council on Natural Resources and the Environment, and allow the commissioner or his representative to make a decision on certain specified coastal easement applications without the necessity of a meeting of the entire School Land Board.

No comments were received regarding adoption of the amendments.

The amendments are adopted under the Texas Natural Resources Code, §33 064, which provides the School Land Board with the authority to adopt procedural and substantive rules which is considers necessary to administer, implement, and enforce the Coastal Public Lands Management Act of 1973.

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 30, 1984

TRD-848196 Garry Mauro
Chairman
School Land Board

Effective date: August 29, 1984
Proposal publication date: June 22, 1984
For further information, please call (512) 475-5661.

TITLE 37. PUBLIC SAFETY AND CORRECTIONS PART VIII. Commission on Fire Protection Personnel Standards and Education Chapter 233. Minimum Standards Manual Aircraft Crash and Rescue Firefighter Standards

37 TAC §233.142

The Commission on Fire Protection Personnel Standards and Education adopts new §233.142, without changes to the proposed text published in the July 13, 1984, issue of the *Texas Register* (9 TexReg 3797).

The new section is adopted to comply with House Bill 594, 68th Legislature, 1983, which mandated the commission to develop certification standards for aircraft crash and rescue firefighters

The new section outlines certification training requirements for aircraft crash and rescue fire protection personnel in Texas. This section includes types of training required, size of airports affected, and total number of hours required for certification.

No comments were received regarding the adoption of the new section.

The new section is adopted under Texas Civil Statutes, Article 4413(35), §6(j), created by House Bill 594, 68th Legislature, 1983, which provide the commission with the authority to establish certification requirements for aircraft crash and rescue fire protection personnel with less than two years experience as of September 1, 1984.

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 August 13, 1984

TRD-848320 Ray L Goad
Executive Director
Commission on Fire Protection
Personnel Standards
and Education

Effective date: September 3, 1984
Proposal publication date: July 13, 1984
For further information, please call (512) 474-8066.

**TITLE 40. SOCIAL SERVICES AND
ASSISTANCE**

**Part I. Texas Department of
Human Resources**

Chapter 16. ICF/SNF

The Texas Department of Human Resources adopts amendments to §16.1914 and §16.3901, without changes to the proposed text published in the June 1, 1984, issue of the *Texas Register* (9 TexReg 2964).

Section 16 1914 and §16.3901 are amended to include references to new §51 50, which states the standardized record retention requirements for provider agencies.

No comments were received regarding adoption of the amendments.

Governing Body and Management

40 TAC §16.1914

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

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

Issued in Austin, Texas, on August 10, 1984.

TRD-848298 Marlin W Johnston
Commissioner
Texas Department of Human
Resources

Effective date: September 1, 1984
Proposal publication date June 1, 1984
For further information, please call (512) 441-3355,
ext. 2037

Medical Records

40 TAC §16.3901

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

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

Issued in Austin, Texas, on August 10, 1984

TRD-848299 Marlin W Johnston
Commissioner
Texas Department of Human
Resources

Effective date: September 1, 1984
Proposal publication date June 1, 1984
For further information, please call (512) 441-3355,
ext 2037

**Chapter 23. Nursing Facility
Administration**

The Texas Department of Human Resources adopts amendments to §23.103 and §23.9801, without changes to the proposed text published in the June 1, 1984, issue of the *Texas Register* (9 TexReg 2965).

Section 23.103 and §23.9801 are amended to include references to new §51.50, which states the standardized record retention requirements for provider agencies.

No comments were received regarding adoption of the amendments.

Subchapter B. Ownership Transfers

40 TAC §23.103

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

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

Issued in Austin, Texas, on August 10, 1984.

TRD-848300 Marlin W Johnston
Commissioner
Texas Department of Human
Resources

Effective date: September 1, 1984
Proposal publication date June 1, 1984
For further information, please call (512) 441-3355,
ext. 2037

Subchapter UUUU. Support Documents

40 TAC §23.9801

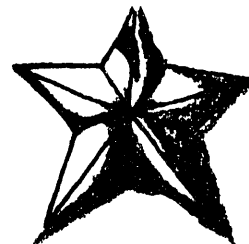
The amendments are adopted under the Human Resources Code, Title 2, Chapter 22 and Chapter 32, which authorizes the department to administer public and medical assistance programs.

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

Issued in Austin, Texas, on August 10, 1984

TRD-848301 Marlin W Johnston
Commissioner
Texas Department of Human
Resources

Effective date: September 1, 1984
Proposal publication date June 1, 1984
For further information, please call (512) 441-3355,
ext. 2037.



**Chapter 47. Primary Home Care
Claims Payment**

40 TAC §47.3903

The Texas Department of Human Resources adopts the repeal of existing §47.3903 and new §47.3903, concerning primary home care, without changes to the proposals published in the June 1, 1984, issue of the *Texas Register* (9 TexReg 2966). Section 47.3903 is repealed and replaced by new §47.3903 to update obsolete references and clarify the text

No comments were received regarding adoption of the repeal and new section.

The repeal is adopted under the Human Resources Code, Title 2, Chapter 22 and Chapter 32, which authorizes the department to administer public and medical assistance programs

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

Issued in Austin, Texas, on August 10, 1984

TRD-848302 Marlin W Johnston
Commissioner
Texas Department of Human
Resources

Effective date: September 1, 1984

Proposal publication date: June 1, 1984

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

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

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

Issued in Austin, Texas, on August 10, 1984

TRD-848303 Marlin W Johnston
Commissioner
Texas Department of Human
Resources

Effective date: September 1, 1984

Proposal publication date: June 1, 1984

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

**Chapter 51. Organization,
Administration, and Management
Standards**

40 TAC §51.50

The Texas Department of Human Resources adopts new §51.50, with changes to the proposed text published in the June 1, 1984, issue of the *Texas Register* (9 TexReg 2967). Section 51.50 is added to standardize record retention requirements for provider agencies.

Comments were received from the Office of the Attorney General, Medicaid Fraud Control Unit. The Office of the Attorney General agrees with the principle of having standardized record retention requirements for provider agencies, but expresses concerns and recommendations about specific parts of the rule. The following are comments received and the department's response to each comment.

The commenter requested that §51.50 be reworded so that record retention requirements apply to provider agencies even if services are not actually provided or if the provider agency is unsure if services are provided. The department agrees with the request to reword §51.50 to read "The provider agency must keep financial and supporting documents, statistical records, and any other records pertinent to the services for which a claim or cost report is submitted to the department or its agent." The commenter suggested that the record retention period stated in §51.50 be increased to five years. The department disagrees with the suggestion to increase the record retention period from three years and 90 days to five years. The department contends that the three years and 90-day period is adequate, particularly since there are provisions for longer retention when there are pending audits or litigation. The commenter recommended that §51.50 include an additional provision regarding access. The department disagrees with the recommendation because §51.50 covers all programs administered by the department and includes funding sources other than Title XIX (Medicaid). The suggested provision, therefore, would be inappropriate; however, the subject of access to records will be adequately covered in provider contracts and department handbooks

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

§51.50. Record Retention Requirements.

(a) The provider agency must keep financial and supporting documents, statistical records, and any other records pertinent to the services for which a claim or cost report was submitted to the department or its agent. The records and documents must be kept for a minimum of three years and 90 days after the termination of the contract period or for three years after the end of the federal fiscal year in which services were provided if there was a provider agreement/contract with no specific termination date in effect. If any litigation, claim, or audit involving these records begins before the three-year period expires, the provider must keep the records and documents for not less than three years and 90 days and until all litigation, claims, or audit findings are resolved. The case is considered resolved when there is a final order issued in litigation, or a written agreement is entered into between the department and the provider. The provider must keep records of nonexpendable property acquired under the contract for three years after final disposition of the property. In this rule, contract period means the beginning date through the ending date specified in the original agreement/contract, extensions are considered to be separate contract periods.

(b) After medical services end, the provider must keep the recipient's medical records for five years as stated in the provider agreement/contract.

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 August 10, 1984

TRD-848304 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Effective date: September 1, 1984
Proposal publication date: June 1, 1984
For further information, please call (512) 441-3355,
ext. 2037

Chapter 73. Civil Rights Subchapter OO. Administrative Disqualification Hearings

40 TAC §73.4003

The Texas Department of Human Resources adopts amendments to §73.4003, without changes to the proposed text published in the May 18, 1984, issue of the *Texas Register* (9 TexReg 2766)

The amendments further define intentional program violation in the department's civil rights rules. The rule is meant to prevent abuse of the Food Stamp Program by clarifying the actions that are considered intentional program violations

No comments were received regarding the adoption of the amendments.

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

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

Issued in Austin, Texas, on August 9, 1984

TRD-848245 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Effective date: August 30, 1984
Proposal publication date: May 18, 1984
For further information, please call (512) 441-3355,
ext. 2037

Chapter 79. Legal Services

The Texas Department of Human Resources (DHR) adopts amendments to §§79.1203, 79.1204, 79.1301, and new §79.1207, with changes to the proposed text published in the May 18, 1984, issue of the *Texas Register* (9 TexReg 2766). The repeal of §§79.1201, 79.1202, and 79.1207, and amend-

ments to §§79.1101-79.1104, 79.1205, 79.1206, 79.1210, 79.1211, 79.1213, and 79.1214 are adopted without changes and will not be republished.

The DHR is adopting the repeal, new rule, and amendments to make clarifications, delete internal operating procedures, and eliminate duplication of information in its rules. The rules define DHR's responsibility to provide fair hearings. They also establish guidelines for making appeals and conducting hearings

No comments were received regarding the adoption of the proposals, however, for consistency, in new §79.1207(a), new paragraphs (1) and (2) have been added and old paragraphs (1) and (2) have been renumbered to (3) and (4). Section 79.1207(c) has been clarified to include situations in which a client's behavior threatens his own health and safety as well as that of others. Some minor editorial changes have also been made for clarity.

Subchapter L. Fair Hearings

40 TAC §§79.1101-79.1104

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

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

Issued in Austin, Texas, on August 9, 1984

TRD-848246 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Effective date: August 30, 1984
Proposal publication date: May 18, 1984
For further information, please call (512) 441-3355,
ext. 2037

Subchapter M. Appeals Process

40 TAC §§79.1201, 79.1202, 79.1207

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

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

Issued in Austin, Texas, on August 9, 1984

TRD-848247 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Effective date: August 30, 1984
Proposal publication date: May 18, 1984
For further information, please call (512) 441-3355,
ext. 2037

**40 TAC §§79.1203-79.1206, 79.1210,
79.1211, 79.1213, 79.1214**

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

§79.1203. Conference with Supervisor.

(a) If the applicant, recipient, or any person expresses dissatisfaction with a DHR decision to the worker, the worker fully explains the basis for the decision, the applicable law and policies, and the right of appeal. The worker also gives the applicant or recipient an opportunity to request a conference with the supervisor, if desired; however, a conference is not required. The worker must not interfere with or delay the filing of the appeal if the person chooses not to have a conference.

(b) A conference gives the applicant or recipient the opportunity to express dissatisfaction and receive an explanation of the DHR's action. It does not compromise or affect his right to appeal. An adequate conference might make some hearings unnecessary and help the appellant to better present his case in hearings that are held.

(c) (No change.)

§79.1204. Group Hearings. If recipients request a group hearing on a question of agency policy, it must be granted. In all cases except food stamp cases, the request must be in writing, be signed by each appellant, and state the common issue(s). Requests for group hearings in food stamp cases may be oral or written. An appellant may also withdraw from a group hearing at any time before a final decision. If an appellant wishes to withdraw, he must make the request in writing and sign it. Group hearings follow the same procedures as individual hearings.

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 August 9, 1984

TRD-848249 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Effective date August 30, 1984

Proposal publication date May 18, 1984

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

40 TAC §79.1207

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

§79.1207. Notice Requirement—Proposed Termination or Reduction of Assistance

(a) The DHR must give clients timely and/or adequate notice if a review of the client's situation shows that the grant is to be lowered or denied or services reduced or terminated; the DHR decides to make or continue a protective, vendor, or two-party payment; or the DHR decides to continue a protective payment in aid to

families with dependent children (AFDC) mismanagement cases.

(1) A timely notice is mailed at least 10 days before the date of action. It includes a statement that the DHR continues assistance or services until the fair hearing decision is made if the fair hearing is requested during the 10-day notice period. This 10-day period begins the day the notice is mailed and ends 10 calendar days later.

(2) The DHR continues assistance if a request for a fair hearing is postmarked on or before the 10th day. Payment may not be changed to a protective, vendor, or two-party payment pending the appeal.

(3) An adequate notice includes a statement of the proposed action; the reasons for the action; the specific regulations supporting the action; an explanation of the client's right to a hearing; and the circumstances under which assistance or services are continued if the client requests a hearing.

(4) The DHR must give adequate notice to every client for across-the-board reductions necessarily made in good faith, such as denials or reductions made because of raises in Social Security, reductions required because of changes in DHR policies of general applicability, termination of the grant when a client reaches the maximum eligibility age, such as an AFDC child reaching 18 years old or 19 years old if attending school, or reduction because a member of the dependent group received a new grant, and the total of the two grants is equal to or larger than the original grant.

(b) The DHR may withhold assistance or services without the timely 10-day notice, but it must send adequate notice not later than the date of action, if:

(1) the DHR has facts confirming the death of a client or of an AFDC payee when no relative is available to serve as the new payee,

(2) the client sends a clear written and signed statement that he no longer wishes assistance or services. The statement gives information that requires the DHR to terminate or reduce assistance or services. The client must indicate that he understands the consequence of supplying this information. Staff must ensure that the signature is the same as that in the case record;

(3) the client has been admitted or committed to an institution, and further payments to the client do not qualify for federal financial participation under the state plan,

(4) the client has been placed in skilled nursing care, intermediate care, or long-term hospitalization,

(5) the client's whereabouts are unknown, and the postal service returns mail the DHR sent indicating no known forwarding address. If the client is located during the payment period covered by the returned check, the DHR must make the check available to him;

(6) the client is accepted for assistance in a new jurisdiction (either certified in another state or for SSI), and this has been established by the new jurisdiction,

(7) an AFDC child is removed from the home as a result of a judicial determination or voluntarily placed in foster care by the legal guardian,

(8) the client fails to submit a correctly completed status report and the household admits it did not submit the status report, and

(9) the client's attending physician prescribes a lower level of care or concurs with the Texas Department of Health's long-term care unit's change in level-of-care determination.

(c) The DHR may terminate without notice a person in a supervised living or emergency care facility who threatens his own health or safety or that of others in the facility. In food stamp cases, the DHR notifies clients according to requirements in the food stamp rules

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 August 17, 1984

TRD-848248 Marlin W Johnston
Commissioner
Texas Department of Human
Resources

Effective date: August 30, 1984
Proposal publication date: May 18, 1984
For further information, please call (512) 441-3355,
ext. 2037.

