

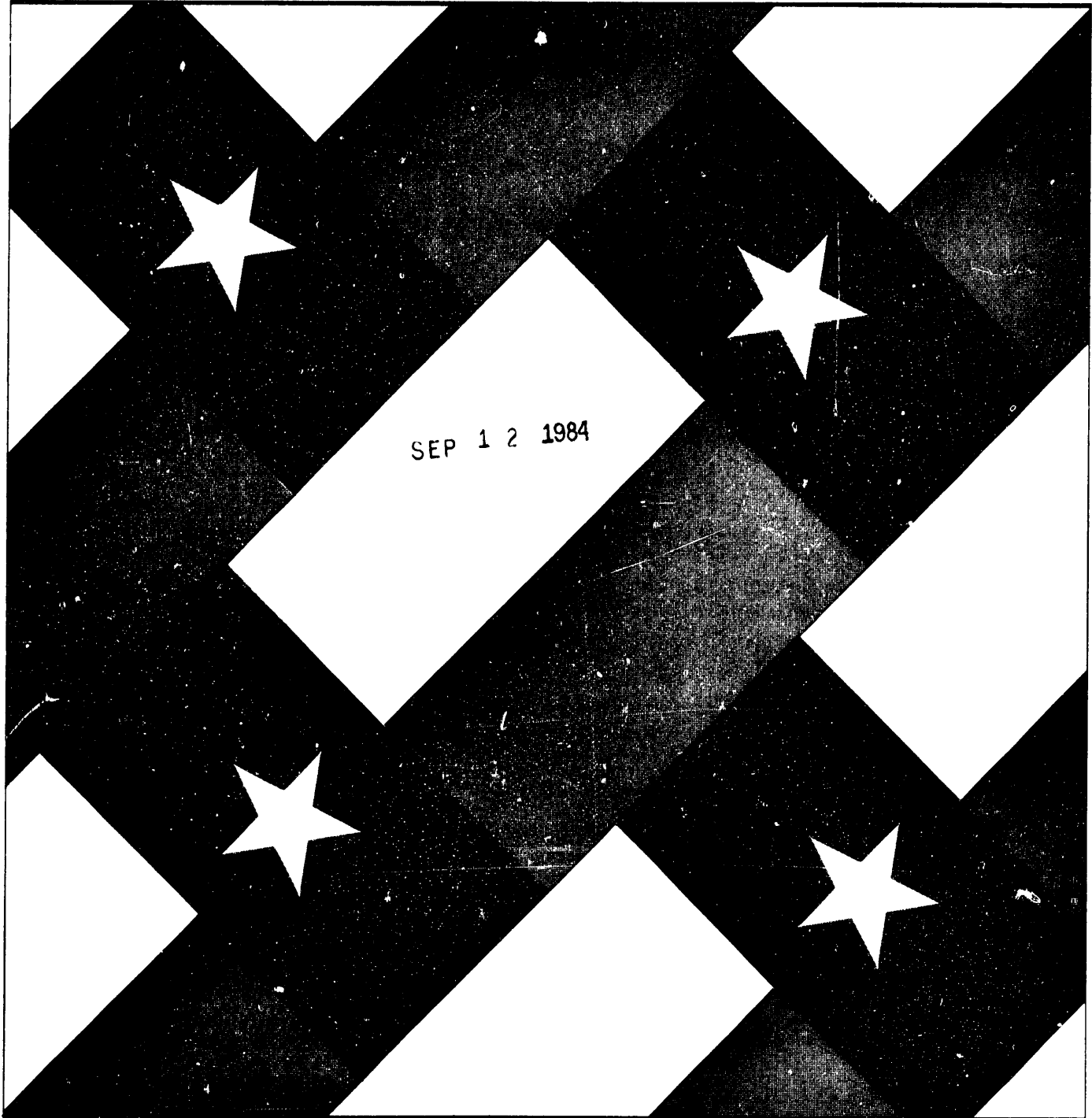
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# Texas Register

Volume 9, Number 67, September 7, 1984

Pages 4757 - 4798



## Highlights

The Comptroller of Public Account adopts on an emergency basis amendments concerning bingo regulation and tax  
 Effective date - August 30 page 4761

The Texas Department of Public Safety proposes an amendment concerning the transportation of hazardous materials. Earliest possible date of adoption - October 8 page 4763

Also in this issue is the *Texas Register* monthly guide to agency activity and TAC titles affected in August page 4778

**Office of  
 the Secretary  
 of State**

## Texas Register

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

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- Governor - appointments, executive orders, and proclamations
- Secretary of State - summaries of opinions based on election laws
- State Ethics Advisory Commission - summaries of requests for opinions and opinions
- Attorney General - summaries of requests for opinions, opinions, and open records decisions
- Emergency Rules - rules adopted by state agencies on an emergency basis
- Proposed Rules - rules proposed for adoption
- Withdrawn Rules - rules withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date
- Adopted Rules - rules adopted following a 30 day public comment period
- Open Meetings - notices of open meetings
- In Addition - miscellaneous information required to be published by statute or provided as a public service.

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

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

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

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

## Texas Administrative Code

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

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

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

TAC stands for the *Texas Administrative Code*.

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



## Texas Register Publications

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# Contents

## **The Attorney General**

### Requests for Opinions

- 4760 RQ-384
- 4760 RQ-385
- 4760 RQ-386
- 4760 RQ-387
- 4760 RQ-388
- 4760 RQ-389
- 4760 RQ-390
- 4760 RQ-391

### Open Records Decision

- 4760 ORD-423 (RQ-344)

## **Emergency Rules**

### Comptroller of Public Accounts

- 4761 Tax Administration

## **Proposed Rules**

### Texas Department of Public Safety

- 4763 Traffic Law Enforcement

## **Adopted Rules**

### Texas Department of Human Resources

- 4765 Food Stamps

## **Open Meetings**

- 4767 Texas Aeronautics Commission
- 4767 Texas Department on Aging
- 4767 Texas Department of Corrections
- 4768 Texas Employment Commission
- 4768 Texas Health Facilities Commission
- 4768 Texas Department of Human Resources
- 4768 State Board of Insurance
- 4769 Texas Department of Labor and Standards

- 4769 Board of Pardons and Paroles
- 4769 Proprietary School Advisory Commission
- 4769 Public Utility Commission of Texas
- 4770 Railroad Commission of Texas
- 4771 Texas Real Estate Commission
- 4771 Texas Rehabilitation Commission
- 4771 Texas A&M University
- 4771 Teacher Retirement System of Texas
- 4771 Teachers' Professional Practices Commission
- 4771 Texas Water Commission
- 4772 Texas Department of Water Resources
- 4772 Texas Water Well Drillers Board
- 4773 Regional Agencies

## **In Addition**

### Texas Air Control Board

- 4774 Applications for Construction Permits

### Texas Health Facilities Commission

- 4774 Applications Accepted for Amendment, Declaratory Ruling, and Notices of Intent

### Texas Department of Human Resources

- 4775 Consultant Proposal Request

### Legislative Budget Board

- 4776 Joint Budget Hearing Schedule

### Texas State Board of Pharmacy

- 4776 Election of Officers

### Public Utility Commission of Texas

- 4776 Consultant Contract Awards

## **Index**

- 4778 Guide to Agency Activity—August
- 4794 TAC Titles Affected—August

# The Attorney General

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

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

Questions on particular submissions, or requests for copies of opinion requests should be addressed to Rick Gilpin, Opinion Committee chairman, Office of the Attorney General, Supreme Court Building, Austin, Texas 78711, (512) 475-5445. Published opinions and open records decisions may be obtained by addressing a letter to the Central File Room, Attorney General's Office, Technicenter Building, IV, 5910 Technicenter -102, Austin, Texas 78721, or by telephoning (512) 928-1323. A single opinion is free, additional opinions are \$1.00 a copy.

## Requests for Opinions

**RQ-384.** Request from Donald J. Kerr, executive director, Texas National Guard Armory Board, Austin, concerning whether the Texas National Guard Armory Board may exchange certain property.  
TRD-848964

**RQ-385.** Request from Bob Bullock, comptroller of public accounts, Austin, concerning whether the Tax Code, §151.311, unconstitutionally discriminates against the federal government.  
TRD-848965

**RQ-386.** Request from Henry Wade, district attorney, Dallas, concerning the county clerk's fees for filing and recording a certificate of service under the Probate Code.  
TRD-848966

**RQ-387.** Request from Raymon L. Bynum, commissioner of education, Austin, concerning whether Texas Civil Statutes,

Article 5996a, the nepotism law, is applicable to the special career ladder committees created by House Bill 72.  
TRD-848967

**RQ-388.** Request from John B. Holmes, Jr., district attorney, Houston, concerning whether staff members of the Harris County commissioners court and other county officers and employees are authorized to attend executive sessions of the commissioners court.  
TRD-848968

**RQ-389.** Request from Charles D. Houston, district attorney, Bellville, concerning whether a constable may sell computer supplies to his county.  
TRD-848969

**RQ-390.** Request from James W. Smith, Jr., Frio County attorney, Pearsall, concerning whether the Property Code, §52.004, dispenses with the requirement of Texas Civil Statutes, Article 5448, that each county clerk shall keep a separate judgment record and shall immediately file and record

all properly authenticated abstracts of judgment.

TRD-848970

**RQ-391.** Request from D. R. "Tom" Uher, chairman, Regions, Compacts, and Districts Committee, House of Representatives, Austin, concerning whether the Sweeny Hospital District may change its jurisdictional boundaries.

TRD-848971

## Open Records Decision

**ORD-423 (RQ-344).** Request from Gary E. Pope, assistant city attorney, San Antonio, concerning whether a photograph of a police officer who has been arrested for sexual assault is excepted from disclosure under the Open Records Act.

**Summary of Decision.** A personnel file photograph of a police officer who has been arrested for sexual assault is not excepted from disclosure under the Open Records Act.

TRD-848972

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

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

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

# Emergency Rules

## TITLE 34. PUBLIC FINANCE

### Part I. Comptroller of Public Accounts

#### Chapter 3. Tax Administration

#### Subchapter V. Bingo Regulation and Tax

#### 34 TAC §3 543

The Comptroller of Public Accounts adopts on an emergency basis amendments to §3 543, concerning denials, suspensions, revocations, violations, and hearings. The amendments provide standards for the use of summary suspensions of bingo licenses. Summary suspensions will be used for major infractions of these rules. A person whose license is summarily suspended may request a preliminary hearing on the suspension within two days, and it will be held within three days from the date requested. A final hearing, if requested, will be held within 20 days.

The amendments are adopted on an emergency basis under Texas Civil Statutes, Article 179d, which provide that the comptroller may prescribe, adopt, and enforce rules relating to the enforcement and administration of the Bingo Enabling Act.

#### §3 543 Denials, Suspensions, Revocations, Violations, Hearings

(a) (No change )  
(b) **Suspension and revocation** [Violations and penalties]

(1) (No change )  
(2) Summary suspension. **Upon a finding by the comptroller that an immediate and irreparable harm will result from a licensee exercising his privileges under a license, the comptroller may summarily suspend the license. Upon summary suspension, the comptroller shall notify the licensee in writing of the suspension and the specific reasons for the suspension. A preliminary hearing to show cause why the license should not be suspended**

**pending a final hearing will be provided if requested within two days. The notice shall so inform the licensee. If requested, a preliminary hearing must be provided within three days. If requested, a final hearing must be provided within 20 days.** [Upon receipt of information concerning a violation of the Act or this section, the comptroller may suspend, without hearing, a license or temporary authorization until a hearing on the violation is held. The period of summary suspension may not exceed 90 days.]

(3) (No change )

(4) Hearing. After a notice of suspension or revocation has been served, the licensee or holder will have an opportunity for a hearing upon the question of [the summary action, upon] renewal of a license or temporary authorization if it would expire within the period of temporary suspension or upon any proposed suspension or revocation. If a hearing is requested, it will be held within 20 days from the date the comptroller receives the request. If the licensee or holder does not request a hearing within 30 days after the date of the notice of suspension or revocation, the hearing is waived and a final order will be issued.

(5) (No change )

(c)-(d) (No change )

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

TRD 848983

Bob Bullock  
Comptroller of Public Accounts

Effective date August 30, 1984

Expiration date December 28, 1984

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

#### 34 TAC §3 548

The Comptroller of Public Accounts adopts on an emergency basis an amendment to §3 548, concerning general restrictions on the conduct of bingo. The purpose of the amendment is to clearly state that bin-

go games must be run by members or employees of the licensed organization. An authorized commercial lessor may not run bingo games. People running the game may not be regular or temporary employees of the commercial lessor.

This amendment is adopted on an emergency basis under the authority of Texas Civil Statutes, Article 179d, which provide that the comptroller may prescribe, adopt, and enforce rules relating to the enforcement and administration of the Bingo Enabling Act.

**§3.548. General Restrictions on the Conduct of Bingo.**

(a)-(t) (No change.)

(u) Workers as players. No licensee or holder of a temporary authorization may permit any person who

is conducting or assisting in the conduct of bingo to participate as a player when the person is conducting or assisting in the conduct of bingo. **All callers, ushers, cashiers, bookkeepers, and accountants must be members of the authorized organization or hired by the authorized organization, but may not be employees of or hired by a commercial lessor.**

(v)-(x) (No change.)

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

TRD-848982

Bob Bullock

Comptroller of Public Accounts

Effective date: August 30, 1984

Expiration date: December 28, 1984

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

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

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

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

# Proposed Rules

## TITLE 37. PUBLIC SAFETY AND CORRECTIONS

### Part I. Texas Department of Public Safety

#### Chapter 3. Traffic Law Enforcement Traffic Supervision

##### 37 TAC §3.59

The Texas Department of Public Safety (DPS) proposes an amendment to §3.59, concerning regulations governing the transportation of hazardous materials.

Subsection (b)(9) is amended by adding language that gives the DPS authority to place vehicles with hazardous materials violations out of service and require on-the-spot repairs. This amendment also gives the DPS authority to enforce the parking regulations found in 49 Code of Federal Regulations Part 397 on vehicles transporting hazardous materials.