Subchapter N. Hearing Procedure

40 TAC §79.1301

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

§79.1301. *Conduct of Fair Hearing*

(a) (No change)

(b) The fair hearing is not open to the public, but friends and relatives of the appellant may attend if the appellant chooses. Reporters may tape record (but may not photograph) the hearing if the appellant chooses. All persons attending the fair hearing must have.

(1) an interest in the rights of the appellant, and

(2) an opportunity to give information pertinent to the issues under consideration.

(c) If space is limited, the hearing officer has the authority to limit the number of persons attending the fair hearing.

(d) The fair hearing must be recorded. The recording or stenographer's notes are kept on file for 90 days (three years in food stamp appeals) after the fair hearing. During this period, the appellant or representative may copy or transcribe this information at his own expense. The hearing officer prepares a summary of what took place at the fair hearing. This is the official record of the fair hearing. Confidentiality rules apply to this information.

(e) In some cases, the hearing officer may use teleconference equipment. The program representative thus may take part in the fair hearing by telephone. The use of this equipment does not change the conduct of the fair hearing or affect the rights of the parties. The representative taking part by telephone may ask and be asked questions. The hearing officer must share with the

appellant any documents from which this representative testifies

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 August 9, 1984

TRD-848250 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

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Proposal publication date May 18, 1984
For further information, please call (512) 441-3355,
ext 2037

Part IX. Texas Department on Aging

Chapter 251. Support Documents Statutes and Regulations

40 TAC §251.7

The Texas Department on Aging adopts new §251.7, with changes to the proposed text published in the May 25, 1984, issue of the *Texas Register* (9 Tex-Reg 2862).

This new section outlines procedures for reviewing budget amendment requests for authorization to expend Older Americans Act, Title III, funds during the fiscal year immediately following the fiscal year for which the funds were initially awarded. This new section is adopted pursuant to recommendations made by the Sunset Advisory Commission.

This new section enables grantees and the department to have a clearly delineated definition of carryover funds and a policy for the use of those funds during the subsequent year

Several changes to the proposed text have been made. The term "carryover" has been more clearly defined. The description of the computation for determining the amount to be approved for automatic carryover has been revised. These clarifications were made to eliminate confusion. Additional detail has been provided explaining what action the department will take when funds are not approved for carryover. The base for determining funds that are automatically approved for carryover has been revised to exclude any funds awarded during the fourth quarter of the grant period. These changes were made to address specific written concerns about the section.

The following comments in favor of the section as proposed were received by the department. One responding grantee was in favor of a defined carryover policy, stating that such a policy would enhance budget planning for the next year. Another grantee commented that the establishment of a carryover policy is a step in the right direction and should help alleviate some of the past problems.

The following comments in opposition of the section as proposed were received by the department.

The proposed policy represents a divergence from the definition of carryover in Circular A-102. Any policy on carryover funds should be developed in concert with the governor's office, the Sunset Advisory Commission, and other state agencies. No definition of carryover is provided in the section. The federal regulations allow the carryover of funds if budgeted in the next year's continuing budget. The quarterly rate of expenditures is not a relevant criterion for evaluation carryover requests and should be stricken. No specific provisions have been made in the policy for subcontracts that extend beyond the end of the fiscal year or for capital equipment deliveries that are delayed and where final costs are unknown until equipment arrives and is installed. The policy is unclear as to whether the department intends to approve 5.0% of the unexpended funds or 5.0% of the original allocation. The section does not address what happens to any funds not approved for carryover. The policy does not indicate whether funds contracted beyond the grant period are to be excluded in computing unexpended funds. The 5.0% carryover guideline is not reasonable, if applied to supplemental funds received after the start of the program year. The policy should not apply to any funds received after the second quarter. Applying the policy to supplemental funds could result in hasty spending plans or dramatic service increases in the fourth quarter which could not be sustained in the next fiscal year.

The foregoing comments were filed by the following organizations. Those in favor of the proposal were the Central Texas Council of Governments and the Permian Basin Regional Planning Commission. Those in opposition to the policy were the Texas Association of Regional Councils, the West Central Texas Council of Governments, the Permian Basin Regional Planning Commission, and the Houston-Galveston Area Council.

The department agrees with the comments in favor of the section and makes the following reply to comments in opposition to the section.

The department does not agree that the policy is a divergence from Circular A-102. Circular A-102 does not define carryover or unexpended funds. The department also does not believe that the policy should be developed in concert with other state agencies. The policy addresses issues unique to the delivery of aging services in Texas and is the sole responsibility of the Texas Department on Aging. Federal regulations prescribe a procedure for budgeting unexpended funds into subsequent years for continuing grants, however, budget approval is at the discretion of the awarding agency. Therefore, the comment that federal regulations allow the carryover of funds is incorrect.

The department is aware that the rates of expenditure by subcontractors may not be consistent throughout the year. However, this criterion is an indicator of proper management and monitoring of expenditures throughout the year. As such, the rates of expenditure must be reviewed in analyzing carryover requests.

Definitions of "unexpended funds" and "carryover" have been provided in the adopted section. The definitions clarify the confusion regarding funds contracted beyond the grant period and capital equipment ordered but not received. The wording of the adopted section has been revised to make it clear that 5.0% of funds awarded during the first three quarters would be automatically approved as carryover. The department believes that there is a high probability of Federal Administration on Aging funds being awarded quarterly via continuing resolutions. These funds should be included in computing the allowable 5.0% carryover, even if they are awarded during the third quarter. These funds are usually known and should not be considered supplemental funds. Any funds awarded in the fourth quarter will be considered supplemental funds and available for automatic carryover in addition to the 5.0% allowable carryover.

The department agrees that the policy should include procedures governing funds not approved for carryover. These procedures have been incorporated in the adopted section.

The new section is adopted under the Human Resources Code, § 101.021, which provides the Texas Department on Aging with the authority to adopt rules governing the function of the department.

§251.7. Carryover Policy—Older Americans Act, Title III

(a) The Texas Department on Aging (TDOA) has revised the policy regarding the carryover of unexpended funds awarded in the prior fiscal year. The new policy establishes procedures for reviewing budget amendment requests for authorization to expend Older Americans Act (OAA), Title III, funds during the fiscal year immediately following the fiscal year for which the funds were initially awarded.

(b) The notification of grant award issued by the TDOA authorizes the use of OAA Title III funds for the specific federal fiscal year during which the award is issued (currently October 1, 1983-September 30, 1984). At the end of each federal fiscal year, OAA grantees are provided a 90-day closeout period to determine the balance of unexpended funds. During the closeout period, an end-of-year report is completed indicating the unexpended balance or carryover remaining. Unexpended balance or carryover is defined as any funds awarded for which no goods or services have been received, or services performed by employees, contractors, subgrantees, and other payees. Funds contracted beyond the TDOA grant period are considered unexpended. Accrued expenditures are not considered as unexpended. Accrued expenditures would include items purchased within the grant period, but where delivery is not made until a subsequent period. The grantee requests use of carryover funds by submitting a budget amendment to add the identified carryover funds to the current fiscal year award.

(c) It is the policy of the TDOA to approve the carryover of up to 5.0% of funds awarded during the first three quarters of the grant period. Any funds awarded during the fourth quarter will be allowed as carryover in addition to the 5.0%. The 5.0% is computed for each program (administration, supportive services, direct service, congregate meals, or home-delivered meals) upon

submission of an acceptable budget amendment request. For unexpended funds in excess of 5.0%, the TDOA will evaluate each grantee's budget amendment request for carryover funds on a case-by-case basis considering the following criteria.

(1) Comparison of carryover funds from previous years with the present carryover amount. The objective of the review is to establish trends regarding unexpended funds.

(2) The rate of quarterly expenditures during the fiscal year which generated the carryover. Expenditure rates are reviewed to determine whether spending was consistent during the year or whether there are indications of sporadic spending which may have contributed to an unpredictably high carryover amount.

(3) Program income generated quarterly is reviewed to determine if an increased or unexpectedly high amount of program income was generated which may have contributed to a higher carryover amount.

(4) Supportive or nutrition service funds remaining uncontracted by grantees during the fiscal year. Grantees are encouraged to contract all service funds to avoid carryover balances resulting from uncontracted funds.

(5) The timing of awards issued by the TDOA is reviewed to determine if any funds were awarded too late in the fiscal year to reasonably allow grantees to prudently expend the funds prior to the end of the project period.

(6) Subcontracted amounts are reviewed to determine if a small number of the grantee's subcontractors generated a significant portion of the carryover funds.

(7) Grantee administrative costs and other direct service costs are reviewed to determine whether the grantee generated a significant portion of carryover funds.

(8) The rationale of the narrative justification explaining the reason(s) funds were not expended during the authorized fiscal year is reviewed.

(9) The rationale of the narrative justification of the need to carry funds forward into the subsequent fiscal year is reviewed.

(d) Funds not approved for carryover by grantees will be redistributed to all grantees through the funding formula.

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 August 8, 1984

TRD-848201

Tim Shank
General Counsel
Texas Department on Aging

Effective date August 29, 1984

Proposal publication date May 25, 1984

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

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

State Aircraft Pooling Board

Thursday, August 23, 1984, 10 a.m. The State Aircraft Pooling Board will meet in Conference Room B, John H. Reagan Building, 105 West 15th Street, Austin. According to the agenda, the board will approve minutes of the previous meeting; hear an aircraft safety request from the Department of Public Safety; consider Texas State Technical Institute's requisition of lease aircraft; ratify aircraft hourly rates; and discuss other board operational matters.

Contact: Bob DuLaney, 4900 Old Manor Road, Austin, Texas 78723, (512) 477-8900.

Filed: August 9, 1984, 10:48 a.m.
TRD-848217

Texas Commission on Alcoholism

Thursday, August 23, 1984, 4 p.m. The Sunset Study Committee of the Texas Commission on Alcoholism will meet in a rescheduled session at 1705 Guadalupe Street, Austin. According to the agenda, the committee will review the initial staff report of the Sunset Advisory Commission study of the Texas Commission on Alcoholism. The meeting was originally scheduled for August 23, 1984, at 3 p.m.

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

Filed: August 13, 1984, 11:34 a.m.
TRD-848334

Friday, August 24, 1984, 10 a.m. The Texas Commission on Alcoholism will meet in the conference room, 1705 Guadalupe Street, Austin. Items on the agenda include approval of minutes; reports from the Advisory Council, the Sunset Study Committee, and the executive director; a new DWI policy; a proposed rule for DWI program course content, certification, and requests for waiver; certification for court commitments; a request for a waiver of conflict of interest policy; an appeal of audit findings by the Driskill Halfway House; the Finance Committee report concerning approval of the 1985 fiscal year operating budget and the 1986-1987 fiscal year legislative appropriations request, and public comments. The commission will also meet in executive session.

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

Filed: August 10, 1984, 10:14 a.m.
TRD-848263

Automated Information Systems Advisory Council

Tuesday, August 28, 1984, 9 a.m. The Board of the Automated Information Systems Advisory Council will meet in the basement, 510 South Congress Avenue, Austin. According to the agenda, the board will consider minutes from the previous meeting; conduct an overview of statewide data processing efforts by Robert B. Jordan, deputy land commissioner, Office of Budget and Planning, General Land Office; and discuss procurement proposals, a proposed rule on cost allocation for ADP, and a status report on council priority projects.

Contact: Charlotte Craig, P.O. Box 13564, Austin, Texas 78711, (512) 475-2362.

Filed: August 10, 1984, 10:17 a.m.
TRD-848264

Texas Cosmetology Commission

Monday, August 13, 1984, 2 p.m. The Texas Cosmetology Commission submitted an emergency revised agenda for a meeting held in the Frank Joseph Cosmetology Building, 1111 Rio Grande Street, Austin. According to the revised agenda, the commission discussed terms for an interagency contract with the State Board of Barber Ex-

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aminers, considered proposed rule changes; and heard committee reports. The emergency status was necessary because the committee was advised by legal counsel at the last minute that sanitary rules of the State Board of Barber Examiners had to be put into committee rules for purposes of crossover inspections.

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

Filed: August 13, 1984, 8:34 a.m.
TRD-848317

Monday, August 13, 1984, 4:30 p.m. The Texas Cosmetology Commission met in emergency session at 1111 Rio Grande Street, Austin. According to the agenda, the commission met in executive session to discuss personnel matters. The emergency status was necessary because a serious personnel problem had arisen and needed to be discussed with the commission members while they were still in Austin, rather than incurring the expense of recalling the full commission for further discussion in 10 days.

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

Filed: August 13, 1984, 2:22 p.m.
TRD-848359

Texas School for the Deaf

Tuesday, August 14, 1984, 10 a.m. The Governing Board of the Texas School for the Deaf submitted an emergency revised agenda for a meeting held in the board room, 1102 South Congress Avenue, Austin. According to the revised agenda, the board approved the June 15, 1984, minutes, conducted business that required board action, considered consultant contracts; conducted a plant maintenance discussion and review, heard a presentation of the annual report and the first reading of Section D-personnel policies, considered the ratification of teacher contracts, the approval of the TASB administrative procedure consultant, an overview of the content and regulations regarding House Bill 246, currently titled Chapter 75 of the Texas Education Code, business for information purposes, a budget review, a homecoming update, the statewide conference on education for the deaf, the status of litigation through the attorney general's office, and personnel changes within student life, and heard individuals from the audience wishing to

make a report and reports from board members. The emergency status was necessary because there were new hires since the filing of the original agenda, and the implementation plan concerning House Bill 246 had to be filed before the next board meeting.

Contact: Sheila O'Leary, 1102 South Congress Avenue, Austin, Texas 78704, (512) 442-7821, ext. 303.

Filed: August 13, 1984, 11:54 a.m.
TRD-848333

Texas Economic Development Commission

Friday, August 17, 1984, 1:30 p.m. The Personnel Committee of the Texas Economic Development Commission will meet in emergency session in the Mockingbird Room, Marriott Hotel, 1600 Airways Boulevard, El Paso. According to the agenda, the committee will review resumes of applicants for the executive director position, select qualified applicants for interviews, and discuss the selection and interviewing of applicants. The emergency status is necessary because the selection process must be accomplished for applicant interviews prior to the next quarterly board meeting.

Contact: Alexa Richter, P.O. Box 12728, Austin, Texas 78711, (512) 472-5059

Filed: August 10, 1984, 3:10 p.m.
TRD-848309

Texas Employment Commission

Tuesday, August 14, 1984, 9 a.m. The Texas Employment Commission (TEC) made an emergency addition to the agenda of a meeting held in Room 644, TEC Building, 15th Street and Congress Avenue, Austin. The addition concerned commission Appeal 84-04915-10-040284, concerning Theresa A. Houston, claimant, and the University of Texas, employer. The emergency status was necessary because delayed action might have caused an undue hardship on a party to the case.

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

Filed: August 9, 1984, 4:16 p.m.
TRD-848251

Monday, August 20, 1984, 9 a.m. The Texas Employment Commission (TEC) will meet in Room 644, TEC Building, 15th Street and Congress Avenue, Austin. Ac-

ording to the agenda summary, the commission will consider prior meeting notes, internal procedures of the Office of Commission Appeals, and action on higher level appeals in unemployment compensation cases on Docket 34; and set the date of the next meeting.

Contact: Courtenay Browning, TEC Building, Room 608, 15th Street and Congress Avenue, Austin, Texas 78711, (512) 397-4415.

Filed: August 10, 1984, 3:22 p.m.
TRD-848310

State Ethics Advisory Commission

Friday, September 14, 1984, 10 a.m. The State Ethics Advisory Commission will meet in Room 100-B, John H. Reagan Building, 105 West 15th Street, Austin. According to the agenda, the commission will approve the April 13, 1984, minutes and proposed rules; consider opinion requests and drafts; and set a date for the next meeting.

Contact: Gregory Pollock, 201 East 14th Street, Room 917, Austin, Texas 78711, (512) 475-1429

Filed: August 9, 1984, 11:01 a.m.
TRD-848218

Office of the Governor

Wednesday, August 15, 1984, 9 a.m. The Governor's Task Force on Hazardous Waste Management of the Office of the Governor met in emergency session in Room 101 and Room 102, Texas Law Center, 1414 Colorado Street, Austin. According to the agenda, the task force considered committee reviews of a draft report, conducted a full discussion of final recommendations, and adopted recommendations. The emergency status was necessary to adopt final recommendations in time for the report deadline.

Contact: Sue Stendebach, P.O. Box 13561, Austin, Texas 78711, (512) 475-2427.

Filed: August 14, 1984, 9:26 a.m.
TRD-848381

Wednesday, August 22, 1984. Councils and a committee of the Office of the Governor will meet in Room 104, Texas Law Center, 1414 Colorado Street, Austin. Times, councils, the committee, and agendas follow.

9 a.m. The Job Injury Interagency Council and the Advisory Committee will meet

jointly to discuss and plan background briefings concerning the Occupational Health and Safety Administration, occupational injuries, Texas workers' compensation, and prevention of injuries

Contact: Luis F B Plascencia, P.O. Box 13561, Austin, Texas 78711, (512) 475-6156.

Filed: August 9, 1984, 4 08 p m
TRD-848244

1:30 p.m. The Governor's State Executive Development Council will consider the current status of executive development programs in Texas state agencies and employee incentive programs

Contact: Cora L Hilliard, Employees Retirement System Building, Room 500, 201 East 18th Street, Austin, Texas 78711, (512) 475-0226

Filed: August 9, 1984, 12 p.m
TRD-848383

Texas Department of Health

Thursday, August 23, 1984, 10 a.m. The Home Health Services Advisory Council of the Texas Department of Health will meet in Room G-107, 1100 West 49th Street, Austin. According to the agenda summary, the council will review the previous meeting minutes, introduce a new council member, elect a vice-chairperson, consider public comments received concerning proposed rules for the licensing of and regulations for home health care agencies, and consider legislative recommendations to home health care agencies under Texas Civil Statutes, Article 4447u

Contact: Juanita Carrell, Ed D , 1100 West 49th Street, Austin, Texas 78756, (512) 458-7245

Filed: August 13, 1984, 4:38 p.m.
TRD-848376

Texas Health Facilities Commission

Thursday, August 23, 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

South Texas Surgicare Center, Inc.,
Corpus Christi
AS83-1212-424

Surgical Dental Hospital of South Texas, Inc., Corpus Christi
AS84-0305-147

St Joseph Hospital, Fort Worth
AH84-0502-279

Richardson Medical Center, B. B. Owen Memorial Hospital, Richardson
AH84-0508-288

Petitions for Reconsideration

Taylor Towers Retirement Facility, Houston
AN83-1229-472

Gonzales County Health Agency, Inc., Gonzales
AS84-0208-081

Motions for Rehearing/Reconsideration

Laurelwood Hospital, Inc., Shenandoah
AH83-0727-063

Pinewood Psychiatric Hospital, Inc., Humble
AH83-0718-043

Charter Park Hospital, Inc , Humble
AH83-0606-594
Northcreek, a psychiatric hospital,
Houston
AH83-0721-046

Contact: John R Neel, P O. Box 50049, Austin, Texas 78763

Filed: August 13, 1984, 9-29 a.m.
TRD-848327



State Board of Insurance

Tuesday, August 21, 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 a management contract between the Texas Medical Liability Insurance Underwriting Association (JUA) and the Texas Workers' Compensation Assigned Risk Pool; a commissioner's report, including personnel matters, a fire marshal's report, including personnel matters, and board orders on several different matters as listed on the complete agenda.

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

Filed: August 13, 1984, 3 41 p m
TRD-848373

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

Tuesday, August 21, 1984, 1:30 p.m. In Room 342, the section will consider Docket 7759—whether the surplus lines agent's license held by George O Spencer, Jr , doing business as George O Spencer, Jr , Insurance Agent, Houston, should be canceled or revoked

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

Filed: August 13, 1984, 11 33 a m.
TRD-848335

Tuesday, August 21, 1984, 1:30 p.m. In Room 353, the section will consider Docket 7670—approval of amendments to the articles of incorporation of Family Security Insurance Company of America, Fort Worth

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

Filed: August 13, 1984, 11 33 a m
TRD-848336

Tuesday, August 21, 1984, 3 p.m. In Room 342, the section will consider Docket 7760—whether the surplus lines agent's license held by Willard Bill Stanton, doing business as Stonewall General Agency, Corpus Christi, should be canceled or revoked

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

Filed: August 13, 1984, 11:33 a.m.
TRD-848337

Wednesday, August 22 , 1984, 1:30 p.m. In Room 342, the section will consider Docket 7761—whether the surplus lines agent's license held by Taylor & Austin Agency, Inc , Brownsville, should be canceled or revoked

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

Filed: August 13, 1984, 11 33 a m.
TRD-848338

Wednesday, August 22, 1984, 3 p.m. In Room 342, the section will consider Docket 7762—whether the surplus lines agent's license held by Gordon McDowell Grubbs, doing business as Surplex Services, Dallas, should be canceled or revoked

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

Filed: August 13, 1984, 11 33 a m
TRD-848339

Thursday, August 23, 1984, 9 a.m. In Room 342, the section will consider Docket 7763—whether the surplus lines agent's

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license held by Stephen Lyndon Way, Houston, should be canceled or revoked.

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

Filed: August 13, 1984, 11:33 a.m.
TRD-848340

Thursday, August 23, 1984, 10:30 a.m. In Room 342, the section will consider Docket 7764—whether the surplus lines agent's license held by Texas Underwriters Service, Inc., Houston, should be canceled or revoked

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

Filed: August 13, 1984, 11:33 a.m.
TRD-848341

Thursday, August 23, 1984, 1:30 p.m. In Room 342, the section will consider Docket 7765—whether the surplus lines agent's license held by Milton Yang, doing business as Young's Insurance Agency, Houston, should be canceled or revoked

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

Filed: August 13, 1984, 11:33 a.m.
TRD-848342

Thursday, August 23, 1984, 3 p.m. In Room 342, the section will consider Docket 7766—whether the surplus lines agent's license held by Stonewall Underwriters, Inc., Houston, should be canceled or revoked

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

Filed: August 13, 1984, 11:33 a.m.
TRD-848343

Texas Board of Land Surveying

Tuesday and Wednesday, August 21 and 22, 1984, 8 a.m. daily. The Texas Board of Land Surveying will meet at the Marriott Hotel, 6121 IH 35 North, and in Suite 210W, 1106 Clayton Lane, Austin. According to Tuesday's agenda, the board will convene at the Marriott Hotel to conduct examinations for registered public surveyor, licensed state land surveyor, and surveyor in training. On Wednesday, the board will convene at the Clayton Lane location to grade and evaluate the examination papers, hear reports of committees, and consider

any other business to come before the board.

Contact: Betty J. Pope, 1106 Clayton Lane, Suite 210W, Austin, Texas 78723, (512) 452-9427

Filed: August 13, 1984, 11:36 a.m.
TRD-848344

Texas State Board of Medical Examiners

Wednesday-Sunday, August 22-26, 1984, 8 a.m. daily. The Texas State Board of Medical Examiners will meet at the AmFac Hotel, Dallas-Fort Worth Airport, Dallas. According to the agenda, the board will conduct hearings on an alleged Medical Practice Act violation and proposed rule changes on procedure, licensure, and institutional permits, interview licensure candidates; hold committee meetings, consider reports; recognize service, conduct interviews on changes in licensure status, approve a board order, consider resolutions, the national board exam, and future board meetings, approve budgets, hear a report on the hearings process; discuss Caribbean and certain Mexican medical schools, approve training programs and duplicate license applications and the sanction report and minutes; and discuss the residency program. The board may also meet in executive session under authority of Texas Civil Statutes, Article 6252-17, as related to Article 4495b, §4 05(d) and §5 06(e)(1), and Attorney General Opinion H-484, 1974

Contact: Jean Davis, P O Box 13562, Austin, Texas 78711, (512) 452-1078

Filed: August 10, 1984, 3:52 p.m.
TRD-848314

Texas Department of Mental Health and Mental Retardation

Thursday, August 23, 1984. Committees of the Texas Board of Mental Health and Mental Retardation of the Texas Department of Mental Health and Mental Retardation will meet in Room 240, 909 West 45th Street, Austin. Items on the agenda and agendas follow

1:15 p.m. The Executive Committee will consider a resolution of appreciation to Lawrence Claman, M D, proposed construction of a greenhouse on the campus of the Fort Worth State School and an enclosure for the William Zale Water Therapy Center on the campus of the Denton State School, Research Advisory Council recommendations, recommendations for legislation for the 69th Legislature, the depart-

ment Affirmative Action Program; and the equal employment opportunity policy.

2:15 p.m. The Ad Hoc Committee on the Board Policy Manual will consider recommendations on the board policy manual.

2:45 p.m. The Business Committee will consider approval of the use of unobligated construction funds for emergency repairs and maintenance for the Denton State School, including the renovation of Dorm 512, the transfer of funds for fiscal year 1984 and fiscal year 1985, the transfer of utility funds from fiscal year 1985 to fiscal year 1984, quarterly budget additions and revisions for fiscal year 1984, quarterly operating budgets and the allocation of state grants-in-aid for fiscal year 1985, and the fiscal year 1986-1987 budget request report.

Contact: Gary E Miller, M D, P O Box 12668, Austin, Texas, (512) 465-4588

Filed: August 10, 1984, 9:18 a.m.
TRD-848257-848259

Friday, August 24, 1984, 9 a.m. The Texas Board of Mental Health and Mental Retardation of the Texas Department of Mental Health and Mental Retardation will meet in the auditorium, 909 West 45th Street, Austin. Items on the agenda summary include approval of the June 29, 1984, minutes and the July 6, 1984, minutes, the commissioner's calendar, recommendations for board consideration concerning the Executive Committee, the Ad Hoc Committee on Board Policy Manual, and the Business Committee, citizen's 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: August 10, 1984, 9:18 a.m.
TRD-848260

Texas Board of Licensure for Nursing Home Administrators

Wednesday, August 29, 1984, 2 p.m. The Texas Board of Licensure for Nursing Home Administrators will meet at 3407 IH 35 North, Austin. Items on the agenda include approval of the May 23, 1984, minutes, reports from the Suitability Committee, the Education Committee, the L A R Committee, the Texas Department of Health, the Texas Department of Human Resources, the executive director, and the chairman, and personal appearances

Contact: Dottie Mathieson, 3407 IH 35 North, Austin, Texas, (512) 479-0922.

Filed: August 9, 1984, 10:01 a.m.
TRD-848211

Board of Pardons and Paroles

Monday, August 13, 1984, 10 a.m. The Board of Pardons and Paroles met in emergency session at 8610 Shoal Creek Boulevard, Austin. According to the agenda, the board considered the composition of administrative panels and parole panels and/or adjusting the distribution of cases, executive clemency cases, and personnel matters. The emergency status was necessary because the absence of a board member necessitated adjustment of panel compositions or the distribution of cases for action on parole, preparole, mandatory supervision, and executive clemency cases.

Contact: Gladys Sommers, 8610 Shoal Creek Boulevard, Austin, Texas 78758, (512) 459-2704

Filed: August 10, 1984, 1:55 p.m.
TRD-848296

Monday-Friday, August 20-24, 1984, 1:30 p.m. daily Monday-Thursday and 11 a.m. Friday.

A three-member 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 releases subject to the board's jurisdiction, and initiate and carry through with appropriate action.

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

Filed: August 10, 1984, 1:55 p.m.
TRD-848295

Tuesday, August 21, 1984, 1:30 p.m. The Board of Pardons and paroles will meet at 8610 Shoal Boulevard, Austin. According to the agenda, the board will consider executive clemency recommendations and related actions (other than out-of-county conditional pardons), including full pardons/restoration of the 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, (512) 459-2704.

Filed: August 10, 1984, 1:55 p.m.
TRD-848294

Texas State Board of Physical Therapy Examiners

Monday, August 27, 1984, 9 a.m. The Texas State Board of Physical Therapy Ex-

aminers will meet in Suite 260, Building C, 1300 East Anderson Lane, Austin. Items on the agenda include the Sunset Advisory Commission's decision regarding O.T.s, P.T.s, and A.T.s, escalated fees adopted by the board, nominations for board membership, a report from the attorney general's office, field decisions by board members and plaques for board members; reports from the Budget, Education, Investigation, and Rules Committees; and board interpretation of the Physical Therapy Act, §11(b).

Contact: Lois M. Smith, 1300 East Anderson Lane, Building C, Suite 260, Austin, Texas 78752, (512) 835-1846 or STS 820-1373

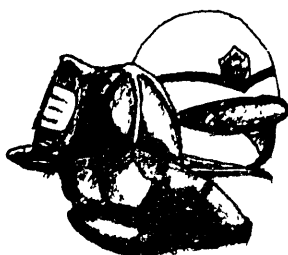
Filed: August 10, 1984, 10:14 a.m.
TRD-848265

Texas Public Building Authority

Wednesday, August 22, 1984, 10 a.m. The Texas Public Building Authority (TPBA) will meet in Room 310, State Capitol Building, Austin. According to the agenda, the authority will approve the minutes of the July 24, 1984, board meeting, consider and approve the resolution authorizing TPBA revenue bonds (Texas Youth Commission/Texas Rehabilitation Commission Project), Series 1984, consider a lease agreement with the State Purchasing and General Services Commission, a trust indenture with Allied Bank of Texas, a bond purchase agreement with certain underwriters and other connected matters, hear a report on the remodeling project, discuss any decisions made in the executive session, and set a time and place for the next meeting. The authority also will meet in executive session to discuss personnel matters and pending legislation.

Contact: Gayle Baker, Sam Houston Building, Room 1008, 201 East 14th Street, Austin, Texas 78701, (512) 475-0290.