Melvin C. Peeples, chief accountant III, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the rule. The anticipated economic cost to small businesses is the additional cost of road service as compared to shop service to repair the vehicle defects. The agency is unable to determine a specific money amount due to a large variance in the types of defects possibly involved.

Joe E. Milner, traffic law enforcement chief, 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 greater public safety by preventing continued operations of defective vehicles transporting hazardous materials and increased safety from enforcement of the parking regulations applicable to hazardous materials transport vehicles. The agency is unable to estimate the anticipated economic cost of road service as compared to shop service to repair the vehicle defect for individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to John C. West, Jr., Texas Department of Public Safety, Box 4087, Austin, Texas 78773, (512) 465-2000.

The amendment is proposed under Texas Civil Statutes, Article 6701d, §139, which provide the director of the DPS with the authority to adopt such regulations as he deems necessary for the safe transportation of hazardous materials over the highways of the State of Texas.

##### §3.59 *Regulations Governing the Transportation of Hazardous Materials*

(a) (No change.)

(b) Explanations and exceptions.

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

(9) The provisions of 49 Code of Federal Regulations §177.804, relating to compliance with Federal Motor Carrier Safety Regulations, are not adopted as a regulation by the Texas Department of Public Safety, **except that Part 396, §396.7 and §396.9, and all of Part 397 are adopted as regulations by the Texas Department of Public Safety.**

(10)-(11) (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

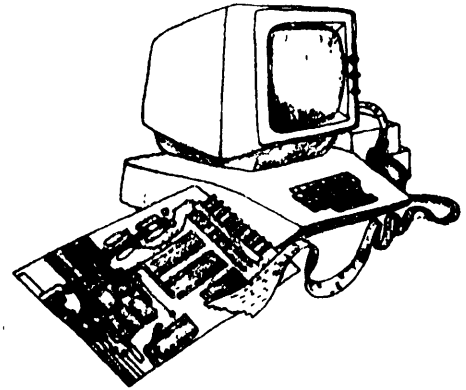
Issued in Austin, Texas on August 24 1984

TRD 848940      James B Adams  
                         Director  
                         Texas Department of Public  
                         Safety

Earliest possible date of adoption

October 8, 1984

For further information, please call (512) 465-2000.



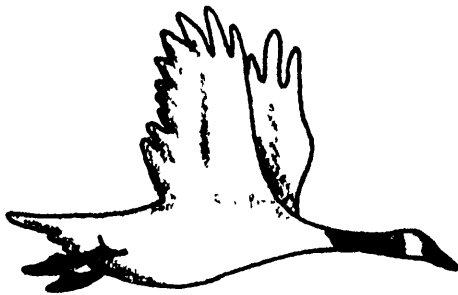


An agency may take final action on a rule 30 days after a proposal has been published in the *Register*. The rule becomes effective 20 days after the agency files the correct document with the *Texas Register*, unless a later date is specified or unless a federal statute or regulation requires implementation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

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

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

# Adopted Rules



## TITLE 40. SOCIAL SERVICES AND ASSISTANCE

### Part I. Texas Department of Human Resources

### Chapter 9. Food Stamps

### Subchapter II. Resources

The Texas Department of Human Resources adopts the repeal of §§ 9 3403, 9 6401-9 6403, 9.6405-9 6418, and 9 7007, an amendment to § 9 3401, and new §§ 9 3403, 9 6401, and 9 7007, without changes to the proposed text published in the July 13, 1984, issue of the *Texas Register* (9 TexReg 3805).

These actions streamline food stamp certification procedures, reduce workloads.

The resources test is being eliminated for households in which all members receive aid to families with dependent children (AFDC). Also, the rules governing notices to clients about adverse action are being changed in relation to the situations in which clients receive advance notice rather than adequate notice.

No comments were received regarding adoption of the repeals, amendment, and new sections.

#### 40 TAC § 9 3401

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

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

Issued in Austin, Texas, on August 31, 1984.

TRD-848990

Marlin W. Johnston  
Commissioner  
Texas Department of Human Resources

Effective date: October 15, 1984.

Proposal publication date: July 13, 1984.

For further information, please call (512) 450-3766.

#### 40 TAC § 9 3403

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

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

Issued in Austin, Texas, on August 31, 1984.

TRD 848991

Marlin W. Johnston  
Commissioner  
Texas Department of Human Resources

Effective date: October 15, 1984.

Proposal publication date: July 13, 1984.

For further information, please call (512) 450-3766.

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

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

Issued in Austin, Texas, on August 31, 1984

TRD-848992      Marlin W. Johnston  
                         Commissioner  
                         Texas Department of Human  
                         Resources

Effective date    October 15, 1984  
Proposal publication date    July 13, 1984  
For further information, please call (512) 450-3766.



**Subchapter FFF. Notice of Adverse  
Action**

**40 TAC §§9 6401-9.6403, 9 6405-9.6418**

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

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

Issued in Austin, Texas, on August 31, 1984

TRD-848993      Marlin W. Johnston  
                         Commissioner  
                         Texas Department of Human  
                         Resources

Effective date    October 15, 1984  
Proposal publication date    July 13, 1984  
For further information, please call (512) 450-3766

**40 TAC §9.6401**

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

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

Issued in Austin, Texas, on August 31, 1984

TRD-848994      Marlin W. Johnston  
                         Commissioner  
                         Texas Department of Human  
                         Resources

Effective date    October 15, 1984  
Proposal publication date    July 13, 1984  
For further information, please call (512) 450-3766

**Subchapter LLL. Fair Hearings  
40 TAC §9.7007**

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

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

Issued in Austin, Texas, on August 31, 1984

TRD 848995      Marlin W. Johnston  
                         Commissioner  
                         Texas Department of Human  
                         Resources

Effective date    October 15, 1984  
Proposal publication date    July 13, 1984  
For further information, please call (512) 450-3766

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

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

Issued in Austin, Texas, on August 31, 1984

TRD-848996      Marlin W. Johnston  
                         Commissioner  
                         Texas Department of Human  
                         Resources

Effective date    October 15, 1984  
Proposal publication date    July 13, 1984  
For further information, please call (512) 450 3766

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

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

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

# Open Meetings

## **Texas Aeronautics Commission**

**Wednesday, September 12, 1984, 9:30 a.m.**

The Air Carrier Division of the Texas Aeronautics Commission will meet in Room 221, Anson Jones Building, 410 East Fifth Street, Austin. According to the agenda, the division will consider additional evidence in Docket 84-11-- application of Air West Airlines, Ltd., for a certificate of public convenience and necessity, which was not presented at the June 20 and 21, 1984, hearings.

**Contact:** Thomas E. Butler, 410 East Fifth Street, Austin, Texas 78711, (512) 476-9262.

**Filed:** August 31, 1984, 10:03 a.m.  
TRD-848999

## **Texas Department on Aging**

**Thursday, September 20, 1984, 10 a.m.**

The Texas Board on Aging of the Texas Department on Aging will meet in the boardroom, fifth floor, 210 Barton Springs Road, Austin. Items on the agenda include approval of the minutes, the annual calendar, a legislative update, the silver-haired legislature, reauthorization of the Older Americans Act, a budget update and hearing, the fiscal year 1982-1983 audit, fiscal policies and

procedures, a sunset review and decision, approval of area plan amendments, a report on the Long-Term Care Coordinating Council, the status of audit exceptions for fiscal year 1980-1981, senior games, and a senior employment conference update. The board also will meet in executive session.

**Contact:** Daniel N. Stewart, P.O. Box 12786, Austin, Texas 78711, (512) 475-2717.

**Filed:** August 30, 1984, 4:59 p.m.  
TRD-848984

## **Texas Department of Corrections**

**Monday, September 10, 1984, 8 a.m.**

Subcommittees of the Board of the Texas Department of Corrections (TDC) will meet at 1206 Avenue I, Huntsville. Subcommittees and agendas follow.

The Subcommittee on Operations will hear an activity summary on inmate affairs, including chaplaincy, agency reports, and release programs, hear inmate activity reports, including disciplinary action, inmate strength, and the number of inmates received and released, discuss escapes and the Furlough Program; and hear a food services report.

The Subcommittee on Finance will discuss agriculture, business, construction, and industries.

The Subcommittee on Health Services will hear an activity summary, discuss deaths, and consider pending autopsies.

**Contact:** R. K. Procnier, P.O. Box 99, Huntsville, Texas 77340, (409) 295-6371, ext. 160.

**Filed:** August 31, 1984, 3:09 p.m.  
TRD-849041, 849040, 849039

**Monday, September 10, 1984, 10 a.m.**

The Board of the Texas Department of Corrections will meet in Room 103, Administration Building, 815 11th Street, Huntsville. According to the agenda summary, the board will consider operations, inmate affairs, medical, financial, agricultural, business, construction, and industries matters; the director's items, and the Windham School System. The board will also meet in executive session.

**Contact:** R. K. Procnier, P.O. Box 99, Huntsville, Texas 77340, (409) 295-6371, ext. 160.

**Filed:** August 31, 1984, 3:10 p.m.  
TRD-849042

**Texas Employment Commission**

**Tuesday, September 11, 1984, 9 a.m.** The Texas Employment Commission (TEC) will meet in Room 644, TEC Building, 15th Street and Congress Avenue, Austin. According to the agenda summary, the commission will consider prior meeting notes and internal procedures of the Office of Commission Appeals, consider and act on higher level appeals in unemployment compensation cases on Docket 37, and set a date for the next meeting.

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

**Filed:** August 31, 1984, 4 05 p m  
TRD-849043

**Texas Health Facilities  
Commission**

**Wednesday, September 12, 1984, 1 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**

Texoma Eye Institute, Denison  
AS84-0417-237

Arlington Memorial Hospital  
Foundation, Inc., Arlington  
AH84-0425-261

**Applications for Amendment of Certificate  
of Need Orders**

Hurst Day Surgery Center, Hurst  
AS83-0721-047A(070284)

The Community Hospital of Brazosport,  
Freeport  
AH81-1218 024A(071784)

Lifemark Recovery Center-El Paso and  
Southwestern General Hospital,  
El Paso  
AO82-0706-056A(071184)

Val Verde Memorial Hospital, Del Rio  
AH81-0204-008A(071384)

Spring Branch Memorial Hospital,  
Houston  
AH79-0622-025A(072684)

**Declaratory Ruling**

Brackenridge Hospital, Austin  
AH84-0725-487

**Notice of Intent to Acquire Major Medical  
Equipment**

Imaging Center Acquisition Partnership  
and MRI Equipment Acquisition  
Partnership, Dallas  
AO84-0727-493

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

Texas Healthcare Facilities, Inc., Keene  
AN84-0731-502

Jewell Enterprises, a Texas corporation,  
Arlington  
AN84-0801-505

Springfield Five Health Associates,  
a California limited partnership,  
Rancho Mirage, California  
AN84-0801-507

Parent Care, Inc., a Texas corporation,  
Arlington  
AN84-0801-506

A routine business meeting will follow the consideration of applications.

**Contact:** John R. Neel, P O Box 50049,  
Austin, Texas 78763, (512) 479-6940

**Filed:** September 4, 1984, 9 55 a.m.  
TRD-849055



**Texas Department of Human  
Resources**

**Saturday, September 8, 1984, 9 a.m.** The Early Periodic Screening Diagnosis and Treatment (EPSDT) Dental Professional Advisory and Review Committee of the Texas Department of Human Resources will meet in the Corral Room, Holiday Inn, 333 Rio Concho Drive, San Angelo. According to the agenda summary, the committee will approve the July 24, 1984, minutes, elect officers, and consider old and new business.

**Contact:** Jack Ishelman, P O Box 2960,  
Austin, Texas 78769, (512) 450-4129

**Filed:** August 31, 1984, 9 24 a.m.  
TRD-848989

**Saturday, September 15, 1984, 9 a.m.** The Medical Care Advisory Committee of the Texas Department of Human Resources (DHR) will meet in Classroom A, second floor, West Tower, DHR Winters Center Complex, 701 West 51st Street, Austin. According to the agenda summary, the committee will consider a revision to lock-in rules regarding lock-in physicians, hear a Vendor Drug Formulary Advisory Subcommittee report, consider the Deficit Reduction Act of 1984, hear a Medicaid expansion report, consider a change to nursing home rate methodology, a change to intermediate care facility staffing standards, and a day

activity and health services rate increase and hear a report concerning unauthorized charges for purchased health services.

**Contact:** Larry Corley, P O Box 2960  
Austin, Texas 78769, (512) 450-3020

**Filed:** August 31, 1984, 3 51 p.m.  
TRD-849050

**State Board of Insurance**

**Friday, August 31, 1984, 10:30 a.m.** The State Board of Insurance met in emergency session in Room 414, 1110 San Jacinto Street, Austin. According to the agenda, the board heard arguments on a motion to stay a commissioner's decision upholding an action of the supervisor as set forth in a letter dated August 20, 1984, with respect to certain insurance policies of Great Southwest Life Insurance Company. The emergency status was necessary because the action of the supervisor was soon to go into effect and the determination of whether to grant the motion to stay needed to be made as soon as possible.

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

**Filed:** August 31, 1984, 8:13 a.m.  
TRD-848985

The Commissioner's Hearing Section of the State Board of Insurance will conduct public hearings in Room 342, 1110 San Jacinto Street, Austin. Days, times, and dockets follow.

**Tuesday, September 11, 1984, 1:30 p.m.** Docket 7543—a motion to consider a consent to conservatorship in regard to Independent Standard Insurance Company, Dallas.

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

**Filed:** August 31, 1984, 2 47 p.m.  
TRD-849030

**Wednesday, September 12, 1984, 9 a.m.** Docket 7781—application for original charter of Montfort Life Insurance Company, Dallas.