Filed: August 13, 1984, 2:24 p.m.
TRD-848358



Texas Department of Public Safety

Wednesday, August 22, 1984, 1 p.m. The Public Safety Commission of the Texas Department of Public Safety will meet at 5805 North Lamar Boulevard, Austin. According to the agenda, the commission will approve the minutes and budget matters and consider other unfinished business.

Contact: James B. Adams, 5805 North Lamar Boulevard, Austin, Texas 78773, (512) 465-2000, ext. 3700

Filed: August 10, 1984, 3:52 p.m.
TRD-848315

Public Utility Commission of Texas

Friday, August 10, 1984, 11:30 a.m. The Hearings Division of the Public Utility Commission of Texas met in emergency session in Suite 450N, 7800 Shoal Creek Boulevard, Austin. According to the agenda, the division met in executive session to consider pending litigation. The emergency status was necessary to meet filing deadlines.

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

Filed: August 10, 1984, 8:12 a.m.
TRD-848254

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

Monday, August 20, 1984, 1:30 p.m. A pre-hearing conference in Docket 5842—application of Crystal Systems of Texas, Inc., for a rate increase within Smith County.

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

Filed: August 10, 1984, 10:12 a.m.
TRD-848266

Tuesday, August 21, 1984, 9 a.m. The commissioners will consider Docket 5620 and Docket 5573.

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

Filed: August 13, 1984, 3:05 p.m.
TRD-848375

Wednesday, September 26, 1984, 9 a.m. A rescheduled meeting in Docket 5827—petition of Southwestern Bell Telephone Company for rule making. The meeting was

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originally scheduled for September 12, 1984, as published at 9 TexReg 4199.

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

Filed: August 9, 1984, 10:01 a.m.
TRD-848212

Wednesday, October 10, 1984, 10 a.m. A hearing on the merits in Docket 5758—application of the City of Weslaco to amend its certificate of convenience and necessity within Hidalgo County

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

Filed: August 10, 1984, 10:15 a.m.
TRD-848267

Wednesday, October 17, 1984, 9:30 a.m. A hearing in Docket 5793—application of Harlingen Waterworks to purchase Stuart Place Water Supply Corporation within Cameron County

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

Filed: August 10, 1984, 10:12 a.m.
TRD-848268

Monday, October 29, 1984, 10 a.m. A hearing on the merits in Docket 5259—inquiry to recertificate the City of Garland.

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

Filed: August 13, 1984, 2:10 p.m.
TRD-848355

Thursday, November 1, 1984, 9:30 a.m. A hearing on the merits in Docket 5782—application of the City of Schertz to transfer Schaefer Road Rural Water Supply Corporation in Bexar County

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

Filed: August 10, 1984, 10:14 a.m.
TRD-848269

Monday, November 26, 1984, 10 a.m. A hearing on the merits in Phase II of Docket 5113—Petition for an inquiry concerning the effects of the modified final judgment and the access charge order upon Southwestern Bell Telephone Company and the independent telephone companies of Texas for Group 3, which include Alto Telephone Company, Big Bend Telephone Company; Cap Rock Telephone Company; Conroe Telephone Company, Fort Bend Telephone

Company; Kerrville Telephone Company; Lufkin Telephone Exchange, Inc., Romain Telephone Company, Southwest Texas Telephone Company, Sugar Land Telephone Company; Sweeny-Old Ocean Telephone Company; Texas-Midland Telephone Company; and Trinity Valley Telephone Company.

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

Filed: August 10, 1984, 10:11 a.m.
TRD-848270

Monday, December 17, 1984, 10 a.m. A hearing on the merits in Phase II of Docket 5113—petition for an inquiry concerning the effects of the modified final judgment and the access charge order upon Southwestern Bell Telephone Company and the independent companies of Texas for Group 4, which include Brazoria Telephone Company, Cameron Telephone Company, Colmesneil Telephone Company, Comanche Telephone Company, Ganado Telephone Company, Industry Telephone Company, La Ward Telephone Company, Lake Telephone Company, Lake Dallas Telephone Company, Muenster Telephone Company, Nocona Telephone Company, Peoples Telephone Company, Riviera Telephone Company, and Valley View Telephone Company

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

Filed: August 10, 1984, 10:13 a.m.
TRD-848271

Monday, January 28, 1985, 10 a.m. A hearing on the merits in Phase II of Docket 5113—petition for an inquiry concerning the effects of the modified final judgment and the access charge order upon Southwestern Bell Telephone Company and the independent telephone companies of Texas for Group 6, which include Brazos Telephone Cooperative, Inc.; Central Texas Telephone Cooperative, Inc.; Coleman County Telephone Cooperative, Inc.; Colorado Valley Telephone Cooperative, Inc.; Dell Telephone Cooperative, Inc.; Eastex Telephone Cooperative, Inc.; Eastern New Mexico Rural Telephone Cooperative, Inc.; Etex Telephone Cooperative, Inc.; Five Area Telephone Cooperative, Inc.; Guadalupe Valley Telephone Cooperative, Inc.; Hill Country Telephone Cooperative, Inc.; Mid-Plains Rural Telephone Cooperative, Inc.; Panhandle Telephone Cooperative, Inc.; Peoples Telephone Cooperative, Inc.; Poka-Lambro Rural Telephone Coopera-

tive, Inc.; Santa Rosa Telephone Cooperative, Inc.; South Plains Telephone Cooperative, Inc.; Southwest Arkansas Telephone Cooperative, Inc.; Taylor Telephone Cooperative, Inc.; Valley Telephone Cooperative, Inc.; Wes-Tex Telephone Cooperative, Inc.; West Texas Rural Telephone Cooperative, Inc., and XIT Telephone Cooperative, Inc.

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

Filed: August 10, 1984, 10:13 a.m.
TRD-848272

Monday, March 18, 1985, 10 a.m. A hearing on the merits in Phase II of Docket 5113—petition for an inquiry concerning the effects of the modified final judgment and the access charge order upon Southwestern Bell Telephone Company and the independent telephone companies of Texas for Group 8, which include Alenco Communications, Inc.; Blossom Telephone Company, Byers-Petrolia Telephone Company, Inc.; Century Telephone of Texas, Inc.; Community Telephone Company, Inc.; Cumby Telephone Cooperative, Inc.; Electra Telephone Company; Knippa Telephone Company, Lipan Telephone Company, Livingston Telephone Company; Mustang Telephone Company; San Marcos Telephone Company, Tatum Telephone Exchange, Tri-County Telephone Company, and Waterwood Communications, Inc.

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

Filed: August 10, 1984, 10:12 a.m.
TRD-848273

Railroad Commission of Texas

Monday, August 20, 1984, 9 a.m. Divisions of the Railroad Commission of Texas will meet in Room 309, 1124 IH 35 South, Austin. Divisions and agendas follow

The Administrative Services Division will consider and act on the division director's report on division administration, budget, procedures, and personnel matters

Contact: Roger Dillon, P O Drawer 12967, Austin, Texas 78711, (512) 445-1211

Filed: August 10, 1984, 10:52 a.m.
TRD-848279

The Automatic Data Processing Division will consider and act on the division director's report on division administration, budget, procedures, equipment acquisitions, and personnel matters

Contact: Bob Kmetz, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1204.

Filed: August 10, 1984, 10:53 a.m.
TRD-848280

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: August 10, 1984, 10:53 a.m.
TRD-848281

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: August 10, 1984, 10:50 a.m.
TRD-848282

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: August 10, 1984, 10:52 a.m.
TRD-848283

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: August 10, 1984, 10:51 a m
TRD-848284

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: August 10, 1984, 10 49 a.m
TRD-848285

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: August 10, 1984, 10:52 a.m.
TRD-848286

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: August 10, 1984, 10 51 a.m.
TRD-848287

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: August 10, 1984, 10:52 a.m.
TRD-848288

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: August 10, 1984, 10:53 a m
TRD-848289

The Surface Mining and Reclamation Division will consider and act on the division director's report on division administration, budget, procedures, and personnel matters.

Contact: J. Randel (Jerry) Hill, 105 West Riverside Drive, Austin, Texas, (512) 475-8751.

Filed: August 10, 1984, 10:51 a m.
TRD-848290

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: August 10, 1984, 10 53 a m
TRD-848291

Addition to the previous agenda.

Consideration of Docket 036498A1N—decision of Vehicle Delivery Service, Inc.,

for a new SMC certificate to authorize the transportation of repossessed vehicles.

Contact: Michael A James, 1124 IH 35 South, Austin, Texas 78704, (512) 445-1330

Filed: August 10, 1984, 10:50 a.m.
TRD-848292

Texas Rehabilitation Commission

Tuesday, August 28, 1984, 9:30 a.m. The Recognition and Awards Subcommittee of the Governor's Committee for Disabled Persons of the Texas Rehabilitation Commission will meet in Room 104, 158 East Riverside Drive, Austin. According to the agenda summary, the subcommittee will judge the 1984 employer awards.

Contact: Martha Arbuckle, P.O. Box 15995, Austin, Texas 78761, (512) 835-2350.

Filed: August 13, 1984, 9 06 a.m
TRD-848321

Tuesday, September 4, 1984, 10 a.m. The Ad Hoc Subcommittee on Spina Bifida, Cerebral Palsy, and Autism of the Governor's Committee for Disabled Persons of the Texas Rehabilitation Commission will meet in the auditorium, Criss Cole Rehabilitation Center, 4800 North Lamar Boulevard, Austin. According to the agenda summary, the committee will consider comments from interested citizens regarding services for persons with spina bifida, cerebral palsy, or autism

Contact: Amy Rosenberg, 1600 West 38th Street, Austin, Texas 78731, (512) 475-6940.

Filed: August 13, 1984, 11.36 a.m.
TRD-848345



State Rural Medical Education Board

Friday, August 17, 1984, 9 a.m. The State Rural Medical Education Board will meet in emergency session via conference call originating from Room 310, 211 East Seventh Street, Austin. According to the agenda, the board will consider renewal and new loans for students which were not available at the July 1984 meeting, or for which

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information was incomplete. The emergency status is necessary to process the paperwork for student loans so they can be issued in early September

Contact: Duane Keeran, 211 East Seventh Street, Austin, Texas 78701, (512) 475-0801.

Filed: August 10, 1984, 10:15 a.m.
TRD-848274

Texas Savings and Loan Department

Monday, August 20, 1984, 9 a.m. The Texas Savings and Loan Department will meet at 1004 Lavaca Street, Austin. According to the agenda, the department will conduct hearings to accumulate a record of evidence regarding the applications of BrazosBanc Savings Association of Texas, a division of Lamar Savings Association (Austin), for branch offices, from which evidence the commissioner will determine whether to grant or deny the applications.

Contact: Russell R. Oliver, 1004 Lavaca Street, Austin, Texas 78701, (512) 475-7991

Filed: August 10, 1984, 2:11 p.m.
TRD-848297

Tuesday, August 21, 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 conduct a hearing to accumulate a record of evidence regarding the application of Southwest Savings Association, Dallas, and Bi-Stone Savings Association, Mexia, to merge, from which record the commissioner shall determine whether to grant or deny the application.

Contact: Russell R. Oliver, 1004 Lavaca Street, Austin, Texas 78701, (512) 475-7991

Filed: August 13, 1984, 2:08 p.m.
TRD-848353

Tuesday, September 4, 1984, 10 a.m. The Texas Savings and Loan Department will meet at 1004 Lavaca Street, Austin. According to the agenda summary, the department will call all applications on the agenda and, if no protest is registered and existing when called, further hearing will be dispensed with. If protest is registered and existing when called, hearing on the applications will be continued to a later date.

Contact: Russell R. Oliver, 1004 Lavaca Street, Austin, Texas 78701, (512) 475-7991

Filed: August 13, 1984, 2:07 p.m.
TRD-848354

School Land Board

Tuesday, August 21, 1984, 10 a.m. The School Land Board will meet in Room 831, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the board will approve the minutes of the previous board meeting and consider pooling applications, pooling agreement amendments, applications to purchase land subject to preference right to purchase, excess acreage applications, good faith claimant application, coastal public lands easement applications, and cabin permit transfer requests.

Contact: Linda K. Fisher, 1700 North Congress Avenue, Room 835, Austin, Texas 78701, (512) 475-4307

Filed: August 13, 1984, 1:47 p.m.
TRD-848352

Board of Tax Professional Examiners

Saturday, August 25, 1984, 9 a.m. The Board of Tax Professional Examiners will meet in the Sala Grande I Room, La Quinta Royale, 601 North Water Street, Corpus Christi. Items on the agenda summary include approval of the May 15, 1984, minutes; comments and questions from guests, certification and recertification of qualified registrants; application for special certification programs, policy and procedure items concerning related courses and reinstatement, the amended fiscal year 1984 budget, early administering of certification exams, adding a law section to the RPA exam, a request that the State Property Tax Board conduct education courses, an appeal of the dual classification rule, discussion of items regarding the budget planning summary, ethics questions, a request for appraisal report text, and plans for the next meeting; and information items concerning new exam study guides, a new exam information sheet, and an annual mailout. The board will also meet in executive session to approve the new assessing/collecting and collections examinations.

Contact: Sam H. Smith, P.O. Box 15920, Austin, Texas 78761, (512) 837-9800 or (800) 252-9304

Filed: August 10, 1984, 10:15 a.m.
TRD-848275

Teacher Retirement System of Texas

Tuesday, September 11, 1984, noon. 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 members' files that are due a reexamination report.

Contact: James Preston, 1001 Trinity Street, Austin, Texas 78701, (512) 397-6400.

Filed: August 14, 1984, 9:28 a.m.
TRD-848382

Commission on Standards for the Teaching Profession

Tuesday, August 14, 1984, 8:30 a.m. The Committee on Certification Programs and Requirements of the Commission on Standards for the Teaching Profession met in emergency session in Room 105, Texas Education Agency (TEA) North Building, 1200 East Anderson Lane, Austin. According to the agenda, the committee continued the study of requirements for professional certificates. The emergency status was necessary due to an error in the original posting of the meeting, which gave the location of the meeting as the board room, 200 East Riverside Drive, Austin, instead of Room 105, TEA North Building, 1200 East Anderson Lane, Austin.

Contact: Edward Vodicka, 201 East 11th Street, Austin, Texas 78701, (512) 834-4042.

Filed: August 10, 1984, 8:50 a.m.
TRD-848256

University of Texas System

Friday, August 10, 1984, 10:30 a.m. The Board of Regents of the University of Texas System made an emergency addition to the agenda of a meeting held in the Regents' Meeting Room, ninth floor, Ashbel Smith Hall, 201 West Seventh Street, Austin. The addition concerned executive session consideration of a proposed settlement of medical malpractice litigation related to the University of Texas Health Science Center—San Antonio. The emergency status was necessary because information was received late on August 9, 1984.

Contact: Arthur H. Dilly, P.O. Box N, Austin, Texas 78713, (512) 471-1265.

Filed: August 10, 1984, 8:16 a.m.
TRD-848276

University Interscholastic League

Tuesday and Wednesday, August 14 and 15, 1984, 1 p.m. and 8:30 a.m. respectively.

The Waiver Review Board of the University Interscholastic League met in Room 2.118, Thompson Conference Center, University of Texas, Austin. According to the agenda summary, the board conducted review hearings on Case FY84-0607-07, concerning Todd Maroney, Westlake High School, Case FY84-0530-06, concerning John Montgomery, Liberty Hill High School, Case FY84-0620-10, concerning Jimmy Wayne Phelan, Jr., Lampasas High School, and Case FY84-0608-08, concerning Leland Gibbons, Cameron Yoe High School

Contact: Bailey Marshall, P O Box 8028, Austin, Texas 78712, (512) 471-5883

Filed: August 10, 1984, 1:16 p m.
TRD-848293

Texas Water Commission

Tuesday, August 14, 1984, 2 p.m. The Texas Water Commission met in emergency session in Room 118, Stephen F Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the commission considered the application of E I DuPont de Nemours and Company, Inc., for a permit to divert and use 332 acre-feet of water for a 30-day period from the La Quinta Channel, Corpus Christi Bay, for industrial purposes in San Patricio County, and a request by E I DuPont de Nemours and Company, Inc., for a temporary order for authorization to discharge 2.5 mgd of sea water from La Quinta Channel, Corpus Christi Bay, directly into La Qunita Channel, thence into Corpus Christi Bay, Nueces Estuary, San Patricio County. The emergency status was necessary because of drought conditions and a dwindling water supply available to the City of Corpus Christi. The applicant is seeking to obtain its water from other sources so that water can be available for municipal purposes and is also seeking a temporary order to authorize the discharge of seawater.

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

Filed: August 9, 1984, 1:38 p m.
TRD-848235

Tuesday, August 21, 1984, 10 a.m. The Texas Water Commission will meet in Room 118, Stephen F Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the commission will consider applications for district bond issues; an amendment, the filing and setting of hearing dates for creations and water

quality permits concerning amendments and renewals; and water rights applications concerning levee and extension of time, the filing and setting of hearing dates, and consideration of bids and awarding of a contract for court reporting services for fiscal year 1985

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

Filed: August 9, 1984, 1:40 p m.
TRD-848236

The Texas Water Commission will meet in at the Stephen F Austin Building, 1700 North Congress Avenue, Austin. Days, times, rooms, and agendas follow.

Wednesday, August 22, 1984, 11 a.m. In Room 118, the commission will consider an application of Law Engineering Testing Company, Project HT-1233-84G, to the Texas Department of Water Resources for a temporary order to authorize the discharge of groundwater contaminated with gasoline at a volume not to exceed an average flow of 7,000 gallons per day (14,000 daily maximum) from its Tenneco Gasoline Station located at 6000 Antoine Drive, Houston, Texas 77091, in Harris County. The applicant proposes to pump the groundwater into a storage tank, using gravity to separate and recover the gasoline from the water, and then discharge the water via underground storm sewers into the Houston Ship Channel. The applicant has stated that the gasoline is in close proximity to the underground storage tanks and the pumping and monitoring well recovery system. The applicant has also stated that any delay in remedial pumping operation increases the opportunity for gasoline migration away from the storage tanks and decreases the efficiency of the remedial action, thereby increasing the potential for groundwater contamination.

Contact: Paula Hilsenbeck, P O Box 13087, Austin, Texas 78711, (512) 475-7845

Filed: August 9, 1984, 1:41 p m.
TRD-848237

Addition to the previous agenda:

The commission will consider an application of Law Engineering Testing Company, Project HT-1228-84G, to the Texas Department of Water Resources for a temporary order to authorize the discharge of groundwater at a volume not to exceed an average flow of 3,000 gallons per day (6,000 daily maximum) from its Tenneco Gasoline Station located at 8203 Fondren Street, Houston, Texas 77040, in Harris County. The applicant proposes to pump the ground-

water into a storage tank, using gravity to separate and recover the gasoline from the water, and then discharge the water via underground storm sewers into the Houston Ship Channel. The applicant has stated that the gasoline is in close proximity to the underground storage tanks and the pumping and monitoring well recovery system. The applicant also has stated that any delay in the remedial pumping operation increases the opportunity for gasoline migration away from the storage tanks and decreases the efficiency of the remedial action, thereby increasing the potential for groundwater contamination.

Contact: Paula Hilsenbeck, P O. Box 13087, Austin, Texas 78711, (512) 475-7845.

Filed: August 9, 1984, 1:41 p m.
TRD-848238

Thursday, August 30, 1984, 9:30 a.m. In Room 124A, the commission will conduct hearings on the following applications:

Application by the Texas Forest Service—Texas A&M University, TA-5024, for a permit to divert and use 62 acre-feet of water for six months from the Neches River, Neches River Basin, for irrigation purposes in Cherokee County.

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

Filed: August 13, 1984, 1:54 p m.
TRD-848357

Application by Allan Construction Company, Inc., TA-5034, for a permit to divert and use 10 acre-feet of water for a 10-month period from the North Concho River, tributary of the Concho River, Colorado River, Colorado River Basin, for industrial purposes in Tom Green County.

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

Filed: August 13, 1984, 1:54 p m.
TRD-848360

Application of E I Du Pont De Nemours and Company, Inc., for a permit to divert and use 500 acre-feet of water for a one-year period from the La Quinta Channel of Corpus Christi Bay, San Antonio-Nueces Coastal Basin, for industrial purposes in San Patricio County.

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

Filed: August 13, 1984, 1:54 p m.
TRD-848361

Application of George R Gawlik, Sr., IA 5026, for a permit to divert and use 10 acre-feet of water for one year from the San

Texas Register

Antonio River, San Antonio River Basin, for irrigation purposes in Wilson County.

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

Filed: August 13, 1984, 1:53 p.m.
TRD-848362

Application of Ed Longcope, TA-5013, for a permit to divert and use six acre-feet of water for a 10-month period from the Blanco River, tributary of the San Marcos River, tributary of the Guadalupe River, Guadalupe River Basin, for irrigation purposes in Hays County.

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

Filed: August 13, 1984, 1:53 p.m.
TRD-848363

Application of Kidwell Construction Company, Inc., for a permit to divert and use 10 acre-feet of water for one year from the Guadalupe River, Guadalupe River Basin, for industrial purposes in Gonzales County.

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

Filed: August 13, 1984, 1:53 p.m.
TRD-848364

Application of R. E. Hable Company, RE-5027, for a permit to divert and use 20 acre-feet of water for 2½ years from Tierra Blanca Creek, tributary of the Prairie Dog Town Fork of the Red River, tributary of the Red River, Red River Basin, for industrial purposes in Randall County.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4512.

Filed: August 13, 1984, 1:54 p.m.
TRD-848365

Application of Texoma Pipe Line Company, TA-5017, for a permit to divert and use 150 acre-feet of water for a one-year period from the Neches River, Neches River Basin, for industrial purposes in Jefferson County

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

Filed: August 13, 1984, 1:52 p.m.
TRD-848366

Application of Seguin Sand and Gravel, Inc., TA-5025, for a permit to divert and use 10 acre-feet of water for a one-year period from the Guadalupe River, Guadalupe River Basin, for mining purposes in Guadalupe County

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

Filed: August 13, 1984, 1:52 p.m.
TRD-848367

Application of General Portland, Inc., TA-5036, for a permit to divert and use 25 acre-feet of water for a one-year period from the Trinity River, Trinity River Basin, for mining purposes in Dallas County

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

Filed: August 13, 1984, 1:52 p.m.
TRD-848368

Application of Pool Production Service, TA-5018, for a permit to divert and use 10 acre-feet of water for one year from the South Llano River, tributary of the Llano River, tributary of the Colorado River, Colorado River Basin, for mining purposes in Kimble County

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

Filed: August 13, 1984, 1:51 p.m.
TRD-848369

Thursday, September 6, 1984, 10 a.m. In Room 118, the commission will consider an application of Proler International Corporation to the Texas Department of Water Resources for a temporary order to authorize the discharge of contaminated stormwater at a volume of 2.5 million gallons per day not to exceed 2,000 gallons per minute from a Class II industrial solid waste landfill at its metals recovery plant located at 7501 Liberty Road in the City of Houston in Harris County. The applicant needs to begin dewatering operations for contaminated stormwater in a Class II industrial landfill

Contact: Ken Petersen, P.O. Box 13087, Austin, Texas 78711, (512) 475-7841.

Filed: August 9, 1984, 1:43 p.m.
TRD-848239

Tuesday, September 18, 1984, 9 a.m. In Room 124A, the commission will consider an application of Williamson County Municipal Utility District 3, P O Box 986, Cedar Park, Texas 78613, to the Texas Department of Water Resources for an amendment to Permit 12200-01 to authorize an increase in the discharge of treated domestic wastewater effluent from a volume not to exceed an average flow of 250,000 gallons per day to 750,000 gallons per day from the Williamson County Municipal Utility District 3 Wastewater Treatment Plant. The applicant proposes to expand existing treatment facilities to handle the increased flow

Contact: Carl X. Forrester, P O Box 13087, Austin, Texas 78711, (512) 475-1418

Filed: August 9, 1984, 1:43 p.m.
TRD-848240

Tuesday, September 18, 1984, 9 a.m. The Texas Water Commission will meet in Room 101, Smith County Courthouse, 100 North Broadway, Tyler. According to the agenda summary, the commission will consider the following applications to the Texas Department of Water Resources.

Application of Marathon Utilities, Inc., 1217 South Chilton, Tyler, Texas 75701, for proposed Permit 12968-01 to authorize a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 35,000 gallons per day from the proposed Greenleaf Wastewater Treatment Plant, which is to serve the domestic needs of a proposed mobile home park.

Application of Marathon Utilities, Inc., 1217 South Chilton, Tyler, Texas 75701, for proposed Permit 12967-01 to authorize a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 9,500 gallons per day from the proposed Pinecrest Wastewater Treatment Plant, which is to serve the domestic needs of residents of a proposed mobile home park

Contact: Lee Ann Newberry Jones, P.O. Box 13087, Austin, Texas 78701, (512) 475-1339

Filed: August 9, 1984, 1:42 p.m.
TRD-848241, 848242

Wednesday, September 19, 1984, 9 a.m. The Texas Water Commission will meet in the Meeting Room, Lower Neches Valley Authority, 7850 Eastex Freeway, Beaumont. According to the agenda summary, the commission will consider the application of Temple-Eastex, Inc., P O. Drawer N, Diboll, Texas 75941, to the Texas Department of Water Resources for an amendment to Permit 00493 to authorize the relocation of Outfall 003 (to be redesignated as Outfall 002), stormwater runoff, which will be commingled with internal Outfall 102, filter backwash water, with periodic overflows from the woodyard sump-dam, and with low volume wastes. The existing permit currently authorizes a discharge of treated wastewater at a volume not to exceed an average flow of 65.4 million gallons per day from a Kraft pulp and paper mill which will remain the same. The plant is being expanded to increase pulp production from 1,500 tons/day to 1,700 tons/day. The proposed amendment would also revise limitations for some specific parameters consistent with the increased production capacity

Contact: James K. Rourke, P O Box 13087, Austin, Texas 78711, (512) 475-1317.

Filed: August 9, 1984, 1:22 p.m.
TRD 848243

Thursday, September 20, 1984, 10 a.m. The Texas Water Commission rescheduled a meeting to be held at the City Council Chambers, second floor, Conroe City Hall, 505 West Davis, Conroe. According to the agenda summary, the commission will consider the application of Clark Development Company, P.O. Box 55126, Houston, to the Texas Department of Water Resources for proposed Permit 12885-01 to authorize a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 20,000 gallons per day from the proposed Clark Townhouse Wastewater Treatment Plant which is to serve a townhouse complex. The meeting was originally scheduled for July 19, 1984, as published at 9 TexReg 3136.

Addition to the previous agenda.

Application of P M Howard, doing business as Waukegan Estates, 6001 Savoy, Suite 503, Houston, Texas 77036, to the Texas Department of Water Resources for proposed Permit 12985-01 to authorize a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 48,000 gallons per day from the proposed Waukegan Estates Sewage Treatment Plant, which is to serve a proposed mobile home park.

Contact: Teresa B. Salamone, P.O. Box 13087, Austin, Texas 78711, (512) 475-1317.

Filed: August 10, 1984, 3 p.m.
TRD-848307, 848308

Monday, November 12, 1984, 10 a.m. The Texas Water Commission will meet in Room 119, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the commission will consider the adjudication of all claims of water rights in the Brazos River Basin and the San Jacinto-Brazos Coastal Basin maintained by the Brazos River Authority, Fort Bend County WCID 1, and Galveston County Water Authority, notice of the requirement for the filing of water right claims under the Texas Water Code, §11.307, and notice of the commencement hearings on all claims maintained by the previously named parties.

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

Filed: August 13, 1984, 1:55 p.m.
TRD-848370



Texas Department of Water Resources

Tuesday, August 21, 1984, 1:30 p.m. The Texas Water Development Board of the Texas Department of Water Resources will meet at Plaza of the Americas, 2400 North Tower, Dallas. According to the agenda summary, the board will consider awarding the sale of \$50,000 of Texas water development bonds through the opening and consideration of sealed bids as advertised, and the approval for and use of the official statement, invitation to bidders, and bid form for the sale of bonds, authorizing the issuance of \$20 million of Texas water development bonds and \$30 million of Texas water development bonds (water quality enhancement), and consider the selection of a paying agent/registrant for the proposed \$50 million Series 1984-A and 1984-B Texas water development bond sale and a printer for the sale.

Contact: Charles E. Nemir, P.O. Box 13087, Austin, Texas 78711, (512) 475-3187.

Filed: August 13, 1984, 10:16 a.m.
TRD-848330

Thursday, October 4, 1984, 10 a.m. The Texas Department of Water Resources will meet in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the department will conduct a public hearing to receive testimony concerning proposed revisions to 31 TAC §§333.11-333.21, concerning Texas surface water quality standards.

Contact: Clyde F. Bohmfalk, P.O. Box 13087, Austin, Texas 78711, (512) 475-3926.

Filed: August 9, 1984, 10:03 a.m.
TRD-848213

Regional Agencies Meetings Filed August 9

The Bexar Appraisal District, Appraisal Review Board, will meet at 535 South Main, San Antonio, on August 17, 1984, at 9 a.m. Information may be obtained from Bill Burnette, 535 South Main, San Antonio, Texas 78204, (512) 224-8511.

The Bosque County Appraisal District met in the judge's chambers, Bosque County Courthouse, Meridian, on August 16, 1984, at 7 p.m. Information may be obtained from David G. Cooper, P.O. Box 393, Meridian, Texas 76665, (817) 435-2304.