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

**Filed:** August 31, 1984, 2 47 p.m.  
TRD-849031

**Wednesday, September 12, 1984, 1:30 p.m.** Docket 7782—application for original

charter of Montfort Insurance Company, Dallas

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

**Filed:** August 31, 1984, 2:47 p.m.  
TRD-849032

**Thursday, September 13, 1984, 9 a.m.**  
Docket 7786—application for original charter of Southwest First Community Life Insurance Company, Beeville

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

**Filed:** August 31, 1984, 2:47 p.m.  
TRD-849033

### **Texas Department of Labor and Standards**

**Thursday and Friday, September 6 and 7, 1984, 1 p.m. daily.** The Board of Boiler Rules of the Boiler Division of the Texas Department of Labor and Standards met in emergency session in Room 103, F. O. Thompson Building, 920 Colorado Street, Austin. According to the agenda, the board reviewed the March 8 and 9, 1984, minutes, reviewed *Controls and Safety Devices for Automatically Fired Boilers*, proposed inspector examination requirements, reviewed the raxdronics system, reviewed task force activity, reviewed Introlevel 903, a non-contacting level switch, reviewed boiler accidents of the past year, and discussed new business. The emergency status was necessary to promulgate rules regarding boilers in the State of Texas.

**Contact:** Steven M. Matthews or Barbara Stoll, P. O. Box 12157, Austin, Texas 78711, (512) 475-4799

**Filed:** August 31, 1984, 11:11 a.m.  
TRD-849020

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

**Monday-Friday, September 10-14, 1984, 1:30 p.m. daily Monday-Thursday, and 11 a.m. on Friday.** A three-member board panel of the Board of Pardons and Paroles will meet at 8610 Shoal Creek Boulevard, Austin. According to the agenda summary, the panel will receive, review, and consider information and reports concerning prisoners/inmates and administrative releasees

subject to the board's jurisdiction and initiate and carry through with appropriate action

**Contact:** Mike Roach, 8610 Shoal Creek Boulevard, Austin, Texas 78758 (512) 459-2713

**Filed:** August 31, 1984, 10:12 a.m.  
TRD-849002

### **Tuesday, September 11, 1984, 1:30 p.m.**

The Board of Pardons and Paroles will meet at 8610 Shoal Creek Boulevard, Austin. According to the agenda, the board will consider executive clemency recommendations and related actions (other than out-of-county conditional pardons), including full pardons, restoration of civil rights of citizenship, emergency medical reprieves, commutations of sentence, and other reprieves, remissions, and executive clemency actions.

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

**Filed:** August 31, 1984, 10:12 a.m.  
TRD-849001

### **Proprietary School Advisory Commission**

**Tuesday, September 11, 1984, 10 a.m.** The Proprietary School Advisory Commission will meet in Room 101, Texas Education Agency North Building, 1200 East Anderson Lane, Austin. According to the agenda, the commission will question the exempt status of company-sponsored students, make recommendations for changes to minimum standards concerning admission requirements, the cancellation and refund policy, advertising, progress and attendance standards, financial stability, adequate space for instruction, and records, consider a change in ownership presentation, consider an amendment to the Texas Education Code, §32.42 (a)-(d), contained in House Bill 72, 68th Legislature, Second Called Session, 1984, review guidelines and minimum standards for the operation of Texas proprietary schools, §69.127(6)-(15), and consider rules relating to associate of applied arts and associate of applied science degree programs.

**Contact:** Janice Boyd, 201 East 11th Street, Austin, Texas 78701, (512) 475-2246

**Filed:** August 31, 1984, 11:05 a.m.  
TRD-849019

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

**Friday, August 31, 1984, 1 p.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 considered pending litigation and personnel matters. The emergency status was necessary because of statutory deadlines concerning pending litigation and the urgent need to resolve personnel matters.

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

**Filed:** August 31, 1984, 10:08 a.m.  
TRD-849000

**Friday, September 7, 1984, 9 a.m.** The Hearings Division of the Public Utility Commission of Texas will meet in emergency session in Suite 450N, 7800 Shoal Creek Boulevard, Austin. According to the agenda summary, the commission will consider Dockets 5682, 5643, 5541, 5560, 5662, 5732, 5645, 4938, 4572, 5033, 5059, 5120, 5588, 5267, 5394, 4861, 5122, 5261, 5678, 5511, 5432, 4530, 4657, 5489, 5582, 5687, 5724, 5771, 5781, 5564, 5720, 5725, 5739, 5740, 5741, 5752, 5754, 5776, 5792, 5813, 5814, 5826, 5831, 5844, 5632, 5784, 5226, 5268, 5316, 5319, 5385, 5386, 5399, 5505, 5554, 5555, 5604, 5635, 5656, 5660, 5668, 5691, 5704, and 5753. The commission also will meet in executive session to consider pending litigation and personnel matters. The emergency status is necessary because the commission must take final action on these dockets before statutory deadlines expire.

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

**Filed:** August 31, 1984, 4:48 p.m.  
TRD-849051

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.

**Tuesday, September 11, 1984, 10 a.m.** A prehearing conference in Docket 4545—petition of Southwestern Bell Telephone Company for authority to change rates (on remand from district court).

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

**Filed:** September 4, 1984, 9:54 a.m.  
TRD-849059

**Wednesday, October 10, 1984, 10 a.m.** A hearing on the merits in Docket 5129—ap-

plication of Military Highway Water Supply Corporation to amend its certificate of convenience and necessity within Hidalgo County, and 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 30, 1984, 2 09 p.m.  
TRD-848973

**Thursday, October 11, 1984, 9 am.** The Hearings Division of the Public Utility Commission of Texas rescheduled a meeting to be held in Suite 450N, 7800 Shoal Creek Boulevard, Austin. According to the agenda, the division will discuss the permanent adoption of proposed amendments to 16 TAC §§23 23, 23 31, and 23 66, concerning cogeneration issues. The hearing was originally scheduled for Wednesday, September 19, 1984, at 9 a.m., as published at 9 Tex-Reg 4634. The period for comments or additional comments has been extended to September 19, 1984.

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

**Filed:** August 31, 1984, 3 09 p.m.  
TRD-849038

### **Railroad Commission of Texas**

**Monday, September 10, 1984, 9 a.m.** The Railroad Commission of Texas will meet in Room 309, 1124 IH 35 South, Austin. The commission will consider and act on division agendas as follows:

The Administrative Services Division director's report on division administration, budget, procedures, and personnel matters

**Contact:** Roger Dillon, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1211

**Filed:** August 31, 1984, 10 50 a.m.  
TRD-849006

The Automatic Data Processing Division director's report on division administration, budget, procedures, equipment acquisitions, and personnel matters, and an inter-agency contract with the Texas Board of Registration for Professional Engineers

**Contact:** Bob Kmetz, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1204

**Filed:** August 31, 1984, 10 54 a.m.  
TRD-849007

The Flight 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 31, 1984, 10 54 a.m.  
TRD-849008

Various matters falling within the Gas Utilities Division's regulatory jurisdiction

**Contact:** Lucia Sturdevant, P.O. Drawer 12967, Austin, Texas 78711, (512) 475-0461.

**Filed:** August 31, 1984, 10 53 a.m.  
TRD-849009

The Office of Information Services director's report on division administration, budget, procedures, and personnel matters.

**Contact:** Brian W. Schaible, P.O. Drawer 12967, Austin, Texas 78711

**Filed:** August 31, 1984, 10 54 a.m.  
TRD-849010

The LP-Gas Division director's report on division administration, budget, procedures, and personnel matters, and the adoption of new 16 TAC §9 63, amendments to §§9 99, 9 121, 9 141, 9.155, 9 261, 9 270, and 9 291, and publication of proposed amendments to §9 30

**Contact:** Thomas D. Petru, P.O. Drawer 12967, Austin, Texas 78711

**Filed:** August 31, 1984, 11 20 a.m.  
TRD-849021

Various matters falling within the Oil and Gas Division's regulatory jurisdiction

**Contact:** Liz Nauert, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1307

**Filed:** August 31, 1984, 11 44 a.m.  
TRD-849022

Additions to the previous agenda

Consideration of category determinations under the Natural Gas Policy Act of 1978, §§102(c)(1)(B), 102(c)(1)(C), 103, 107, and 108

**Contact:** Madalyn J. Girvin, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1209

**Filed:** August 31, 1984, 4 21 p.m.  
TRD-849011

Consideration of oil and gas Docket 8-83,102—application of Shell Western E&P, Inc., to consider temporary field rules for the Thistle (Catillos Novaculite) field, Pecos County, and Docket 6-83,112—application of Exxon Corporation for exception to statewide Rule 38 for its Carl Wiprecht

Estate G U 1, Well 1, in the Reklaw (Travis Peak) field, Cherokee County

**Contact:** Bob Rago or Pearl Mays-Taborn, respectively, P.O. Box 12967, Austin, Texas 78711, (512) 445-1363 or (512) 445-1292

**Filed:** August 31, 1984, 11 44 a.m.  
TRD-849023

The Personnel 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 31, 1984, 10 53 a.m.  
TRD-849012

The Office of Research and Statistical Analysis director's report on division administration, budget, procedures, and personnel matters.

**Contact:** Gail Gemberling, P.O. Drawer 12967, Austin, Texas 78711

**Filed:** August 31, 1984, 10 53 a.m.  
TRD-849013

The Office of the Special Counsel 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 31, 1984, 10 54 a.m.  
TRD-849014

The Surface Mining and Reclamation 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 31, 1984, 10 51 a.m.  
TRD-849015

Various matters falling within the Transportation Division's regulatory jurisdiction

**Contact:** Michael A. James, 1124 IH 35 South, Austin, Texas 78704, (512) 445-1330

**Filed:** August 31, 1984, 10 51 a.m.  
TRD-849016

Additions to the previous agenda

Consideration of a corrective order in Docket 026479ZZT—application of Common Carrier Motor Freight Association, Inc., concerning establishing a specific rate in CCMFA Tariff 25-U, covering the trans-

portation of bottle caps, covers, or tops, etc., from Arlington to Houston

**Contact:** Michael A. James, 1124 IH 35 South, Austin, Texas 78704, (512) 445-1330.

**Filed:** August 31, 1984, 10 51 a.m.  
TRD-849017

Consideration of interim orders in Dockets 024422ZZT and 024526ZZT—application of Oil Field Haulers Association, Inc., to increase fuel adjustment charges in Item 19 of OFHA Tariff 6-A in Part I, Table A, from \$0.106 per running mile to \$0.128 per running mile, Part I, Table B, from \$0.061 per running mile to \$0.067 per running mile, Part II, from 0.064% to 0.077%, and Part II, from 0.047% to 0.056%

**Contact:** Michael A. James, 1124 IH 35 South, Austin, Texas 78704, (512) 445-1330

**Filed:** August 31, 1984, 10 52 a.m.  
TRD-849018

Consideration of a corrected interim order in Docket 025866ZZT—application of Refrigerated Motor Carriers Association, Inc., for a fuel adjustment, RCT Tariff 52 series, to increase linehaul rates and charges and minimum charges by 1.2% to reflect an increase in fuel price of \$0.095 per gallon

**Contact:** Michael A. James, 1124 IH 35 South, Austin, Texas 78704, (512) 445-1330

**Filed:** August 31, 1984, 2 21 p.m.  
TRD-849025

### **Texas Real Estate Commission**

**Monday, September 10, 1984, 9:30 a.m.** The Texas Real Estate Commission will meet in the conference room, 1101 Camino La Costa, Austin. According to the agenda summary, the commission will consider the August 6, 1984, minutes, hear staff reports for July 1984, and consider motions for rehearing and/or probation and education matters. The commission also will meet in executive session to discuss pending litigation.

**Contact:** Camilla S. Shannon, P.O. Box 12188, Austin, Texas 78711, (512) 459-1123

**Filed:** August 30, 1984, 4 15 p.m.  
TRD-848977

### **Texas Rehabilitation Commission**

**Friday, September 14, 1984, 9:30 a.m.** The Board of the Texas Rehabilitation Commission will meet at the First City Bank of Corpus Christi, 615 Upper North Broadway, Corpus Christi. Items on the agenda summary include board communications; ap-

proval of the June 8, 1984, minutes, the commissioner's report concerning operations; new business concerning a physician's view of a health maintenance organization's corporate medicine and possible alternatives, a briefing on the Texas Council on Disabilities, a comparison of fiscal year 1984 revised budget estimates considered on September 14, 1984, with the revised budget adopted March 16, 1984, a status report concerning a legislative appropriations request, and board approval of a grant from the commissioner's court of Collin County. The board will also meet in executive session.

**Contact:** Vernon H. Newman, 118 East Riverside Drive, Austin, Texas 78704, (512) 445-8126

**Filed:** August 31, 1984, 2 33 p.m.  
TRD-849029

### **Texas A&M University**

**Friday, August 31, 1984, 4 p.m.** The Corps of Cadets and the Enhancement Committee of the Board of Regents of Texas A&M University met in emergency session at the Memorial Student Center Annex, College Station. According to the agenda, the committee considered the organization and administration of the Corps of Cadets with particular reference to the health and safety of its members. The emergency status was necessary to ensure the health and safety of its members.

**Contact:** Vicki Burt, Texas A&M University System, College Station, Texas 77843

**Filed:** August 31, 1984, 1 54 p.m.  
TRD-849024

### **Teacher Retirement System of Texas**

**Friday, September 14, 1984, 10 a.m.** The Board of Trustees of the Teacher Retirement System of Texas (TRS) will meet in the boardroom, fourth floor, 1001 Trinity Street, Austin. According to the agenda summary, the board will hear reports of the Committee for Nomination of Board Officers, the Building Committee, the general counsel, and the Member Benefits Division, approve the minutes, review investments for the quarter and year ending August 31, 1984, review discussion and recommendations at the IAC meeting, consider an ap-

peal of Naomi Norton, Docket 84-30, a proposed amendment to the rules and regulations, and the purchase of real estate, and estimate the contributions for the 1984-1985 fiscal year and the amount necessary to pay state contributions for the next biennium.