The Mental Health and Mental Retardation Authority of Brazos Valley, Board of Trustees, met at 3232 Briarcrest Drive, Bryan, on August 16, 1984, at 1:30 p.m. Information may be obtained from Ann Pye-Shively, P.O. Box 4588, Bryan, Texas 77805, (409) 696-8585.

The Comal Appraisal District, Board of Directors, met at 644 North Loop 337, New Braunfels, on August 13, 1984, at 7:30 p.m. Information may be obtained from Glenn L. Brucks, P.O. Box 1222, New Braunfels, Texas 78130, (512) 625-8597.

The Dallas Area Rapid Transit Authority, Budget and Finance Committee, met at 601 Pacific Avenue, Dallas, on August 13, 1984, at 4 p.m. Information may be obtained from Michael Miles, 601 Pacific Avenue, Dallas, Texas 75202, (214) 748-3278.

The Region XX Education Service Center, Board of Directors, will meet in the board room, 1314 Hines Avenue, San Antonio, on August 22, 1984, at 3 p.m. Information may be obtained from Dr. Dwan M. Estes, 1314 Hines Avenue, San Antonio, Texas 78208, (512) 271-7611.

The Garza County Appraisal District, Appraisal Board of Review, met at the courthouse, Post, on August 16, 1984, at 9 a.m. Information may be obtained from Jean M. Westfall, P.O. Drawer 1, Post, Texas 79356, (806) 495-3939.

The Limestone County Appraisal District, Board of Directors, met at the courthouse, Groesbeck, on August 15, 1984, at 7 p.m. Information may be obtained from Clydene Hyden, P.O. Drawer 831, Groesbeck, Texas 76642, (817) 729-3009.

The Mills County Appraisal District met in the Mills County Courthouse, Goldthwaite, on August 16, 1984, at 7:30 p.m. 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 August 15, 1984, at 1:30 p.m. Information may be obtained from Patricia Davis, P.O. Box 1256, Sweetwater, Texas 79556, (915) 235-8421.

The North Texas Municipal Water District, Board of Directors, will meet at 505 East Brown Street, Wylie, on August 23, 1984, at 4 p.m. Information may be obtained from Carl W. Riehn, Drawer C, Wylie, Texas 75098, (214) 442-5405.

Texas Register

The Pecan Valley Mental Health and Mental Retardation Region, Board of Trustees, met at 104 Charles Street, Granbury, on August 15, 1984, at 8 a.m. Information may be obtained from Dr. Theresa Mulloy, P.O. Box 973, Stephenville, Texas 76401, (817) 965-7806

The South Plains Association of Governments, Executive Committee, met at 3424 Avenue H, Lubbock, on August 14, 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 South Plains Health Provider Organization, Inc., Board of Directors, met at 715 Amarillo Street, Plainview, on August 13, 1984, at 7 p.m. Information may be obtained from J. Sylvia Cuevas, 706 Canyon, Plainview, Texas 79072, (806) 293-8561

The Tyler County Tax Appraisal District, Board of Directors, will meet at 1004 West Bluff, Woodville, on August 20, 1984, at 4 p.m. Information may be obtained from Mary F. Mann, P.O. Drawer 9, Woodville, Texas 75979, (409) 283-3736
TRD-848214

Meetings Filed August 10

The Bastrop County Appraisal District, Board of Directors, will meet at 804 Pecan Street, Bastrop, on August 17, 1984, at 7:30 p.m. Information may be obtained from Clifton L. Kessler, 1200 Cedar, Bastrop, Texas 78602, (512) 321-3925

The Dallas Area Rapid Transit Authority, Legal Committee, met at 601 Pacific Avenue, Dallas, on August 14, 1984, at 8 a.m. Information may be obtained from Michael Miles, 601 Pacific Avenue, Dallas, Texas 75202, (214) 748-3278

The Edwards Underground Water District, Board of Directors, will meet in the conference room, 1615 North St. Mary's, San Antonio, on August 21, 1984, at 10 a.m. Information may be obtained from Thomas P. Fox, 1615 North St. Mary's, San Antonio, Texas 78212, (512) 222-2204

The Region VI Education Service Center, Board of Directors, met at the Rockdale Elementary School, Rockdale, on August 16, 1984, at 4 p.m. Information may be obtained from M. W. Schlotter, 3332 Montgomery Road, Huntsville, Texas 77340, (409) 295-9161

The Region XVII Education Service Center, Board of Directors, submitted a revised agenda for a meeting to be held at 4000 22nd Place, Lubbock, on August 20, 1984, at 10 a.m. Information may be obtained from Ray Lanier, 4000 22nd Place, Lubbock, Texas 79410, (806) 792-4000

The Hays County Central Appraisal District, Board of Review, met at the Courthouse Annex, San Marcos, on August 14 and 16, 1984, at 9 a.m. daily. Information may be obtained from Lynnell Sedlar, Courthouse Annex, Third Floor, San Marcos, Texas 78666, (512) 396-4779

The Middle Rio Grande Development Council, Governor's Application Review Committee, will meet in the district courtroom, Maverick County Courthouse, Eagle Pass, on August 21, 1984, at 10 a.m. Information may be obtained from Michael Patterson, P.O. Box 702, Carrizo Springs, Texas 78834, (512) 876-3533

The Tyler County Tax Appraisal District, Board of Review, met in emergency session at 1004 West Bluff, Woodville, on August 13, 1984, at 1 p.m. Information may be obtained from Mary F. Mann, P.O. Drawer 9, Woodville, Texas 75979, (409) 283-3736

The West Texas Council of Governments, Board of Directors, will meet on the eighth floor, Two Civic Center Plaza, El Paso, on August 17, 1984, at 9:30 a.m. (Mountain Standard Time). Information may be obtained from Cecile Gamez, Two Civic Center Plaza, El Paso, Texas 79999, (915) 541-4689

The Wood County Appraisal District, Appraisal Review Board, met in emergency session in the conference room, 217 North Main, Quitman, on August 13, 1984, at 9 a.m. The Board of Directors met at the same location on August 16, 1984, at 1:30 p.m. Information may be obtained from W. Catson Wages, P.O. Box 951, Quitman, Texas 75783, (214) 763-4946
LRD 848262

Meetings Filed August 13

The Atascosa County Appraisal District, Board of Directors, met at 1010 Zanderson, Jourdanton, on August 16, 1984, at 1:30 p.m. Information may be obtained from Vernon A. Warren, 1010 Zanderson, Jourdanton, Texas 78026, (512) 769-2730

The Austin-Travis County Mental Health and Mental Retardation Center, Board of

Trustees Personnel Committee, met in the boardroom, 1430 Collier Street, Austin, on August 16, 1984, at 4:40 p.m. Information may be obtained from Deborah Johnson, 1430 Collier Street, Austin, Texas 78704, (512) 447-4141, ext. 50

The Bastrop County Appraisal District, Appraisal Review Board, will meet in the commissioners courtroom, 804 Pecan, Bastrop, on September 6, 1984, at 8 a.m. Information may be obtained from Clifton L. Kessler, P.O. Drawer 578, Bastrop, Texas 78602, (512) 321-4316

The Capital Area Rural Transportation System, Board of Directors, met in emergency session in the conference room, Suite 100, 2520 IH 35 South, Austin, on August 16, 1984, at 9:30 a.m. Information may be obtained from Nancy Kowieski, 2520 IH 35 South, Suite 100, Austin, Texas, (512) 443-0904

The Central Texas Council of Governments, Central Texas Private Industry Council, will meet at 302 East Central, Belton, on August 22, 1984, at 1:30 p.m. Information may be obtained from Walton B. Reedy, P.O. Box 729, Belton, Texas 76513, (817) 939-3771

The Comal Appraisal District, Board of Review, met in emergency session at 644 North Loop 337, New Braunfels, on August 14, 1984, at 9 a.m. Information may be obtained from Glenn I. Brucks, P.O. Box 1222, New Braunfels, Texas 78130

The Dallas Area Rapid Transit Authority, Communications and Citizen Involvement Committee, met at 601 Pacific Avenue, Dallas, on August 16, 1984, at 4 p.m. Information may be obtained from Michael Miles, 601 Pacific Avenue, Dallas, Texas 75202

The East Texas Council of Governments, Private Industry Council, met in emergency session at the Stoneridge Plaza Building, 3800 Stone Road, Kilgore, on August 16, 1984, at 9:30 a.m. Information may be obtained from Glynn F. Knight, 3800 Stone Road, Kilgore, Texas 75662, (214) 984-8641

The Gillespie County Appraisal District, Board of Directors, will meet in the assembly room, City Hall, Fredericksburg, on August 23, 1984, at 7 p.m. Information may be obtained from Gary Neffendorf, P.O. Box 429, Fredericksburg, Texas 78624.

The Hale County Appraisal District, Board of Directors, will meet at K-Bob's Steak House, 3400-C Olton Road, Plainview, on August 23, 1984, at noon. Information may be obtained from Linda Jaynes, P O Box 29, Plainview, Texas 79072, (806) 293-4226

The Hickory Underground Water Conservation District 1, Board of Directors, met in the council chambers, City Hall, 105 East Main Street, Brady, on August 16, 1984, at 7 p.m. Information may be obtained from Rick Illgner, P O Box 1214, Brady, Texas 76825, (915) 597-2785

The Houston-Galveston Area Council, Board of Directors, will meet in the conference room, fifth floor, 3555 Timmons, Houston, on August 21, 1984, at 9:30 a.m. Information may be obtained from Charlene McCarthy, P O Box 22777, Houston, Texas 77027, (713) 627-3200, ext 596

The Central Appraisal District of Johnson County, Board of Directors, will meet at 109 North Main, Cleburne, on August 22, 1984, at 7:30 p.m. Information may be obtained from Don Gilmore, 109 North Main, Cleburne, Texas 76031, (817) 645-3986

The Leon County Central Appraisal District, Appraisal Review Board, will meet at

the Leon County Courthouse, Centerville, on August 27, 1984, at 9 a.m. Information may be obtained from Mabel Watson, P O Box 536, Centerville, Texas 75833, (214) 536-2252.

The Lone Star Municipal Power Agency will meet in the Flag Room, First National Bank, 1300 11th Street, Huntsville, on August 27, 1984, at 5 p.m. Information may be obtained from Cathy Locke, P.O. Box 9960, 1101 Texas Avenue, College Station, Texas 77840-2499, (409) 764-3515.

The Lower Neches Valley Authority, Board of Directors, will meet at 7850 Eastex Freeway, Beaumont, on August 21, 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, Regional Review Committee, will meet in the commissioners courtroom, 101 East Dimmit, Crystal City, on August 17, 1984, at 11:30 a.m. Information may be obtained from Mike Patterson, P O Box 702, Carrizo Springs, Texas 78834, (512) 876-3533

The Nueces-Jim Wells-Kleberg Soil and Water Conservation District, Board of

Directors, will meet in Suite 2, 2287 North Texas Boulevard, Alice, on August 21, 1984, at 2 p.m. Information may be obtained from Wilbur F Erck, Route 1, Box 325, Alice, Texas 78332, (512) 664-1325

The Upper Leon River Municipal Water District, Board of Directors, will meet in the general office, filter plant, Lake Procter, Comanche County, on August 23, 1984, at 6:30 p.m. Information may be obtained from Zollie Skaggs, Box 67, Comanche, Texas, (817) 879-2258.

TRD-848331

Meetings Filed August 14

The Bexar Appraisal District, Board of Directors, will meet at 535 South Main, San Antonio, on August 20, 1984, at 5 p.m. Information may be obtained from Bill Burnette, 535 South Main, San Antonio, Texas 78204, (512) 224-8511

The Central Texas Council of Governments, Executive Committee, will meet at 302 East Central, Belton, on August 23, 1984, at 12:45 p.m. Information may be obtained from Walton B Reedy, P O. Box 729, Belton, Texas 76513, (817) 939-1801.

TRD-848379

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 Department of Agriculture Consultant Proposal Request

In compliance with Texas Civil Statutes, Article 6252-11c, the Texas Department of Agriculture is requesting proposals for the services of a consultant

Proposal Specifications. An applicant must have at least five years programming experience on a Burroughs computer system. He or she must be skilled in the design of computer systems and have demonstrated microcomputer experience. Also, that the applicant should be familiar with Texas agricultural statutes and regulations, since the applicant selected will be required to design and assist with developing computerized information systems to support the department's programs. Furthermore, the consultant shall:

- (1) assist and advise the department in the installation of microcomputers;
- (2) assist in resolving microcomputer hardware or software problems;
- (3) coordinate with the Data Processing Division in establishing communications between microcomputers in the field offices and computers in the central office;
- (4) design applications for department microcomputers;
- (5) design microcomputer training programs for department staff;
- (6) answer questions posed by the department staff about microcomputers; and
- (7) provide general consulting services to the department on microcomputer matters.

Contact. Written proposals are to be submitted to Annette Lovoi, Assistant Deputy Commissioner for Administration, Texas Department of Agriculture, P.O. Box 12847, Austin, Texas 78711.

Deadline for Proposal. Proposals must be received at the specified address no later than 5 p.m. on August 24, 1984.

Evaluation Criteria. Proposals will be judged on the following basis:

- (1) demonstrated knowledge and expertise in the department's programs and their applications;
- (2) working knowledge of the statutes under which the department operates;
- (3) previous work experience, demonstrating a long-term association with computer system design and the operation and programming of computers and microcomputers;
- (4) ability to meet departmental time frame requirements, and
- (5) demonstrated ability to synthesize technical material and to rapidly prepare appropriate reports on findings.

Contract Award. Awarding of the contract will not necessarily be made to the bidder offering the lowest price, but to the lowest and best bidder, considering price and results of evaluation. Final selection will be made by the commissioner of the Texas Department of Agriculture based upon submitted qualifications and staff recommendations. It is the intent of the department to award this contract for consulting services to the private consultant that previously performed these services, unless a superior offer is submitted. However, this proposal request in no way obligates the department to execute a resulting contract. The right to reject any or all proposals is reserved.

Notice of Contract Award. The consultant selected will receive a letter notifying him or her of the contract award. The letter will be issued not later than August 31, 1984. Notice will also be sent to unsuccessful applicants in the foregoing manner.

Issued in Austin, Texas, on August 8, 1984

TRD-848215

Patrick D. Redman
Agency Liaison
Texas Department of Agriculture

Filed: August 9, 1984

For further information, please call (512) 475-6686.

**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 ⁽¹⁾ Agricul- tural/Commercial ⁽⁴⁾ thru \$250,000	Commercial ⁽⁴⁾ over \$250,000
Indicated (Weekly) Rate—Article 1 04(a)(1) 08/20/84-08/26/84	21.25%	21.25%
Monthly Rate— Article 1 04(c) ⁽¹⁾ 08/01/84-08/31/84	21.15%	21.15%
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 Applica- ble 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 08/01/84-08/31/84	10.99%	10.99%

- (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 August 13, 1984

TRD-848316 Sam Kelley
Consumer Credit Commissioner

Filed August 13, 1984
For further information, please call (512) 475-2111



**Texas Employment Commission
Public Hearings**

It is apparent that a significant percentage of the population of Texas and an even more significant percentage of the clients served by the Texas Employment Commission (TEC) are Hispanic. Many of these individuals would benefit greatly, and be able to use the services of the TEC to a much greater extent and with much greater ease, if many of the forms and programs of the agency were provided in the Hispanic language as well as English.

The 1980 census shows that 21% of the population of the state has a Hispanic background and hundreds of thousands of individuals in the state would be potential users of services afforded by the agency in the Hispanic language.

At the present time very few of the services or programs of the agency are made available in the Hispanic language, and for that reason, the TEC, composed of Ed Grisham, chairman, and Ken Clapp and Ronald E. Luna, commissioners, have had the staff of the agency devise a general plan for implementing a comprehensive language services program.

The plan for implementation of the proposed comprehensive language services program will include several major features. First, public and staff input into the design of the program will be sought. Testing and certification to designate interpreters/translators in TEC local offices and the appeals division and training to upgrade their skills are proposed. Key unemployment insurance claims forms and instructional information would be provided in Spanish, as would staff to translate forms completed in Spanish to English for further processing. A toll-free information telephone hot line would provide additional information to non-English-speaking claimants.

The implementation plan would also include gaining legislative and funding support for the comprehensive language services program. Radio, television, and newspaper public service space and public broadcasting time, along with distributing information to "grass roots" citizens groups, would be used to promote the availability and use of this program. Finally, a monitoring function would be provided at the inception of the program to guide in further implementation and expansion.

Implementation would involve four phases: public hearings and TEC input would occur from August 1984 through October 1984, program detailed planning would occur from September 1984 through February 1985, pilot program implementation would occur from March 1985 through December 1985, and phase-in implementation would occur from January 1986 through December 1986. The target date for full implementation would be January 1987.

Public hearings on the general plan for implementation of a comprehensive language services program will be held in the following locations on the dates indicated: El Paso, September 26, 1984, Lubbock, September 27, 1984, Harlingen, October 3, 1984, Corpus Christi, October 4, 1984; and San Antonio, October 11, 1984.

This notice is being published in an attempt to obtain as much public input into the proposed program as possible. A more detailed statement of the plan for implementation of a comprehensive language services program may be obtained from the TEC by writing to Steve Hollahan, General Counsel, Texas Employment Commission, TEC Building, 15th Street and Congress Avenue, Austin, Texas 78778.

Issued in Austin, Texas, on August 8, 1984

TRD-848253 J Ferris Duhon
Assistant General Counsel
Texas Employment Commission

Filed: August 9, 1984
For further information, please call (512) 397-4400

**Texas Department of Health
Licensing Action for Radioactive
Materials**

The Texas Department of Health has taken actions regarding licenses for the possession and use of radioactive materials as listed in the following table. The sub-heading labeled "Location" indicates the city in which the radioactive material may be possessed and/or used. The location listing "Throughout Texas" indicates that the radioactive material may be used on a temporary basis at job sites throughout the state.

NEW LICENSES ISSUED

Location	Name	License #	City	Amend ment #	Date of Action
Throughout Texas	Global X Ray & Testing Corp	11 3663	Morgan City, LA	0	07/25/84

AMENDMENTS TO EXISTING LICENSES ISSUED

Location	Name	License #	City	Amend ment #	Date of Action
Abilene	West Texas Medical Center	04 2434	Abilene	12	07/19/84
Arlington	The University of Texas at Arlington	05 248	Arlington	18	07/23/84
Bedford	Northeast Community Hospital	05 3455	Bedford	2	07/19/84
Borger	Phillips Chemical Company	01 232	Borger	21	07/20/84
Bridgeport	Bridgeport Hospital	05 3232	Bridgeport	3	07/16/84
Corpus Christi	Memorial Medical Center	08 265	Corpus Christi	35	07/19/84
Dallas	National Health Laboratories, Inc	05 1716	Dallas	7	07/19/84
Denton	Nutopes	05 3472	Denton	2	07/19/84
Denton	Medical Engineering Service, Inc	05-3269	Denton	2	07/19/84
Denton	Texas Woman's University	05-304	Denton	26	07/19/84
Denton	NUMED, Inc	05 2129	Denton	28	07/19/84
Henderson	Henderson Memorial Hospital	07 3466	Henderson	1	07/17/84
Houston	Doctors Hospital	11 1776	Houston	12	07/17/84
Houston	Jeffrey A. Ricken, D P M, Jeffrey N. Bowman, D P M	11 3565	Houston	1	07/19/84
Houston	M B A Laboratories	11 2571	Houston	2	07/25/84
Lewisville	Lewisville Memorial Hospital	05 2739	Lewisville	6	07/18/84
Lubbock	Nuclear Pharmacy, Inc	02-2737	Lubbock	18	07/19/84
Lufkin	Texas Foundries, Inc	10-357	Lufkin	14	07/20/84

Mansfield	Mansfield Community Hospital	05-3490	Mansfield	2	07/20/84
McAllen	McAllen Methodist Hospital	08-1713	McAllen	34	07/17/84
Morton	Cochran Memorial Hospital	02-3347	Morton	1	07/17/84
Odessa	R/A Services, Inc	12-3010	Odessa	8	07/20/84
Plainview	Central Plains Regional Hospital	02-2493	Plainview	4	07/19/84
Post	Garza Memorial Hospital	02-3296	Post	2	07/18/84
Richardson	Richardson Medical Center	05-2336	Richardson	12	07/19/84
Rockport	Aluminum Company of America	06-2609	Rockdale	8	07/25/84
San Antonio	Baptist Memorial Hospital	09-469	San Antonio	17	07/19/84
San Antonio	Dermatology Associates of San Antonio	09-790	San Antonio	11	07/19/84
Seminole	Seminole Memorial Hospital	12-3118	Seminole	4	07/17/84
Stafford	Texas Instruments, Inc	11 714	Houston	26	07/20/84
Throughout Texas	Pengo Wireline	05-3079	Fort Worth	17	07/23/84
Throughout Texas	Midwest Inspection Services, Inc	01-3120	Perryton	9	07/20/84
Throughout Texas	BF Inspection Services	12 3546	Odessa	1	07/20/84
Throughout Texas	Southwestern Public Service Company	01 1981	Amarillo	17	07/20/84
Throughout Texas	Ace Perforators, Inc	12 3559	Odessa	1	07/25/84
Throughout Texas	Gilbert Central Corporation	06-3451	Temple	1	07/18/84
Waco	Hillcrest Baptist Medical Center	06-845	Waco	42	07/19/84

TERMINATIONS OF LICENSES ISSUED

Location	Name	License #	City	Amend ment #	Date of Action
Berghem	San Antonio Nuclear Services	09 2210	Berghem	11	07/24/84

In issuing new licenses and amending and renewing existing licenses, the Texas Department of Health, Bureau of Radiation Control, has determined that the applicants are qualified by reason of training and experience to use the material in question for the purposes requested in accordance with *Texas Regulations for Control of Radiation* in such a manner as to minimize danger to public health and safety or property and the environment, the applicants' proposed equipment, facilities, and procedures are adequate to minimize danger to public health and safety or property and the environment, the issuance of the license(s) will not be inimical to the health and safety of the public or the environment, and the applicants satisfy any applicable special requirements in the *Texas Regulations for Control of Radiation*.

This notice affords the opportunity for a hearing on written request of a licensee, applicant, or "person affected" within 30 days of the date of publication of this notice. A "person affected" is defined as a person who is resident of a county, or a county adjacent to the county, in which the radioactive materials are or will be located, including any person who is doing business or who has a legal interest in land in the county or adjacent county, and any local government in the county, and who can demonstrate that he has suffered or will suffer actual injury or economic damage due to emissions of radiation. A licensee, applicant, or "person affected" may request a hearing by writing David K. Lacker, Chief, Bureau of Radiation Control (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756.

Any request for a hearing must contain the name and address of the person who considers himself affected by agency action, identify the subject license, specify the reasons why the person considers himself affected, and state the relief sought. If the person is represented by an agent, the name and address of the agent must be stated.

Copies of these documents and supporting materials are available for inspection and copying at the office of the Bureau of Radiation Control, Texas Department of Health, 1212 East Anderson Lane, Austin, from 8 a.m. to 5 p.m. Monday-Friday (except holidays).

Issued in Austin, Texas, on August 13, 1984

TRD-848325 Robert A. MacLean, M.D.
Deputy Commissioner
Professional Services
Texas Department of Health

Filed: August 13, 1984

For further information, please call (512) 835-7000.

Public Hearings

Livestock Insects Laboratory, P. O. Box 232, Kerrville, Texas 78028, has filed Application 69027 with the Texas Department of Health for a permit to operate a proposed Type VIII municipal hazardous solid waste treatment/storage facility to be located within the premises of the U.S. Livestock Insects Laboratory, approximately 0.25 mile northeast of the northeast city limits of Kerrville and approximately 500 feet north of the junction of the entrance road to the laboratory with State Highway 16, in Kerr County.

The facility will be used to treat by evaporation used insecticide/pesticide solutions classified as hazardous waste in a storage tank, and the residues will be disposed of at an approved hazardous waste disposal facility. The notice of filing of this application was published in *The Kerrville Times* on July 12, 1982.

The site consists of approximately 0.01 acre (400 square feet) of land, and is quarterly to receive, store, or process approximately 900 gallons of liquid hazardous wastes under the regulatory jurisdiction of the Texas Department of Health for processing in accordance with the department's Municipal Solid Waste Management Regulations, particularly, but not limited to, 25 TAC §§325.331-325.350.

The Bureau of Solid Waste Management (BSWM) of the Texas Department of Health has evaluated the application and prepared a draft permit and summary document which are available for inspection by any person. Any person wishing to comment on the draft permit may submit written or oral comments at the public meeting described as follows. Also, written comments may be submitted to Jack C. Carmichael, P.E., Chief, BSWM, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756, before 5 p.m., September 21, 1984, or they may be submitted at the public hearing.

To acquaint interested persons with the permit application, the scope of the proposed facility, the content of the draft permit which the BSWM proposes to recom-

mend for approval, and to provide an opportunity for oral comments, BSWM will conduct a public meeting at 2 p.m. on Wednesday, September 12, 1984, in the City Conference Meeting Room, City Hall Building, 600 Main Street, Kerrville, Texas 78028.

The information obtained at this meeting will be evaluated by the BSWM before its final recommendation on the issuance of this permit.

Subsequently, pursuant to the provisions of the Texas Solid Waste Disposal Act, Texas Civil Statutes, Article 4477-7, and the Texas Department of Health Municipal Solid Waste Management Regulations, and the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, a public hearing on the previously mentioned application will be held at 10:30 a.m. on Friday, September 28, 1984, in the City Conference Meeting Room, City Hall Building, 600 Main Street, Kerrville, Texas 78028, to receive evidence for and against the issuance of a permit for the application. All persons having an interest in this matter shall have the right to appear at the hearing, present evidence, and be represented by counsel. Persons submitting written comments should plan to remain at the hearing until such time as their comments are considered for entering into the hearing record.

All hearings conducted by the department are in accordance with Texas Civil Statutes, Article 6252-13a, which require that evidence submitted be legally admissible (as opposed to hearsay) if such evidence is to be used as a basis for a final decision. Pursuant to Texas Civil Statutes, Article 6252-13a, and the department's formal hearing procedures, the cost of a written hearing transcript may be assessed against one or more of the designated parties.

A copy of the complete application, the draft permit and the summary document may be reviewed, or further information obtained, by contacting Hector H. Mendieta, P.E., Director, Permits Division, Bureau of Solid Waste Management, Texas Department of Health, 1100 West 49th Street, Austin, (512) 458-7271, or by contacting the department's Public Health Region 9 headquarters located at Old Memorial Hospital Building, Garner Field Road, Uvalde, (512) 278-7173.

Issued in Austin, Texas, on August 13, 1984

TRD-848324 Robert A. MacLean, M.D.
Deputy Commissioner
Professional Services
Texas Department of Health

Filed August 13, 1984

For further information, please call (512) 458-7271.

The City of Henrietta has filed Application 1702 with the Texas Department of Health to operate a proposed Type II municipal solid waste disposal site to be located 0.4 mile east of Henrietta, 0.2 mile north of the intersection of State Highway Loop 501 and U.S. Highway 287, thence 0.4 mile east of an unnamed county road and 0.6 mile north on a private road, and 1,000 feet east of the Henrietta Golf Course, in Clay County.

The site consists of approximately 82.2 acres of land, and is to receive daily approximately 8.75 tons of solid wastes under the regulatory jurisdiction of the Texas Department of Health.

The application is being processed and the final decision will be made by the department pursuant to the provisions of the Texas Solid Waste Disposal Act, Texas Civil Statutes, Article 4477-7, the Texas Department of Health's Municipal Solid Waste Management Regulations; and the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a.

No public hearing will be held on this application unless a person affected has requested a public hearing. Any such request for a public hearing shall be in writing and contain the name, mailing address, and phone number of the person making the request, and a brief description of how the requester, or persons represented by the requester, has suffered or will suffer actual injury or economic damage by the granting of the application.

If a hearing is requested by a person affected, notice of such hearing will be provided to the requester and will also be published in a newspaper of general circulation in the area where the site is located at least 30 days prior to the date of such hearing. If no request for a hearing is received within 30 days of the date of publication of the said notice in a newspaper of general circulation, the department will make a decision.

Requests for a public hearing and/or requests for a copy of the technical summary of the application prepared by the Bureau of Solid Waste Management shall be submitted in writing to the Chief, Bureau of Solid Waste Management, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756. A copy of the complete application may be reviewed at the Bureau of Solid Waste Management or at the department's Public Health Region 4 headquarters located in Suite 100, Commerce Plaza Office Building, 1290 South Willis, Abilene, Texas 79605, (915) 695-7170.

Issued in Austin, Texas, on August 13, 1984.

TRD-848326 Robert A. MacLean, M.D.
Deputy Commissioner
Professional Services
Texas Department of Health

Filed: August 13, 1984

For further information, please call (512) 458-7271.

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

Notice is hereby given by the Texas Health Facilities Commission of applications accepted as of the date of this publication. In the following list, the applicant is listed first, file number second, the relief sought third, and a description of the project fourth. DR indicates declaratory

ruling; AMD indicates amendment of previously issued commission order; CN indicates certificate of need; PFR indicates petition for reissuance; NIE indicates notice of intent to acquire major medical equipment; NIEH indicates notice of intent to acquire existing health care facilities; NIR indicates notice of intent regarding a research project; NIE/HMO indicates notice of intent for exemption of HMO-related project; and EC indicates exemption certificate.

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

The contents and form of a request to become a party to any of these applications must meet the criteria set out in 25 TAC §515.9. Failure of a party to supply the necessary information in the correct form may result in a defective request to become a party.