**Contact:** Mary Codzik, 1001 Trinity Street, Austin, Texas 78701, (512) 397-6400

**Filed:** September 4, 1984, 9 37 a.m.  
TRD-849054

### **Teachers' Professional Practices Commission**

**Thursday, October 4, 1984, 9 a.m.** A three-member panel of the Teachers' Professional Practices Commission rescheduled a meeting to be held in Room 111, Texas Education Agency North Building, 1200 East Anderson Lane, Austin. According to the agenda, the panel will hear a complaint filed by an active certified member of the teaching profession pursuant to the Texas Education Code, §§13.201-13.218. The hearing will be closed in accordance with the Texas Education Code, §13.213. The meeting originally was scheduled for September 5, 1984, at 9 a.m., as published at 9 TexReg 4634.

**Contact:** James Salmon, 201 East 11th Street, Austin, Texas 78701, (512) 834-4091

**Filed:** August 30, 1984, 4 10 p.m.  
TRD-848978



### **Texas Water Commission**

**Tuesday, September 4, 1984, 10 a.m.** The Texas Water Commission submitted an emergency revised agenda for a meeting held in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the revised agenda, the commission considered litigation presently pending. The emergency status was necessary because litigation involved a matter set before the court on September 6, 1984.

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

**Filed:** August 31, 1984, 2 07 p.m.  
TRD-849026

The Texas Water Commission will meet in the Stephen F. Austin Building, 1700 North Congress Avenue, Austin. Days, times, rooms, and agendas follow.

**Tuesday, September 11, 1984, 10 a.m.** In Room 118, the commission will consider water district applications for bond issues, release from escrow, use of surplus funds, a change order, water quality proposals for decision, minor amendments, renewals, permit revocation and suspension, a motion for rehearing, and levee project matters.

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

**Filed:** August 30, 1984, 3:26 p.m.  
IRD 848976

**Thursday, September 13, 1984, 10 a.m.** In Room 124A, the commission will consider adjudication of claims of water rights in the following segments and consider proposed preliminary determinations for each segment: Upper Sabine River Segment, Brazos III River Segment, Lower Neches-Angelina Rivers Segment, Lower Sabine River Segment, and the Lower Trinity River Segment.

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

**Filed:** August 30, 1984, 11:11 a.m.  
IRD-848956

**Thursday, September 13, 1984, 2 p.m.** In Room 124A, the commission will consider Application 4237 (Paluxy River Reservoir project) of the City of Stephenville for consideration of the hearing examiner's recommendation that the application be dismissed without prejudice.

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

**Filed:** August 30, 1984, 11:12 a.m.  
IRD 848957

**Monday-Friday, September 25-28, 1984, 9 a.m. daily Monday-Thursday and 8:30 a.m. Friday.**

The Texas Water Commission will meet in the assembly room, Grayson County Courthouse, Sherman. According to the agenda, the commission will conduct adjudication hearings for the Lower Red River Segment on the Red River Basin.

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

**Filed:** August 30, 1984, 11:12 a.m.  
IRD 848958

The Texas Water Commission will meet at the Stephen F. Austin Building, 1700 North Congress Avenue, Austin. Days, times, rooms, and agendas follow.

**Wednesday, September 26, 1984, 10 a.m.** In Room 118, the commission will consider an application of Barely Lane Utility District for proposed Permit 12875-01 to au-

thorize a discharge of treated wastewater effluent at a volume not to exceed an average flow of 800,000 gallons per day from the proposed Barely Lane Utility Company wastewater treatment plant, Harris County, San Jacinto River Basin.

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

**Filed:** August 30, 1984, 11:12 a.m.  
IRD-848960

**Wednesday, September 26, 1984, 2:30 p.m.**

In Room 118, the commission will consider Application 4460 of Weldon Alders for a permit to authorize the maintenance and modifications of an existing dam and a 7,064 acre-foot capacity reservoir on Big Caney Creek, Trinity River Basin, for recreational purposes in Liberty County, and an application of SCB Development Company for proposed Permit 12831-01 to authorize disposal of 400,000 gallons per day of treated domestic sewage, Williamson County, Brazos River Basin.

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

**Filed:** August 30, 1984, 11:12 a.m.  
IRD 848959

**Thursday, October 4, 1984, 9 a.m.** In Room 618, the commission will consider an application of Allan R. Klein, 3110 McKinney, Houston, Texas 77003, to the Texas Department of Water Resources for renewal of Permit 11456 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 90,000 gallons per day from the not yet-constructed Commander's Point Sewage Treatment Plant, which is to be approximately 3 1/2 miles northwest of Mansfield Dam on Lake Travis and 850 feet east of the intersection of FM Road 620 and Commander's Point Drive in Travis County. The effluent is to be discharged through a submerged pipe into Lake Travis in Segment 1404 of the Colorado River Basin. The expiration date of the existing permit was July 17, 1983. The executive director of the Texas Department of Water Resources has recommended that the application renewal be denied.

**Wednesday, October 10, 1984, 10 a.m.** In Room 118, the commission will conduct a hearing regarding a petition for creation of Galveston County Municipal Utility District 14, containing 240,386 acres of land.

Addition to the previous agenda.

The commission will conduct a hearing regarding a petition for creation of Galveston

County Municipal Utility District 15, containing 228,724 acres of land.

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

**Filed:** August 30, 1984, 11:12 a.m.  
IRD 848961 848963

## Texas Department of Water Resources

**Tuesday, September 4, 1984, 1:30 p.m.** The Texas Water Development Board of the Texas Department of Water Resources met in emergency session in Conference Room 3, Executive Inn, 3232 West Mockingbird Lane, Dallas. According to the agenda summary, the board met in executive session to discuss ongoing litigation and briefs concerning recent activities and developments related to Lake Texana. The emergency status was necessary because the board needed to make an immediate decision regarding ongoing litigation.

**Contact:** Charles E. Nemir, P.O. Box 13087, Austin, Texas 78711, (512) 475-3187

**Filed:** September 4, 1984, 9:04 a.m.  
IRD-849052



## Texas Water Well Drillers Board

**Tuesday, September 11, 1984, 9:30 a.m.** The Texas Water Well Drillers Board will meet in Room 513 E, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the board will consider approval of the minutes, election of fiscal year 1985 officers, an address by "Bo" Bolourchi concerning reciprocity, certification of applicants for registration, setting formal public hearings for Richard E. Young, Joe Miles and Robert Miles doing business as Action Drilling Company, Dennis Wayne Miller, John M. Allen, Jr., Stephen E. Bulkin, George Conley, Buster Dunn, Kenneth W. Downes, Joe Edward, James D. Fleck, Edmund E. Friedel, Oran Harwood, Roland Herbold, Merle Orman, Henry R. Stevenson, Jr., and Carl Thomas, an MOU with the Texas Department of Water Resources concerning applications for underground injection wells, new rules concerning reciprocity, applications for driller/trancee registration, briefings on the registration of



drillers and water well drillers examinations held since the board's last meeting, and staff reports.

**Contact:** Jack Overton, P.E., P.O. Box 13087, Austin, Texas 78711, (512) 475-3191.

**Filed:** August 31, 1984, 4:13 p.m.  
IRD 849044

**Tuesday, September 11, 1984, 1:30 p.m.**  
The Texas Water Well Drillers Board will meet in Room 513 E, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the board will consider whether to suspend or revoke the license of W. R. Fitchfield.

**Contact:** R. Michael Rogan, P.O. Box 13087, Austin, Texas 78711, (512) 475-6943.

**Filed:** August 31, 1984, 4:13 p.m.  
IRD-849045

**Regional Agencies**

**Meetings Filed August 30**

**The Dallas County Appraisal District,** Appraisal Review Board, will meet at 2601 Live Oak, Dallas, on September 14, 1984, at 10 a.m. Information may be obtained from Shirley Tensky, 2601 Live Oak, Dallas, Texas 75204, (214) 826-1480.

**The Henderson County Appraisal District,** Board of Directors, will meet at 101 East Corsicana, Athens, on September 17, 1984, at 7:30 p.m. Information may be obtained from Linda Hagar, 101 East Corsicana, Athens, Texas 75751, (214) 675-9296.

**The Lower Colorado River Authority,** Board of Directors, met at 3700 Lake Austin Boulevard, Austin, on September 6, 1984, at 10 a.m. Information may be obtained from Elot H. Soderberg, P.O. Box 220, Austin, Texas 78767, (512) 474-5931.  
IRD 848974

**Meetings Filed August 31**

**The Bell County Appraisal District** will meet in the commissioners' courtroom, sec-

ond floor, Bell County Courthouse, Belton, on September 19, 1984, at 7 p.m. Information may be obtained from Tolly Moore, P.O. Box 390, Belton, Texas 76513-0390, (817) 939-3521, ext. 410.

**The Bexar Appraisal District,** Appraisal Review Board, will meet at 535 South Main, San Antonio, on September 7, 1984, at 9 a.m. Information may be obtained from Bill Burnette, 535 South Main, San Antonio, Texas 78204, (512) 224-8511.

**The Brazos Valley Development Council,** Board of Directors, will meet in Room 102, Brazos Center, 3232 Briarcrest, Bryan, on September 13, 1984, at 7:30 p.m. Information may be obtained from Glenn J. Cook, P.O. Drawer 4128, Bryan, Texas 77805-4128.

**The Corvell County Appraisal District,** Board of Directors, met at the First National Bank of Evant, Evant, on September 6, 1984, at 7 p.m. Information may be obtained from Darrell Eisenbe, P.O. Box 142, Gatesville, Texas 76528, (817) 865-6593.

**The Dallas County Appraisal District,** Board of Directors, met at 2601 Live Oak, Dallas, on September 5, 1984, at 6:30 p.m., 6:45 p.m., and 7 p.m. Information may be obtained from Shirley Tensky, 2601 Live Oak, Dallas, Texas 75204, (214) 826-1480.

**The Dawson County Central Appraisal District,** Board of Directors, met at the Pheasant Restaurant, 611 North Dallas Avenue, Lamesa, on September 5, 1984, at 7 a.m. Information may be obtained from Jim Warren, P.O. Box 797, Lamesa, Texas 79331, (806) 837-7060.

**The Fisher County Appraisal District,** Board of Directors, will meet in the commissioners' courtroom, Fisher County Courthouse, Roby, on September 11, 1984, at 7:30 p.m. Information may be obtained from Clay Fowler, Drawer J, Rotan, Texas 79546, (915) 738-2578.

**The High Plains Underground Water Conservation District 1,** Board of Directors, will meet in the conference room, 2930 Avenue

Q, Lubbock, on September 11, 1984, at 10 a.m. Information may be obtained from A. Wayne Wyatt, 2930 Avenue Q, Lubbock, Texas 79405, (806) 762-0181.

**The Lower Neches Valley Authority Industrial Development Corporation,** Board of Directors, met at 7850 Eastex Freeway, Beaumont, on September 6, 1984, at 10 a.m. Information may be obtained from J. D. Nixon, P.O. Drawer 3464, Beaumont, Texas 77704, (409) 892-1011.  
IRD 848986

**Meetings Filed September 4**

**The Burnet County Appraisal District** will meet at 215 South Pierce Street, Burnet, on September 13, 1984, at 6:30 p.m. Information may be obtained from Alvin C. Williams, Drawer E, Burnet, Texas 78611, (512) 756-8291.

**The Dallas Area Rapid Transit Authority,** Legal Committee, met in emergency session at 601 Pacific Avenue, Dallas, on September 5, 1984, at 8 a.m. The Dallas City Council Transportation Committee and the authority's Service Plan Work Program Committee met in joint emergency session at 2745 North Central Expressway, Dallas, on September 6, 1984, at 8:30 a.m. Information may be obtained from Nancy McKelhan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 748-3278.

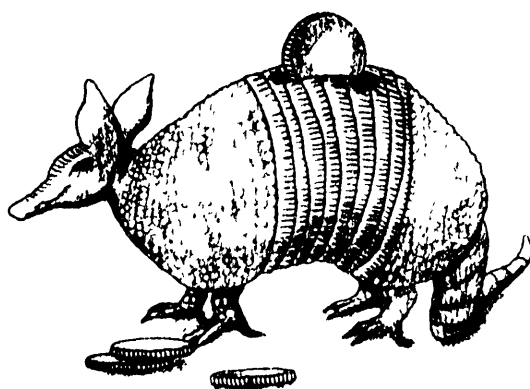
**The Edwards Underground Water District,** Board of Directors, revised the agenda for a meeting to be held in the conference room, 1615 North St. Mary's, San Antonio, on September 11, 1984, at 10 a.m. Information may be obtained from Thomas P. Fox, 1615 North St. Mary's, San Antonio, Texas 78215, (512) 322-2204.

**The West Texas Council of Governments** will meet at the El Paso Marriott Hotel, 1600 Airways Boulevard, El Paso, on September 13, 1984, at 7 p.m. Information may be obtained from Bernie Guy, Two Civic Center Plaza, El Paso, Texas 79999, (915) 541-4689.  
IRD 849053

# In Addition

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

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



## Texas Air Control Board Applications for Construction Permits

The Texas Air Control Board gives notice of applications for construction permits received during the period of August 13-24, 1984.

Information relative to the following applications, including projected emissions and the opportunity to comment or to request a hearing, may be obtained by contacting the office of the executive director at the central office of the Texas Air Control Board, 6330 Highway 290 East, Austin, Texas 78723.

A copy of all material submitted by the applicant is available for public inspection at the central office of the Texas Air Control Board at the previously mentioned address, and at the regional office for the Air Quality Control Region within which the proposed facility will be located.

Listed are the names of the applicants and the cities in which the facilities are located; type of facilities; location of the facilities (if available); permit numbers, and type of application—new source or modification.

AES Sims Bayou, Inc., Houston—cogeneration plant, Lawndale Avenue, Harris County, 9511, new source.

Bluco Production Company, Inc., Odessa; Cowden "A" tank battery, Highway 385 (east side), Ector County; 9512; new source.

Badische Corporation, Clute, acrylic acid plant—FAA-2, 602 Copper Road, Brazoria County, 9513, new source.

GNB Batteries, Inc., Farmers Branch, six grid casting machines, 1880 Valley View Lane, Dallas County, 6656A, modification.

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

TRD 848941 Paul M. Shinkawa  
Director of Hearings  
Texas Air Control Board

Filed August 29, 1984.  
For further information, please call (512) 451-5711, ext. 354.

## 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, AMO indicates amendment of previously issued commission order, CN indicates certificate of need, PIR indicates petition for reissuance, NII 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, NH HMO indicates notice of intent for exemption of HMO-related project, and LC 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.

**Harrell Properties, Inc.**, for **Corinth Manor Nursing Home, Dallas**  
AN81-0409-013A(071084)  
CN/AMD—Request for an extension of the completion deadline from July 14, 1984, to November 30, 1984, and an increase in the project cost from \$50,000 to \$90,000 in Certificate of Need AN81-0409-013, as amended by AN81-0409-013A(111483) and AN81-0409-013A(041783), which authorized the certificate holder to relicense, certify, and operate an existing 26,997 square foot nursing home which has been closed for over 12 months.

**Nacogdoches County Hospital District for Memorial Hospital for Nacogdoches Alcoholism Treatment Center, Nacogdoches**  
AH81-1005-034A(073084)  
CN/AMD—Request for an amendment of Certificate of Need AH81-1005-034, which authorized the certificate holder to construct a 70 bed freestanding alcoholism treatment facility to be operated as a department of Nacogdoches Memorial Hospital. The certificate holder requests an amendment to relocate the project to 707 Woods Street adjacent to the hospital, to extend the completion deadline from September 30, 1984, to May 31, 1985, and to increase the project cost from \$428,000 to \$623,017.

**Shiner Hospital, Inc., Shiner**  
AH84-0810-522  
DR—Request for a declaratory ruling that a certificate of need is not required for Shiner Hospital, Inc., to conduct a construction and renovation project involving approximately 6,500 square feet of new construction and approximately 5,300 square feet of renovation. The newly constructed area will house a laboratory and microbiology room, eight private patient rooms (five relocated patient beds and three additional beds), an expanded lobby area, a new auxiliary suite, a new conference room, a new administrative and reception suite, a mechanical room, and hallways. The renovation involves the redesign of present laboratory

space into a large emergency room, the design of the lobby area, and the replacement of the existing four-bed ward with physical therapy. The project will be completed at a cost of \$588,000.

Issued in Austin, Texas, on August 31, 1984

TRD-848987      John R. Neel  
                            General Counsel  
                            Texas Health Facilities  
                            Commission

Filed: August 31, 1984  
For further information, please call (512) 475-6940.



## Texas Department of Human Resources Consultant Proposal Request

In accordance with Texas Civil Statutes, Article 6252-11c, the Texas Department of Human Resources (DHR) is requesting proposals for consulting services.

**Description.** The services will involve evaluating and assessing risks in selected child care facilities to help the DHR determine the effectiveness of agency regulation in reducing risks and safeguarding children in out-of-home care.

**Budget Limitations.** The total amount of this contract will not exceed \$20,000.

**Contact.** Prospective bidders may contact **Cris Ros-Dukler**, Assistant Commissioner for Licensing, 160-W, Texas Department of Human Resources, P.O. Box 2960, Austin, Texas 78769. (512) 450-3264.

**Evaluation.** The DHR will evaluate offers according to background and experience in risk assessment and evaluation.

**Closing Date.** The closing date for offers is 5 p.m. on Friday, September 21, 1984.

**Effective Date.** The effective date for this contract will be no earlier than Tuesday, October 16, 1984.

**Selection.** The DHR commissioner will make the final selection based on qualifications and staff recommendations. The DHR will not necessarily award the contract to the bidder offering the lowest price. The award will be made to the lowest and best bidder according to price and the DHR's evaluation of qualifications and experience.

Issued in Austin, Texas, on August 31, 1984

TRD 848997      Marlin W. Johnston  
                            Commissioner  
                            Texas Department of Human  
                            Resources

Filed August 31, 1984  
For further information, please call (512) 450-3766

**Legislative Budget Board  
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 September 10-14, 1984. Please confirm dates, times, and locations, since experience has shown that some rescheduling always occurs.

Agency	Date	Place
Courts of Appeals	9 a.m. September 11	First floor boardroom, Texas Law Center, 1414 Colorado Street Austin
Supreme Court of Texas	9 a.m. September 11	First floor boardroom, Texas Law Center, 1414 Colorado Street, Austin
Court of Criminal Appeals	9 a.m. September 11	First floor boardroom, Texas Law Center, 1414 Colorado Street Austin
State Prosecuting Attorney Before the Court of Criminal Appeals	9 a.m. September 11	First floor boardroom Texas Law Center 1414 Colorado Street Austin
Prosecutors Council	9 a.m. September 11	First floor boardroom Texas Law Center 1414 Colorado Street Austin
State Law Library	9 a.m. September 11	First floor boardroom Texas Law Center 1414 Colorado Street Austin
Office of Court Administration	9 a.m. September 11	First floor boardroom Texas Law Center 1414 Colorado Street Austin
Commission on Judicial Conduct	9 a.m. September 11	First floor boardroom Texas Law Center 1414 Colorado Street Austin
Judiciary Section Comptroller's Department	9 a.m. September 11	First floor boardroom Texas Law Center 1414 Colorado Street Austin
Texas Alcoholic Beverage Commission	1:30 p.m. September 12	Room 503G, Sam Houston Building, 201 East 14th Street Austin
State Board of Insurance	9:30 a.m. September 14	Room 414, 1110 San Jacinto Street, Austin

Issued in Austin, Texas, on August 31, 1984

**TRD 848998** Larry Kopp  
Assistant Director for Budgets  
Legislative Budget Board

Filed August 31, 1984  
For further information, please call (512) 475 3426

**Texas State Board of Pharmacy  
Election of Officers**

The Texas State Board of Pharmacy amends the notice issued in Austin on July 30, 1984, regarding the election of officers for fiscal year 1985 to read as follows:

Jerry Hodge, Amarillo—president, Judy Taylor, Yorktown—vice president, and Virginia Bauman, Irving—treasurer

Issued in Austin, Texas, on August 29, 1984

**TRD 848975** Fred S. Brinkley, Jr., R.Ph.  
Executive Director, Secretary  
Texas State Board of Pharmacy

Filed August 30, 1984  
For further information, please call (512) 478 9827



**Public Utility Commission of Texas  
Consultant Contract Awards**

This notice of consultant contract award is filed under the provisions of Texas Civil Statutes, Article 6252-11c. The consultant proposal request was published in the May 4, 1984, issue of the *Texas Register* (9 TexReg 2483).

The project requires the selected contractor to develop guidelines for energy-conscious school design, conduct two schematic design conferences, and evaluate the energy performance of 12 proposed school facilities from schematic drawings, design development drawings, and working drawings.

The consultants selected to perform the reviews are E. M. Holder III and Energy Engineering Associates, 4202 Spicewood Springs Road, Suite 214, Austin, Texas 78759.

The total value of the contract is \$51,250, and the contract period extends from August 15, 1984, through August 31, 1985.

A final report summarizing energy and cost savings achieved by this program and establishing a consumption baseline for energy-efficient school design in Texas will be due six weeks after the completion of the evaluation.

Issued in Austin, Texas, on August 23, 1984

**TRD 848980** Rhonda Colbert Ryan  
Secretary of the Commission  
Public Utility Commission of  
Texas

Filed August 30, 1984  
For further information, please call (512) 458 0231

This consultant contract award is filed under the provisions of Texas Civil Statutes, Article 6252-11c. The consultant proposal request was published in the May 4, 1984 issue of the *Texas Register* (9 TexReg 2483).

The project requires the selected contractor to develop and conduct 10 one-day workshops in energy-efficient school design and print 800 copies of the workbook.

The consultant selected to perform this service is Estes, McCune, and Associates, Inc., 3608 West Way, Tyler, Texas 75703.

The total value of the contract is \$63,900, and the contract period extends from August 15, 1984, through August 31, 1985

Evaluation results of the workshop series will be the subject of a final report, which will be due six weeks after completion of the series.

Issued in Austin, Texas on August 23, 1984

TRD 848981 Rhonda Colbert Ryan  
Secretary of the Commission  
Public Utility Commission of  
Texas

Filed August 30, 1984

For further information, please call (512) 458-0231

# Index

In the second issue of every month, a guide to agency activity for the previous month is published. Quarterly and annual indexes to the *Register* are published separately and bound in light blue for distinction.

Also included in the Index section is a list of the Texas Administrative Code titles that were affected by the rule-making activity of the previous month.

## Guide to Agency Activity—August

The following is a list of the documents published in the August issues of the *Texas Register*.

### ADULT PROBATION COMMISSION, TEXAS

Standards	
Proposed	4625
Open Meetings	
Aug 9	4297
Aug 10	4297

### AERONAUTICS COMMISSION, TEXAS

Obstruction to Air Navigation Rules	
Adopted	4350

### AGING, TEXAS DEPARTMENT ON

Private Donors	
Adopted	4589
Support Documents	
Adopted	
statutes and regulations	4460

### AGRICULTURE, TEXAS DEPARTMENT OF

Consumer Services Division	
Adopted	
Texas weights and measures	4681
Nonregulatory Notices	
Consultant Contract Award	
reporting of market news data	4513
Consultant Proposal Request	
microcomputer services	4476
Open Meetings	
Aug 21	4355
Aug 31	4417
Sept 6	4631
Sept 7	4592, 4690
Sept 17	4631
Sept 18	4690
Sept 20	4690

### AIR CONTROL BOARD, TEXAS

Permits	
Proposed	4265
Nonregulatory Notices	
Applications for Construction	
Permits	4422, 4513
Public Hearings	
revisions to rules and to the state im-	
plementation plan	4311
Open Meeting	
Aug 17	4355

### AIRCRAFT POOLING BOARD, STATE

Open Meeting	
Aug 23	4463

### ALABAMA-COUSHATTA INDIAN RESERVATION

Open Meeting	
Aug 7	4355

### ALAMO AREA COUNCIL OF GOVERNMENTS

Open Meeting	
Aug 29	4635

### ALCOHOLIC BEVERAGE COMMISSION, TEXAS

Open Meeting	
Aug 27	4508

### ALCOHOLISM, TEXAS COMMISSION ON

DWI Education Program Standards and	
Procedures	
Proposed	
DWI Education Program standards	4626
Open Meetings	
Aug 23	4417, 4463
Aug 24	4463

### AMARILLO MENTAL HEALTH AND MENTAL RETARDATION REGIONAL CENTER

Open Meetings	
Aug 14	4420
Aug 30	4695

### AMUSEMENT MACHINE COMMISSION, TEXAS

Coin Operated Machines	
Proposed	
annual occupational tax and tax	
permits	4650
Open Meeting	
Aug 20	4356

### ANGELINA AND NICHES RIVER AUTHORITY

Open Meetings	
July 30	4309
Aug 14	4420

### ANIMAL HEALTH COMMISSION, TEXAS

Interstate Shows and Fairs	
Emergency	4617
Open Meeting	
Aug 31	4631

### ANTIQUITIES COMMITTEE, TEXAS

Open Meeting	
Aug 28	4592

### APPRENTICESHIP AND TRAINING ADVISORY COMMITTEE

Open Meeting	
Sept 14	4356

**ARCHER COUNTY APPRAISAL DISTRICT**  
 Open Meeting  
 Aug 8 **4309**

**ARCHITECTURAL EXAMINERS, TEXAS BOARD OF**  
 Open Meeting  
 Aug 13 **4298**

**ARTS, TEXAS COMMISSION ON THE**  
 Open Meetings  
 Aug 9 **4298**  
 Sept 6 **4690**  
 Sept 7 **4690**

**ATASCOSA COUNTY APPRAISAL DISTRICT**  
 Open Meeting  
 Aug 16 **4474**

**ATTORNEY GENERAL OFFICE OF THE**  
 Open Records Decisions  
 ORD 421 (RQ 264) (concerning whether certain information held by a constable is available to the public under the Open Records Act) **4212**  
 ORD 422 (RQ 246) (concerning whether details of a shooting incident are exempted from disclosure under the Open Records Act) **4212**

Opinions  
 JM 155 (RQ 133) (concerning whether the Professional Services Procurement Act precludes an inquiry into architectural or engineering fees) **4616**  
 JM 181 (RQ 277) (concerning the validity of an agreement between the City of Denison and the Greater Texoma Utility Authority) **4212**  
 JM 182 (RQ 267) (concerning whether a commissioners court is authorized to establish working hours for elected county officials) **4212**  
 JM 183 (RQ 274) (concerning the application of the Open Meetings Act to functions performed by the advisory council of major resource system licenses) **4212**  
 JM 184 (RQ 336) (concerning whether revenues received from a hotel occupancy tax may be used to make improvements to a county golf course) **4212**  
 JM 185 (RQ 240) (concerning whether a committee of the House of Representatives may accept donations from private organizations) **4616**  
 JM 186 (RQ 276) (concerning competitive bidding requirements under Texas Civil Statutes, Article 2367) **4616**

Requests for Opinions  
 RQ 375 (concerning eligibility for membership on the Harris County Bail Bond Board, and related questions) **4212**  
 RQ 376 (concerning whether bond forfeiture proceedings are civil or criminal in nature) **4212**  
 RQ 377 (concerning whether a person charged with a Class C misdemeanor may be incarcerated for failure to make bail, and

other related questions) **4212**  
 RQ-378 (concerning whether mail logs of the Texas Department of Corrections, which reflect inmates' correspondents, are available to the public) **4616**  
 RQ-379 (concerning whether the Public Utility Act, Texas Civil Statutes, Article 1446c, §6(i), prohibits a member or employee of the Public Utility Commission from acting as an attorney or outside consultant for a public utility within one year after the termination of his association with the commission) **4616**  
 RQ 380 (concerning whether Texas Civil Statutes, Article 5996a, the nepotism law, is applicable to appointments to the interim State Board of Education) **4616**  
 RQ 381 (concerning whether certain persons may be appointed to the interim State Board of Education) **4616**  
 RQ 382 (concerning whether computer programs, formulas or other methodologies used by an appraisal district to determine the value of multifamily dwellings are available to the public) **4616**  
 RQ 383 (concerning whether the Bee County Community Action Agency may receive interest free loans from a bank which is a depository for Bee County) **4616**