Jewell Enterprises, a Texas corporation, Arlington
AN84-0801-505

NIEH—Request for a declaratory ruling that a certificate of need is not required for Jewell Enterprises, a Texas corporation, to acquire by purchase Winchester Lodge, an existing 142-bed nursing facility with 98 ICF and 44 personal care beds located in Alvin, from National Living Centers, Inc., a Texas corporation.

Springfield Five Health Associates, a California limited partnership, Rancho Mirage, California
AN84-0801-507

NIEH—Request for a declaratory ruling that a certificate of need is not required for Springfield Five Health Associates, a California limited partnership, to acquire by purchase Winchester Lodge, an existing 142-bed nursing facility with 98 ICF and 44 personal care beds located in Alvin, from Jewell Enterprises, a Texas corporation.

Parent Care, Inc., a Texas corporation,
Arlington
AN84-0801-506

NIEH—Request for a declaratory ruling that a certificate of need is not required for Parent Care, Inc., a Texas corporation, to acquire by lease Winchester Lodge, an existing 142-bed nursing facility with 98 ICF and 44 personal care beds located in Alvin, from Springfield Five Health Associates, a California limited partnership.

Hospital Corporation of America, doing business as Houston International Hospital, Houston
AH81-0422-004A(070584)

CN/AMD—Request for an extension of the completion deadline from July 31, 1984, to September 30, 1985, in Certificate of Need AH81-0422-004,

which authorized the certificate holder to conduct a major construction and renovation project.

B B & D., a joint venture for Sunshine Care Nursing Center, Arlington
AN81-0630-019A(080184)

CN/AMD—Request for an extension of the completion deadline from September 30, 1984, to September 30, 1985, in Certificate of Need AN81-0630-019, as amended by AN81-0630-019A(091383), which authorized the certificate holder to construct, equip, and operate a 120-bed intermediate care nursing home in Arlington

Texas Healthcare Facilities, Inc., Keene
AN84-0731-502

NIEH—Request for a declaratory ruling that a certificate of need is not required for Texas Healthcare Facilities, Inc., to acquire by lease Seguin Convalescent Home, an existing 103-bed ICF nursing facility located in Seguin, from Seguin Associates Investment Group

St Paul Medical Center, doing business as St. Paul Health Care Center/Coppell, Dallas
AH84-0803-509

DR—Request for a declaratory ruling that a certificate of need is not required for St Paul Medical Center, doing business as St Paul Health Care Center/Coppell, to establish a minor emergency center and ambulatory care clinic in 5,084 square feet of leased space located east of the intersection of Denton Tap Boulevard and Parkway Boulevard in Coppell. Services will include basic minor emergency care and ambulatory care, including radiology and laboratory work. The center also plans to provide community health education programs. No surgical services will be provided other than those routinely performed in minor emergency centers. The total project cost is \$484,470

Issued in Austin, Texas, on August 13, 1984

TRD-848328 John R. Neel
 General Counsel
 Texas Health Facilities
 Commission

Filed August 13, 1984

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

Texas Department of Human Resources Consultant Proposal Requests

In compliance with Texas Civil Statutes, Article 6252-11c, the Texas Department of Human Resources (DHR) is requesting proposals for consulting services in DHR Region 05

Description. Specific activities to be performed are:

- (1) psychological/developmental testing;
- (2) psychological/psychiatric evaluation;
- (3) counseling/therapy;

- (4) case-specific consultation, and
- (5) courtroom testimony

Budget Limitations. The total amount of these contracts may not exceed \$823,605 for Region 05.

Contact. Prospective offerers may contact Florence M. Warren, Program Director, Purchased Protective Services, Texas Department of Human Resources, P. O. Box 5128, Arlington, Texas 76005-5128, (817) 261-3376, ext. 220

Evaluation. Procedures to be used to evaluate offers will include evaluation of

- (1) geographic area,
- (2) range of services,
- (3) accessibility of service to clients;
- (4) client flow;
- (5) time frame,
- (6) unique and innovative aspects of program;
- (7) staff qualifications,
- (8) examples of work,
- (9) cost, and
- (10) match

Closing Date. The closing date for receiving proposals is 5 p.m. on August 31, 1984.

Effective Date. The effective date for these contracts is October 1, 1984

Selection. Final selection will be made by the Texas Department of Human Resources, based upon submitted qualifications and staff recommendations. The department will award contracts based on evaluation of the previously listed criteria

Issued in Austin, Texas, on August 10, 1984

TRD-848305 Marlin W. Johnston
 Commissioner
 Texas Department of Human
 Resources

Filed: August 10, 1984

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

In compliance with Texas Civil Statutes, Article 6252-11c, the Texas Department of Human Resources (DHR) is requesting proposals for consulting services in DHR Region 11.

Description. Specific activities to be performed are:

- (1) psychological/developmental testing;
- (2) psychological/psychiatric evaluation;
- (3) counseling/therapy, and
- (4) courtroom testimony

Budget Limitations. The total amount of these contracts may not exceed \$1.05 million for Region 11.

Contact. Prospective offerers may contact Elizabeth Brandt, Program Director, Child Protective Services, Texas Department of Human Resources, P. O. Box 16107, Houston, Texas 77022, (713) 692-3236, ext. 6440.

Evaluation. Procedures to be used to evaluate offers will include evaluation of.

- (1) geographic area;
- (2) accessibility of service to clients;
- (3) client flow/time frames;
- (4) unique and innovative aspects of program;
- (5) staff qualifications,
- (6) examples of work,
- (7) cost; and
- (8) provider contribution

Closing Date. The closing date for receiving proposals is 5 p.m. on September 15, 1984.

Selection. Final selection will be made by the regional director for families and children, Texas Department of Human Resources, Region 11, based on submitted qualifications and staff recommendations. The department will award contracts based on evaluation of the previously listed criteria

Issued in Austin, Texas, on August 10, 1984

TRD-848306 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Filed: August 10, 1984
For further information, please call (512) 441-3355,
ext. 2037

State Board of Insurance Public Hearing

The State Board of Insurance gives notice of a public hearing to be held at 9 a.m. on Thursday, August 30, 1984, in Room E, John H. Reagan Building, 105 West 15th Street, 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 through 5 76-1 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 AWNING, 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 CANVAS 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 DECORATING, (10) eliminate "& Clerical" from code 4282 DRESS PATTERN MFG —paper, (11) eliminate "Salespersons," from code 7539 ELECTRIC Light or POWER CO NOC —ALL 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 PICTURE: 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 outside—& 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 STATION—ALL EMPLOYEES & Clerical, Drivers, (25) eliminate "& Drivers" from code 5102 TENT, Awning or Canvas

Goods ERECTION, Removal or Repair, (26) eliminate "& Clerical, Salespersons, Drivers" from code 9154 THEATRE—DRIVE-IN—ALL EMPLOYEES; (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 UPHOLSTERY, 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 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—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 states 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 endorsements which are more compatible with the new policy.

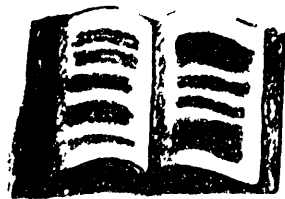
Agenda Item 84.12. The West Gulf Maritime Association requests that the board amend its order of March 14, 1984, eliminating the \$300 weekly payroll limitation and substituting total payroll for use in premium computation so as to reinstate the \$300 weekly payroll limitation for contract stevedores. Further evidence pertinent to this request will be presented at the hearing.

Agenda Item 84.13. The United Employers Insurance Company requests that the state 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 August 7, 1984

TRD-848209 James W. Norman
Chief Clerk
State Board of Insurance

Filed August 8, 1984
For further information, please call (512) 475-2950



**Legislative Budget Board
Consultant Proposal Request**

This request is filed pursuant to the provisions of Texas Civil Statutes, Article 6252 11c.

The Legislative Budget Board is requesting proposals to assist in the development of computer models in the area of financing elementary and secondary education programs in Texas, development of staff capability in the area of public school finance, and coordination of research and modeling efforts among several state agencies.

Selection of a consultant will be judged on the basis of the experience of the consultant in Texas public school finance analysis, development of computerized models of public school finance, and consultant's proven ability to perform the requested services in a timely manner.

It is the intent of the Legislative Budget Board to utilize the services of Moak Consulting Services, unless a better offer is received from a person or firm possessing the necessary qualifications and experience to provide the requested services.

Additional information regarding this request for services may be obtained from Homer Scace, Assistant Director, Legislative Budget Board, P. O. Box 12666, Austin, Texas 78711, (512) 475-3426.

Written proposals will be accepted until 5 p.m. on September 17, 1984.

The estimated time period for this contract is September 18, 1984, through February 28, 1985.

Issued in Austin, Texas, on August 8, 1984

TRD-848195 Homer E. Scace
Assistant Director, Estimates
Legislative Budget Board

Filed August 8, 1984
For further information, please call (512) 475-3426.

Joint Budget Hearing Schedule

The Executive and Legislative Budget Offices will jointly conduct the following budget hearings to consider appropriations requests for the 1986-1987 biennium, for the period of August 20-24, 1984. Please confirm dates, times, and locations, since experience has shown that some rescheduling always occurs.

Agency	Date	Place
State Property Tax Board	9 a.m. - August 20	State Property Tax Boardroom, 9501 IH 35 North, Austin
Health and Human Services Coordinating Council	9:30 a.m. - August 20	Room 213, State Capitol, Austin
North Texas State University	9:30 a.m. - August 20	Room 209, Second Floor, Bevington Reed Building, 200 East Riverside Drive, Austin
Texas College of Osteopathic Medicine	11:30 a.m. - August 20	Room 209, Second Floor, Bevington Reed Building, 200 East Riverside Drive, Austin
Forth Worth State School	9 a.m. - August 21	Central Office Auditorium, Texas Department of Mental Health and Mental Retardation, 909 West 45th Street, Austin
Texas Parks and Wildlife Department	9:30 a.m. - August 21	Room 213, State Capitol, Austin
Terrell State Hospital	12:30 p.m. - August 21	Central Office Auditorium, Texas Department of Mental Health and Mental Retardation, 909 West 45th Street, Austin
Big Spring State Hospital	3 p.m. - August 21	Central Office Auditorium, Texas Department of Mental Health and Mental Retardation, 909 West 45th Street, Austin
Vernon State Hospital	9 a.m. - August 22	Central Office Auditorium, Texas Department of Mental Health and Mental Retardation, 909 West 45th Street, Austin
Polygraph Examiners Board	9 a.m. - August 22	Conference Room, Texas Department of Public Safety, 5805 North Lamar Boulevard, Austin

Texas Department of Public Safety	10 a m -August 22	Conference Room, Texas Department of Public Safety, 5805 North Lamar Boulevard, Austin
Texas A&M University System—Administrative and General Offices	10 a m -August 22	Room 145, Memorial Student Center, Texas A&M University Campus, College Station
San Antonio State Hospital	12 30 p.m. August 22	Central Office Auditorium, Texas Department of Mental Health and Mental Retardation, 909 West 45th Street, Austin
Texas A&M University; Texas A&M University Medical Education Program	1 30 p m - August 22	Room 145, Memorial Student Center, Texas A&M University Campus, College Station
Wichita Falls State Hospital	3 p m -August 22	Central Office Auditorium, Texas Department of Mental Health and Mental Retardation, 909 West 45th Street, Austin
Texas Agricultural Experiment Station	8 a m.-August 23	Room 145, Memorial Student Center, Texas A&M University Campus, College Station
Kerrville State Hospital	9 a.m.-August 23	Central Office Auditorium, Texas Department of Mental Health and Mental Retardation, 909 West 45th Street Austin
Texas Agricultural Extension Service	9:30 a.m.- August 23	Room 145, Memorial Student Center, Texas A&M University Campus, College Station
Texas Rehabilitation Commission	9:30 a.m.- August 23	Boardroom, Texas Rehabilitation Commission, 118 East Riverside Drive, Austin
Rodent and Predatory Animal Control Service	11 a m -August 23	Room 145, Memorial Student Center, Texas A&M University Campus, College Station
Rusk State Hospital	12 30 p m - August 23	Central Office Auditorium, Texas Department of Mental Health and Mental Retardation, 909 West 45th Street, Austin
Tarleton State University	1:30 p m - August 23	Room 145, Memorial Student Center, Texas A&M University Campus, College Station
Texas A&M University at Galveston	2:15 p m - August 23	Room 145, Memorial Student Center, Texas A&M University Campus, College Station
Austin State Hospital	3 p m -August 23	Central Office Auditorium, Texas Department of Mental Health and Mental Retardation, 909 West 45th Street
Prairie View A&M University	3 30 p m - August 23	Room 145, Memorial Student Center, Texas A&M University Campus, College Station
Texas Forest Service	8 a m -August 24	Room 145, Memorial Student Center, Texas A&M University Campus, College Station

Texas Engineering Experiment Station	9 30 a m - August 24	Room 145, Memorial Student Center, Texas A&M University Campus, College Station
Texas Transportation Institute	11 a m -August 24	Room 145, Memorial Student Center, Texas A&M University Campus, College Station
Texas Veterinary Medical Diagnostic Laboratory	1 30 p m - August 24	Room 145, Memorial Student Center, Texas A&M University Campus, College Station
Texas Engineering Extension Service	2 30 p m - August 24	Room 145, Memorial Student Center, Texas A&M University Campus, College Station

Issued in Austin, Texas, on August 10, 1984

TRD-848261 Larry Kopp
Assistant Director for Budgets
Legislative Budget Board

Filed August 10, 1984

For further information, please call (512) 475-6565.

Texas State Library and Archives Commission Texas County Records Manual Review Committee

Notice is given pursuant to Texas Civil Statutes, Article 5442c, for the purpose of accepting nominations for a review committee for the *Texas County Records Manual*.

Nominations will be accepted through September 10, 1984, for one of each of the following officers: county clerk; district clerk, county auditor, county, district, or criminal district attorney, sheriff, county judge or county commissioner, and county assessor-collector

Nominations may be made by a petition signed by at least 50 other officers of the type nominated or by an organization representing officers of the type nominated that has as members at least 50 of those officers

Nominations should be sent to Dr. Dorman H. Winfrey, Director and Librarian, Texas State Library and Archives Commission, P. O. Box 12927, Austin, Texas 78711.

Issued in Austin, Texas, on August 8, 1984

TRD 848216 William D. Gooch
Assistant State Librarian
Texas State Library
and Archives Commission

Filed August 9, 1984

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

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.

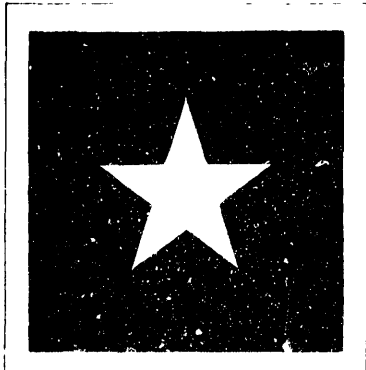
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