**AUSTIN TRAVIS COUNTY MENTAL HEALTH AND MENTAL RETARDATION CENTER**  
 Open Meetings  
 July 26 **4309**  
 Aug 16 **4474**  
 Aug 21 **4600**  
 Aug 22 **4601**  
 Aug 23 **4600**

**AUTOMATED INFORMATION SYSTEMS ADVISORY COUNCIL**  
 Open Meeting  
 Aug 28 **4463**

**BANKING BOARD, STATE**  
 Nonregulatory Notices  
 Public Hearings  
 charter applications **4311, 4366, 4697**  
 Open Meetings  
 Aug 8 **4298, 4356**  
 Aug 16 **4592**

**BANKING DEPARTMENT OF TEXAS**  
 Nonregulatory Notices  
 Applications to Acquire Control of State Banks **4366, 4514, 4637**

**BARBER EXAMINERS, STATE BOARD OF**  
 Open Meeting  
 Sept 11 **4691**

**BASTROP COUNTY APPRAISAL DISTRICT**  
 Open Meetings  
 Aug 17 **4474**  
 Aug 28 **4695**  
 Aug 30 **4696**  
 Sept. 6 **4474, 4696**

Sept 7	4696	CAPITAL AREA RURAL TRANSPORTATION SYSTEM	
Sept 10	4696	Open Meeting	
<b>BELL COUNTY APPRAISAL DISTRICT</b>		Aug 16	<b>4474</b>
Open Meeting		<b>CARSON COUNTY APPRAISAL DISTRICT</b>	
Aug 22	<b>4363</b>	Open Meeting	
<b>BEXAR COUNTY APPRAISAL DISTRICT</b>		Aug 8	<b>4309</b>
Open Meetings		<b>CASS COUNTY APPRAISAL DISTRICT</b>	
Aug 3 & 6	<b>4309</b>	Open Meeting	
Aug 7 & 9	<b>4309</b>	Aug 14	<b>4364</b>
Aug 10	<b>4365</b>	<b>CENTRAL COUNTIES CENTER FOR MENTAL HEALTH AND MENTAL RETARDATION SERVICES</b>	
Aug 13 17	<b>4309</b>	Open Meeting	
Aug 17	<b>4473</b>	Aug 21	<b>4511</b>
Aug 20	<b>4475</b>	<b>CENTRAL PLAINS MENTAL HEALTH AND MENTAL RETARDATION CENTER</b>	
Aug 20 23	<b>4309</b>	Open Meeting	
Aug 24	<b>4635</b>	Aug 30	<b>4696</b>
Aug 27 31	<b>4309</b>	<b>CENTRAL TEXAS COUNCIL OF GOVERNMENTS</b>	
Aug 31	<b>4696</b>	Open Meetings	
<b>BEXAR MEDINA ATASCOSA COUNTIES WATER CONTROL AND IMPROVEMENT DISTRICT 1</b>		Aug 1	<b>4309</b>
Open Meeting		Aug 22	<b>4474</b>
Aug 6	<b>4310</b>	Aug 23	<b>4475</b>
<b>BLANCO COUNTY CENTRAL APPRAISAL DISTRICT</b>		Sept 13	<b>4696</b>
Open Meetings		<b>CENTRAL TEXAS MENTAL HEALTH AND MENTAL RETARDATION CENTER</b>	
Aug 13	<b>4309</b>	Open Meeting	
Aug 20	<b>4511</b>	Aug 28	<b>4695</b>
Aug 31	<b>4635</b>	<b>CHIROPRACTIC EXAMINERS, TEXAS BOARD OF Application and Applicants</b>	
<b>BLIND, STATE COMMISSION FOR THE Administrative Rules and Procedures</b>		Proposed	<b>4497</b>
Adopted	<b>4344</b>	<b>COASTAL AND MARINE COUNCIL, TEXAS</b>	
Cooperative Activities		Open Meeting	
Adopted	<b>4349</b>	Aug 17	<b>4417</b>
Scope of Services and General Clientele		<b>COLORADO RIVER MUNICIPAL WATER DISTRICT</b>	
Adopted	<b>4345</b>	Open Meeting	
Visually Handicapped Children's Program		Aug 23	<b>4600</b>
Adopted	<b>4349</b>	<b>COMAL COUNTY APPRAISAL DISTRICT</b>	
Vocational Rehabilitation Program		Open Meetings	
Adopted	<b>4346</b>	Aug 13	<b>4473</b>
Open Meeting		Aug 14	<b>4474</b>
Aug 7	<b>4298</b>	<b>COMMUNITY AFFAIRS, TEXAS DEPARTMENT OF Administration</b>	
<b>BOSQUE COUNTY APPRAISAL BOARD</b>		Proposed	
Open Meetings		block grants	<b>4649</b>
Aug 9 & 10	<b>4310</b>	Job Training	
Aug 16	<b>4473</b>	Adopted	
<b>BRAZOS HIGHER EDUCATION AUTHORITY</b>		audit	<b>4271</b>
Open Meeting		financial management	<b>4270</b>
Aug 1	<b>4310</b>	<b>Texas Community Development Program</b>	
<b>BRAZOS VALLEY DEVELOPMENT COUNCIL</b>		Adopted	
Open Meeting		allocation of program funds	<b>4272</b>
Aug 9	<b>4310</b>	<b>Nonregulatory Notices</b>	
<b>BRAZOS VALLEY MENTAL HEALTH AND MENTAL RETARDATION AUTHORITY</b>		Comments Related to Public Hearings	
Open Meeting		block grant funds	<b>4312</b>
Aug 16	<b>4473</b>	Consultant Proposal Request	
<b>BROWN COUNTY APPRAISAL DISTRICT</b>		weatherization assistance	<b>4313</b>
Open Meetings			
Aug 6	<b>4309</b>		
Sept 10	<b>4695</b>		



Open Meetings  
 Aug 23 & 24 4298  
 Aug 31 4631  
 Sept 7 4691

**COMPTROLLER OF PUBLIC ACCOUNTS**

Tax Administration  
 Emergency  
 motor fuels tax 4647  
 Proposed  
 state sales and use tax 4335  
 Adopted  
 motor fuels tax 4686  
 state sales and use tax 4343  
 Nonregulatory Notices  
 Comptroller's Decisions  
 13,158 (franchise tax) 4637  
 Consultant Proposal Requests  
 construction and implementation of the  
 Bank Franchise Tax System 4602  
 Gasoline and Alcohol Mixture Determination of  
 Credits Allowable for the Months of Oc-  
 tober, November, and December  
 1984 4697

**CONCHO VALLEY COUNCIL OF GOVERNMENTS**

Open Meeting  
 Aug 15 4420

**CONSUMER CREDIT COMMISSIONER, OFFICE OF**

Nonregulatory Notices  
 Interpretations 4367  
 Rate Ceilings 4314, 4367,  
 4477, 4603

**COORDINATING BOARD, TEXAS COLLEGE AND  
UNIVERSITY SYSTEM**

Program Development  
 Proposed  
 criteria for approval of new doctoral degree  
 programs 4432  
 Adopted  
 private degree granting institutions operating  
 in Texas 4282  
 Student Services  
 Proposed  
 Future Teacher Loan Program 4436  
 Teacher Education Loan Program 4433

**COPANO BAY SOIL CONSERVATION**

DISTRICT 329  
 Open Meeting  
 Aug 8 4309

**CORN PRODUCERS BOARD**

Open Meeting  
 Sept 6 4691

**CORYELL COUNTY TAX APPRAISAL BOARD**

Open Meetings  
 Aug 2 4309  
 Aug 23 4600

**COSMETOLOGY COMMISSION, TEXAS**

Open Meeting  
 Aug 13 4298, 4463, 4464

**COUNSELORS, TEXAS STATE BOARD OF EX-  
AMINERS OF PROFESSIONAL**

Open Meeting  
 Aug 11 4356

**COURT REPORTERS CERTIFICATION BOARD**

Nonregulatory Notices  
 Announcement of Meeting 4314

**CREDIT UNION DEPARTMENT**

Chartering Operations, Mergers, Liquidations  
 Adopted  
 membership 4270

**CRIMINAL JUSTICE POLICY COUNCIL**

Open Meetings  
 Aug 15 4417  
 Aug 24 4508

**DALLAS AREA RAPID TRANSIT**

Open Meetings  
 Aug 1 4310  
 Aug 3 4310, 4364  
 Aug 7 4364  
 Aug 13 4473  
 Aug 14 4474  
 Aug 16 4474, 4511  
 Aug 17 4512  
 Aug 20 4600  
 Aug 24 4695  
 Aug 27 4695  
 Aug 28 4695  
 Aug 31 4696

**DAWSON COUNTY APPRAISAL DISTRICT**

Open Meeting  
 Aug 1 4310

**DEAF, TEXAS COMMISSION FOR THE**

Open Meeting  
 Aug 18 4298

**DEAF, TEXAS SCHOOL FOR THE**

Nonregulatory Notices  
 Consultant Proposal Request  
 food services 4314  
 Open Meetings  
 Aug 14 4356, 4464

**DEEP EAST TEXAS COUNCIL OF GOVERNMENTS**

Open Meetings  
 Aug 21 4512  
 Aug 28 4512  
 Aug 30 4695

**DEEP EAST TEXAS COUNCIL OF GOVERNMENTS**

AREA AGENCY ON AGING  
 Open Meetings  
 Aug 10 4310  
 Aug 17 4364

**DEEP EAST TEXAS REGIONAL MENTAL HEALTH  
AND MENTAL RETARDATION SERVICES**

Open Meeting  
 Aug 28 4601

**DENTAL EXAMINERS, TEXAS STATE BOARD OF**

Open Meetings  
 Aug 23-25 4417, 4508

DEPOSITORY BOARD, STATE		state adoption, acquisition, and custody of textbooks	4498
Open Meetings		Occupational Education and Technology Emergency	
Aug 8	4298	general provisions	4524
Aug 31	4691	secondary school vocational education allocation of funds for supportive purposes	4540
DEWITT COUNTY APPRAISAL DISTRICT		ancillary units	4537
Open Meeting		program standards	4538
Aug 14	4364	vocational ancillary services	4536
DIETITIANS, TEXAS BOARD OF EXAMINERS OF		vocational program approval	4525
Dietitians		vocational students	4537
Emergency		vocational education by contract or agreement	4525
licensure	4401	Proposed	
Proposed		general provisions	4546
licensure	4408	secondary school vocational education allocation of funds for supportive purposes	4551
Adopted		ancillary units	4549
licensure	4284	program standards	4550
DISABILITIES, COUNCIL ON		vocational ancillary services	4548
Open Meetings		vocational program approval	4547
Aug 24	4508	vocational students	4550
Aug 25	4508	vocational education by contract or agreement	4547
EARLY CHILDHOOD INTERVENTION, INTERAGENCY COUNCIL ON		Teacher Education	
Early Childhood Intervention Program		Emergency	
Adopted		Commission on Standards for the Teaching Profession	4544
funding of the Early Childhood Intervention Program	4452	Proposed	
Open Meetings		Commission on Standards for the Teaching Profession	4555
Aug 6	4298	Nonregulatory Notices	
Aug 8	4299	Request for Applications	
Aug 29	4631	vocational education program improvement projects	4698
EAST TEXAS COUNCIL OF GOVERNMENTS		Open Meetings	
Open Meetings		Aug 4	4356
Aug 2	4309	Aug 10	4418
Aug 16	4474	Aug 24	4592
EAST TEXAS MENTAL HEALTH AND MENTAL RETARDATION REGIONAL CENTER		EDUCATION SERVICE CENTER, REGION I	
Open Meeting		Open Meeting	
Aug 30	4696	Aug 21	4512
ECONOMIC DEVELOPMENT COMMISSION		EDUCATION SERVICE CENTER, REGION II	
Open Meetings		Open Meeting	
Aug 3	4299	Aug 15	4310
Aug 16	4418	EDUCATION SERVICE CENTER, REGION III	
Aug 17	4418, 4464	Open Meeting	
EDUCATION AGENCY, TEXAS		Aug 13	4364
Instructional Resources		EDUCATION SERVICE CENTER, REGION IV	
Emergency		Open Meeting	
State Textbook Program		Aug 14	4363
general content requirements and manufacturing standards	4541	EDUCATION SERVICE CENTER, REGION V	
general provisions	4541	Open Meeting	
state adoption, acquisition, and custody of textbooks	4542	Aug 23	4600
Proposed		EDUCATION SERVICE CENTER, REGION VI	
State Textbook Program		Open Meeting	
general content requirements and manufacturing standards	4553	Aug 16	4474
general provisions	4553		
state adoption, acquisition, and custody of textbooks	4554		
Adopted			
State Textbook Program			

EDUCATION SERVICE CENTER, REGION VII		administrative planning and technical support for the TEC Comprehensive Language Services Program	4514
Open Meeting			
Aug 16	4310		
EDUCATION SERVICE CENTER, REGION VIII		Public Hearings	
Open Meeting		proposed comprehensive language services program	4477
Aug 27	4636		
EDUCATION SERVICE CENTER, REGION X		Open Meetings	
Open Meeting		July 31	4299
Aug 15	4420	Aug 7	4299
		Aug. 8	4299
EDUCATION SERVICE CENTER, REGION XI		Aug 14	4356, 4464
Open Meeting		Aug 20	4464
Aug 20	4420	Aug 28	4593
		Sept 4	4691
EDUCATION SERVICE CENTER, REGION XII			
Open Meeting		ENTOMOLOGIST, STATE	
Aug 16	4421	Bees	
EDUCATION SERVICE CENTER, REGION XIII		Emergency	
Open Meeting		quarantines	4617
Aug 27	4695	Proposed	
		quarantines	4620
EDUCATION SERVICE CENTER, REGION XIV			
Open Meeting		ERATH COUNTY, CENTRAL APPRAISAL DISTRICT OF	
Aug 23	4511	Open Meeting	
		Aug 21	4601
EDUCATION SERVICE CENTER, REGION XV			
Open Meeting		ETHICS ADVISORY COMMISSION, STATE	
Aug 16	4420	Open Meeting	
		Sept 14	4464
EDUCATION SERVICE CENTER, REGION XVI			
Open Meeting		FANNIN COUNTY SINGLE APPRAISAL DISTRICT	
Aug 30	4601	Open Meetings	
		Aug 13	4309
EDUCATION SERVICE CENTER, REGION XVII		Aug 13	4364
Open Meeting		Aug 14	4364
Aug 20	4364, 4474		
EDUCATION SERVICE CENTER, REGION XVIII			
Open Meeting		FIRE PROTECTION PERSONNEL STANDARDS AND EDUCATION, COMMISSION ON	
Aug 16	4364	Minimum Standards Manual	
		Adopted	
EDUCATION SERVICE CENTER, REGION XX		aircraft crash and rescue firefighter standards	4455
Open Meetings		standards implementation method	4506
Aug 22	4473		
Aug 29	4696	FISHER COUNTY APPRAISAL DISTRICT BOARD	
		Open Meetings	
EDWARDS COUNTY APPRAISAL DISTRICT		Aug 3	4364
Open Meetings		Aug 14	4363
Aug 20	4601		
Aug 22	4635	GARZA COUNTY TAX APPRAISAL DISTRICT	
		Open Meetings	
EDWARDS UNDERGROUND WATER DISTRICT		Aug 9	4364
Open Meeting		Aug 16	4364, 4473
Aug 21	4474		
		GILLESPIE COUNTY APPRAISAL DISTRICT	
ELLIS COUNTY TAX APPRAISAL DISTRICT		Open Meeting	
Open Meetings		Aug 23	4474
Aug 9	4364		
Sept 13	4696	GOLDEN CRESCENT COUNCIL OF GOVERNMENTS	
		Open Meeting	
EMPLOYEES RETIREMENT SYSTEM OF TEXAS		Aug 29	4695
Open Meetings			
Aug 9	4418	GOOD NEIGHBOR COMMISSION	
Aug 27	4592	Open Meetings	
		Aug 24	4508, 4509, 4593
EMPLOYMENT COMMISSION, TEXAS			
Unemployment Insurance			
Withdrawn	4447		
Nonregulatory Notices			
Consultant Proposal Request			

<b>GOVERNOR, OFFICE OF THE</b>		<b>GUADALUPE-BLANCO RIVER AUTHORITY</b>	
Nonregulatory Notices		Open Meetings	
Appointments		Aug 23 & 24 4512	
Battleship Texas Commission	4646	Aug 24 4512	
Community Affairs, Advisory Council on	4614	<b>HALE COUNTY APPRAISAL DISTRICT</b>	
Community Development Block Grant Review Committee, Brazos Valley Region	4400	Open Meeting	
Community Development Block Grant Review Committee, East Texas Region	4330	Aug 23 4475	
County and District Retirement System, Texas	4490	<b>HAMILTON COUNTY APPRAISAL DISTRICT</b>	
Credit Union Commission	4523	Open Meeting	
Hearing Aids, Texas Board of Examiners in the Fitting and Dispensing of	4523	Aug 23 4511	
Hospital Council, Advisory	4646	<b>HANSFORD COUNTY APPRAISAL DISTRICT</b>	
Job Injury Interagency Council	4523	Open Meeting	
Job Training Coordinating Council, State	4431	Aug 8 4309	
Judicial District Court of Texas, 351st	4523	<b>HAYS COUNTY CENTRAL APPRAISAL DISTRICT</b>	
Nursing Home Administrators, Texas Board of Licensure for	4646	Open Meetings	
Parole Compact, Interstate	4523	Aug 6 4310	
Plumbing Examiners, State Board of	4646	Aug 9 4365, 4420	
Ports of Galveston County	4490	Aug 10 4365	
Public Accountancy, Texas State Board of	4615	Aug 14 & 16 4474	
Public Utility Commission of Texas	4400	Aug 27 4601	
Sabine Bar, Pass, and Tributaries	4431	<b>HEALTH, TEXAS DEPARTMENT OF</b>	
Science and Technology Council	4431	Chronic Diseases	
Water Well Drillers Board, Texas	4523	Adopted	
Weatherization Policy Advisory Council	4614	Kidney Health Care Program benefits 4498	
Executive Orders		Emergency Medical Care	
MW-26 (establishing the Governor's Advisory Panel on Offshore and Chemical Spill Responses)	4490	Proposed	
Proclamations		emergency medical services 4441	
41-1963 (setting a ceiling on housing bonds to be issued for calendar year 1984)	4491	<b>Maternal and Child Health Services</b>	
41-1964 (appointment of a special judge for Probate Case 5037 in Bee County)	4492	Adopted	
Open Meetings		lay midwives 4284	
Aug 9	4299	Solid Waste Management	
Aug 10	4300	Proposed	
Aug 15	4464	hazardous waste management	
Aug 16 & 17	4357	general 3586	
Aug 17	4357	correction of error 4315	
Aug 22	4464	Adopted	
Aug 29	4593	hazardous waste management facility siting criteria 4502	
Sept 7	4691	<b>Vital Statistics</b>	
Sept 14	4593	Adopted	
<b>GRAY COUNTY APPRAISAL DISTRICT</b>		vital statistics 4502	
Open Meeting		<b>Nonregulatory Notices</b>	
Aug 9	4364	Intent to Revoke Radioactive Material Licenses 4637	
<b>GRAYSON COUNTY APPRAISAL DISTRICT</b>		Licensing Actions for Radioactive Materials 4315, 4478, 4638	
Open Meeting		Public Hearings	
Aug 15	4420	municipal hazardous solid waste treatment/storage facility 4479	
		municipal solid waste disposal site 4479, 4639	
		municipal solid waste processing site 4315	
		Radioactive Material Impoundment Order 4317	
		Open Meetings	
		Aug 11 4357	
		Aug 23 4465	
		Aug. 31 4632	

HEALTH AND HUMAN SERVICES COORDINATING COUNCIL, TEXAS		commission publications	4586
Open Meeting		computing time periods	4585
Aug 28	4509	records of the commission	4586
		transitional provisions	4587
HEALTH FACILITIES COMMISSION, TEXAS		Rule-Making Procedures	
Application and Petition Procedures		Adopted	4561
Adopted		Terms and Phrases	
application procedures exemption for HMO-related projects	4574	Adopted	4561
application procedures for amendment of previously issued commission order	4571	Nonregulatory Notices	
application procedures notice of intent to acquire an existing health care facility	4572	Applications Accepted for Amendment, Declaratory Ruling, and Notices of Intent	4318, 4368, 4422, 4480, 4515, 4640, 4698
application procedures notice of intent to acquire major medical equipment	4572	Forfeiture Hearing	4319
application procedures notices of intent regarding research projects	4573	Petition for Reissuance of Certificate of Need	4641
certificate of need application procedures	4567	Open Meetings	
declaratory ruling application procedures	4570	Aug 9	4300
petition procedures for reissuance of certificate of need application procedures	4569	Aug 16	4418
Certificate of Need Requirements		Aug 23	4465, 4509
Adopted	4565	Aug 30	4593, 4632
Commission Action on Applications and Other Matters		HEART OF TEXAS COUNCIL OF GOVERNMENTS	
Adopted	4581	Open Meeting	
Commission Review of Applications		Aug 23	4601
Withdrawn		HEART OF TEXAS REGION MENTAL HEALTH AND MENTAL RETARDATION CENTER	
evidence	4628	Open Meetings	
Adopted		July 31	4309
evidence	4579	Aug 28	4696
hearing procedures	4578	HENDERSON COUNTY APPRAISAL DISTRICT	
hearing requirements	4577	Open Meetings	
parties to commission review of applications	4576	Aug 8	4309
Criteria		Aug 13	4363
Adopted		HICKORY UNDERGROUND WATER CONSERVATION DISTRICT 1	
criteria for use in reissuance of certificate of need reviews	4576	Open Meeting	
general criteria for use in certificate of need reviews	4574	Aug 16	4475
Description of the Commission		HIGH PLAINS UNDERGROUND WATER CONSERVATION DISTRICT 1	
Adopted	4560	Open Meetings	
Enforcement		Aug 6	4309
Adopted		Aug 21	4600
violation of the Act	4584	HIGHWAYS AND PUBLIC TRANSPORTATION, STATE DEPARTMENT OF	
Forfeiture		Open Meeting	
Adopted	4583	Aug 29 & 30	4632
Health Systems Agency Rules of Review		HOCKLEY COUNTY APPRAISAL DISTRICT	
Adopted		Open Meeting	
application review by health systems agency	4583	Aug 20	4420
criteria	4583	HOOD COUNTY APPRAISAL DISTRICT	
purpose and definitions	4583	Open Meeting	
written recommendation of health systems agency	4583	Aug 14	4365
Miscellaneous Provisions		HOUSING AGENCY, TEXAS	
Adopted		1984 Single Family Mortgage Purchase Program	
		Emergency	
		1984 Series A and 1984 Series B	4213
		Nonregulatory Notices	
		Public Hearings	
		issuance of industrial development bonds for residential real property	4370

Open Meetings		foster care placement services	4679
Aug 22	4509 4593	in-home child protective services	4677
<b>HOUSTON GALVESTON AREA COUNCIL</b>		intake and investigation	4677
Nonregulatory Notices		interstate placement of children	4678
Consultant Contract Award		legal base for child welfare	
microcomputer based fund accounting		services	4679
system		out-of-town inquiries	4679
		protective services for children	4679
Open Meetings		purchased protective services	4678
Aug 21	4475, 4512	purchased protective services to prevent	
<b>HOUSTON SYSTEM, UNIVERSITY OF</b>		removal or to reunify families	4678
Open Meeting		removal and court-related services	4679
Aug 6	4300	standards for protective services	4680
		substitute care placement services	4678
<b>HUMAN RESOURCES, TEXAS DEPARTMENT OF</b>		Civil Rights	
Aid to Families with Dependent Children		Adopted	
Adopted		administrative disqualification	
application	4293	hearings	4458
case maintenance	4293	Community Care for Aged and Disabled	
four months post Medicaid coverage		Proposed	
eligibility	4293	eligibility	4408
income	4293	Adopted	
relationship and domicile	4292	case management	4294
resources	4292	minimum standards for supervised	
Child Protective Services		living	4295
Proposed		Food Stamps	
administration	4652	Proposed	
adoption services	4674	PA application	4625
case closure	4675	Adopted	
child welfare fiscal system	4676	non PA redeterminations	4629
child welfare services and the		Intake and Eligibility	
community	4675	Adopted	
court-related services	4661	eligibility	4589
eligibility for child protective		intake	4589
services	4652	Intermediate Care Facility for Mentally Retarded	
foster and adoptive home		Adopted	
development	4663	criteria for ICF-MR care	4413
foster care placement services	4673	Intermediate Care Facility/Skilled Nursing	
in-home child protective services	4660	Facility	
intake and investigation services	4658	Adopted	
interstate placement of children	4670	governing body and management	4456
legal base for child welfare		medical records	4456
services	4671	Legal Services	
out-of town inquiries	4674	Adopted	
protective service for children	4671	appeals process	4458
purchased protective services	4664	fair hearings	4458
purchased protective services to prevent		hearing procedure	4460
removal or to reunify families	4660	Medicaid Eligibility	
removal and court related services	4672	Adopted	
standards for protective services	4676	eligible recipients for Title XIX	
substitute care placement services	4662	(Medicaid)	4413
Withdrawn		Nursing Facility Administration	
administration	4677	Adopted	
adoption services	4679	ownership transfers	4456
case closure	4680	support documents	4456
child welfare fiscal system	4680	Organization, Administration, and Management	
child welfare services and the		Adopted	
community	4680	case management, recording, and	
court related services	4678	organization	4588
eligibility for child protective		relation to other agencies	4588
services	4677	standards	4457, 4588
foster and adoptive home		support documents	4588
development	4678	Title XX plan requirements	4588

Primary Home Care		regulatory requirements of a health main	
Adopted		tenance organization subsequent to issu-	
claims payment	4457	ance of a certificate of authority	4259
general provisions and services	4294	schedule of charges	4263
Purchased Health Services		Liquidation	
Adopted		Proposed	
Medicaid Home Health Program	4416	certain administrative expenses	4251
Nonregulatory Notices		Lloyd's Plan Insurance	
Consultant Contract Award		Proposed	
case mix reimbursement system for the		appointment or substitution of an attorney	
Texas Medicaid ICF/SNF Program	4641	in fact as actual attorney in fact for a	
Consultant Proposal Requests		Lloyd's Plan company and distinction be-	
Nutrition Education and Training		tween an attorney in fact and a deputy	
Program	4423	attorney in fact	4246
psychological/development testing, psycho-		Policy Approval	
logical/psychiatric evaluation, counsel-		Proposed	
ing/therapy, and courtroom		rules and regulations for variable life	
testimony	4481, 4603	insurance	4245
statewide public awareness conferences		Powers and Duties	
and workshops on sexual abuse	4605	Adopted	
updating the existing database for licensed		notice of policyholder complaint	
residential programs for children	4604	procedure	4340
Notice of Relocation	4605	surplus lines insurance	4289
HUMAN RIGHTS, TEXAS COMMISSION ON		Rating and Policy Forms	
Open Meetings		Proposed	
Aug 10 & 11	4357	application to inland marine insurance, rain	
HUNT COUNTY TAX APPRAISAL DISTRICT		insurance, or hail insurance on farm	
Open Meeting		crops, definitions, rates and rating plans	
Aug 6	4310	filed, policy forms, checking	
INDIGENT HEALTH CARE, TASK FORCE ON		offices	4240
Open Meetings		board shall fix rates	4236
Aug 9 & 10	4300	fixing rate of automobile insurance	4234
INDUSTRIAL ACCIDENT BOARD		multiperil forms	4245
Open Meetings		policy forms and endorsements	4235
Aug 15	4357	reducing hazards	4238
Aug 24	4509	standard forms	4238
INSURANCE, STATE BOARD OF		workers' compensation rate administra-	
Exempt Filings		tion	4244
Adopted		workers' compensation rates	4243
notifications pursuant to the Insurance		workers' compensation uniform policy stan-	
Code, Chapter 5, Subchapter L	4296,	dard provisions for workers' compensa-	
4353, 4630, 4688		tion and employers' liability	
General Provisions		policies	4244
Proposed		Withdrawn	
agent's licensing	4247	application to inland marine insurance, rain	
liquidation, rehabilitation, reorganization, or		insurance, or hail insurance on farm	
conservation of insurers	4250	crops, definitions, rates and rating plans	
rules of the State Board of Insurance in		filed, policy forms, checking	
respect of unfair claims settlement		offices	4268
practices	4334	Texas Life, Accident, Health, and Hospital Ser-	
Adopted		vice Insurance Guaranty Association Plan of	
examination expenses and		Operation	
assessments	4290	Proposed	4254
miscellaneous II	4290	Texas Property and Casualty Insurance Guaranty	
Health Maintenance Organizations		Association Plan of Operation	
Proposed		Proposed	4252
application for a certificate of		Universal Life	
authority	4257	Proposed	
evidence of coverage	4261	universal life insurance	4218
forms for use in conjunction with health		Variable Life	
maintenance organization rules	4264	Proposed	
		variable life insurance	4223
		Nonregulatory Notices	
		Company Licensing	4320, 4605

Public Hearings		LAMPASAS COUNTY APPRAISAL DISTRICT	
amendments to the Texas Basic Manual of		Open Meeting	
Rules, Classifications, and Rates for		Aug 15	4421
Workers' Compensation and Employers'		LAND SURVEYING, TEXAS BOARD OF	
Liability Insurance	4482	Open Meetings	
amendments to the Texas Experience Rating		Aug 21 & 22	4466
Plan Manual Workers' Compensation		Sept 11	4692
Insurance	4482	LAW ENFORCEMENT OFFICER STANDARDS AND	
Open Meetings		EDUCATION, TEXAS COMMISSION ON	
Aug 7	4301	Open Meetings	
Aug 8	4301	Aug 7	4302
Aug 9	4301, 4419	Aug 8	4302
Aug 10	4301	LEE COUNTY APPRAISAL DISTRICT	
Aug 14	4357, 4358	Open Meetings	
Aug 15	4358	Aug 16	4365
Aug 16	4358	Aug 29	4635
Aug 17	4358	Aug 30	4601
Aug 20	4359	LEGISLATIVE BUDGET BOARD	
Aug 21	4465	Nonregulatory Notices	
Aug 22	4465	Consultant Proposal Request	
Aug 23	4465, 4466	computer models for financing elementary	
Aug 28	4594, 4691	and secondary education programs and	
Aug 29	4594, 4632	related problems	4484
Aug 30	4510, 4594, 4632	Joint Budget Hearing Schedule	4320, 4371,
Aug 31	4594, 4633, 4691		4484, 4606, 4699
Sept 4	4691	LEGISLATIVE COUNCIL, TEXAS	
Sept 5	4594, 4595, 4692	Open Meetings	
Sept 6	4595, 4692	Aug 17 & 18	4359
Sept 10	4510	LEGISLATIVE EDUCATION BOARD	
JACK COUNTY APPRAISAL DISTRICT		Open Meetings	
Open Meeting		July 31	4302
Aug 21	4365	Aug 16	4419
JASPER COUNTY APPRAISAL DISTRICT		LEON COUNTY CENTRAL APPRAISAL DISTRICT	
Open Meeting		Open Meetings	
Aug 6	4421	Aug 13	4310
JOHNSON COUNTY CENTRAL APPRAISAL		Aug 27	4475, 4696
DISTRICT		LIBRARY AND ARCHIVES COMMISSION, TEXAS	
Open Meeting		STATE	
Aug 22	4475	Nonregulatory Notices	
JONES COUNTY APPRAISAL DISTRICT		Consultant Contract Award	
Open Meeting		automated library networks and union list of	
Aug 16	4365	serials projects	4516
KENDALL COUNTY APPRAISAL DISTRICT		Texas County Records Manual Review	
Open Meetings		Committee	4485
Aug 15	4420	Open Meetings	
Aug 23	4512	Aug 28	4595
LABOR AND STANDARDS, TEXAS		Sept 6	4595
DEPARTMENT OF		LIMESTONE COUNTY CENTRAL APPRAISAL	
Open Meeting		DISTRICT	
Aug 29	4419	Open Meeting	
LAMAR COUNTY APPRAISAL DISTRICT		Aug 15	4473
Open Meetings		LCONE STAR MUNICIPAL POWER AGENCY	
Aug 13	4365	Open Meetings	
Aug 23	4512	Aug 27	4475, 4601
Sept 5	4696	LONG TERM CARE COORDINATING COUNCIL	
LAMAR UNIVERSITY		FOR THE ELDERLY	
Open Meeting		Amendment of Bylaws	
Aug 8	4301	Adopted	4591
LAMB COUNTY APPRAISAL DISTRICT			
Open Meeting			
Aug 16	4310		





**Texas  
Register**

NUECES RIVER AUTHORITY			Wildlife	
Open Meeting			Adopted	
Aug 21		4420	early season migratory game bird	4453
NURSING HOME ADMINISTRATORS, TEXAS			Nonregulatory Notices	
BOARD OF LICENSURE FOR			Public Hearings	
Open Meeting			proposed six year plan	4700
Aug 29		4466	transporting shipping, and exporting of	
			bobcat pelts	4423
OPTOMETRY BOARD, TEXAS			Texas Review and Comment System (TRACS)	
General Rules			Review	4607
Adopted		4292	Open Meetings	
PALO PINTO APPRAISAL DISTRICT			Aug 28	4595
Open Meetings			Aug 29	4633
Aug 8		4363	PARMER COUNTY TAX APPRAISAL DISTRICT	
Aug 8 & 9		4363	Open Meetings	
Aug 10-31		4364	Aug 6	4364
PAN AMERICAN UNIVERSITY			Sept 10	4696
Open Meeting			PECAN VALLEY MENTAL HEALTH AND MENTAL	
Sept 14		4692	RETARDATION REGION	
PANHANDLE GROUND WATER CONSERVATION			Open Meeting	
DISTRICT 3			Aug 15	4474
Open Meeting			PENSION REVIEW BOARD, STATE	
Aug 6		4310	Open Meeting	
PANHANDLE REGIONAL PLANNING COMMISSION			Sept 5	4692
Open Meeting			PHARMACY, TEXAS STATE BOARD OF	
Aug 23		4512	Licensing Requirements for Pharmacists	
PARDONS AND PAROLES, BOARD OF			Adopted	4448
Executive Clemency			Pharmacies	
Proposed			Proposed	
reprieve of execution		4337	community pharmacy (Class A)	4439
Mandatory Supervision			Withdrawn	
Emergency			clinic pharmacy (Class D)	4447
rules and conditions of mandatory super-			Adopted	
vision		4332	clinic pharmacy (Class D)	4451
Proposed			community pharmacies (Class A)	4450
rules and conditions of mandatory super-			institutional pharmacies (Class C)	4450
vision		4338	Regulations Governing Pharmacists	
Parole			Adopted	4451
Emergency			Regulations Governing the Destruction of Dan-	
terms and conditions of parole		4331	gerous Drugs and Controlled Substances	
Proposed			Adopted	4451
terms and conditions of parole		4557	Nonregulatory Notice	
Open Meetings			Election of Officers	4323
Aug 6-10		4302	Open Meetings	
Aug 7		4302	Aug 14-17	4359
Aug 13		4467	Aug 28	4595
Aug 13-17		4359	PHYSICAL THERAPY EXAMINERS, TEXAS STATE	
Aug 14		4359	BOARD OF	
Aug 20-24		4467	Fees	
Aug 21		4467	Adopted	4283
Aug 27-31		4595	Open Meetings	
Aug 28		4595	Aug 26	4633
Sept 4		4692	Aug 27	4467
Sept 4-7		4692	PLUMBING EXAMINERS, TEXAS STATE	
PARKS AND WILDLIFE DEPARTMENT, TEXAS			BOARD OF	
Parks			Examination	
Adopted			Emergency	4493
Sea Rim State Park Hunting, Fishing, and			PRIVATE INVESTIGATORS AND PRIVATE	
Trapping Proclamation		4343	SECURITY AGENCIES, TEXAS BOARD OF	
			Open Meetings	
			Aug 28	4596, 4693

<b>PROSECUTOR COUNCIL, THE</b>	
Nonregulatory Notice	
Consultant Contract Award	
capital murder course	4372
Open Meeting	
Aug 29	4596
<b>PUBLIC ACCOUNTANCY, TEXAS STATE</b>	
<b>BOARD OF</b>	
Certification as CPA	
Adopted	
certification	4452
CPA examination	4412
Fee Schedule	
Proposed	4556
Open Meetings	
Aug 14	4359
Aug 23	4510
<b>PUBLIC BUILDING AUTHORITY</b>	
Open Meeting	
Aug 22	4467
<b>PUBLIC SAFETY, TEXAS DEPARTMENT OF</b>	
Open Meetings	
Aug 8	4302
Aug 22	4467
<b>PUBLIC UTILITY COMMISSION OF TEXAS</b>	
Substantive Rules	
Emergency	
customer service and protection	4401
Adopted	
customer service and protection	3929
correction of error	4373
quality of service	4275
records and reports	4272
Nonregulatory Notices	
Consultant Contract Awards	
planning, coordination, promotion, and im-	
plementation of the 1985 Industrial Ener-	
gy Technology Conference	4608
workshops on energy efficient operations	
and maintenance in schools	4323
Open Meetings	
Aug 1	4302
Aug 3	4360
Aug 6	4303, 4360
Aug 8	4303
Aug 9	4360
Aug 10	4303, 4467
Aug 14	4360
Aug 16	4360
Aug 20	4360, 4467
Aug 21	4303, 4467
Aug 22	4419
Aug 23	4303, 4360
Aug 24	4303, 4360
Aug 28	4303, 4360, 4596
Aug 30	4360, 4596
Aug 31	4303, 4693
Sept 4	4303, 4596, 4633
Sept 5	4360, 4633, 4693
Sept 6	4634, 4693
Sept 11	4419, 4693
Sept 19	4634

Sept 21	4693
Sept 26	4467
Sept 27	4360
Oct 2	4303, 4510
Oct 3	4596
Oct 4	4419
Oct 10	4468
Oct 12	4360
Oct. 15	4596
Oct 16	4693
Oct 17	4468
Oct 18	4361
Oct 23	4596
Oct 29	4468, 4596, 4693
Oct. 30	4361
Oct 31	4361
Nov 1	4468
Nov 5	4303, 4510, 4634
Nov 7	4596
Nov 12	4361
Nov 26	4303, 4468
Dec 17	4468
Jan 7, 1985	4596
Jan 21, 1985	4510
Jan 28, 1985	4468
Feb 18, 1985	4597
Mar 18, 1985	4468
<b>PURCHASING AND GENERAL SERVICES</b>	
<b>COMMISSION, STATE</b>	
Nonregulatory Notice	
Request for Information	
replacement of current long distance	
telephone system	
	4700
Open Meeting	
Aug 9	4304
<b>RAILROAD COMMISSION OF TEXAS</b>	
Surface Mining and Reclamation Division	
Proposed	
coal mining	4407
Open Meetings	
Aug 6	4304, 4361
Aug 13	4361
Aug 16	4305
Aug 20	4468, 4597
Aug 28	4597, 4693
Sept 19	4694
<b>REAL ESTATE COMMISSION, TEXAS</b>	
Open Meeting	
Aug 6	4305
<b>REHABILITATION COMMISSION, TEXAS</b>	
Developmental Disabilities Program	
Proposed	
	4409
Nonregulatory Notices	
Consultant Proposal Requests	
auditing services	
	4608
review of grant auditing	
requirements	
	4423
Open Meetings	
Aug 17	4305
Aug 24	4510
Aug 28	4469
Aug 30 & 31	4598

**Texas  
Register**

Sept 4	4469	Notary Public	
Sept 7	4634	Proposed	
RIO GRANDE VALLEY MUNICIPAL WATER AUTHORITY		notary public appointments	. . . 4494
Open Meeting		notary public qualifications	4495
Aug 28	4601	notary public rejection and revocation	. 4496
ROCKWALL COUNTY, CENTRAL APPRAISAL DISTRICT OF		Texas Register	
Open Meetings		Adopted	
Aug 9	4365	subscriptions, individual copies, and reprints	4412
Aug 14	4365	Nonregulatory Notices	
Aug 24	4601	Texas Register	
RURAL MEDICAL EDUCATION BOARD, STATE		publication schedule	4702
Open Meeting		schedule variation	. 4517, 4641
Aug 17	4469	SECURITIES BOARD, STATE	
SABINE RIVER AUTHORITY OF TEXAS		Open Meetings	
Open Meetings		Aug 8	4305
Aug 10	4364	Sept 7	4634
Aug 30	4636	SESQUICENTENNIAL COMMISSION, TEXAS	
SABINE VALLEY REGIONAL MENTAL HEALTH AND MENTAL RETARDATION CENTER		Nonregulatory Notices	
Open Meeting		Public Information	
Aug 23	4512	production of commemorative products	4373, 4485, 4609, 4700
SAN ANTONIO RIVER AUTHORITY		SOUTH PLAINS ASSOCIATION OF GOVERNMENTS	
Open Meeting		Open Meeting	
Aug 15	4365	Aug 14	. . . . 4474
SAN PATRICIO COUNTY APPRAISAL DISTRICT		SOUTH PLAINS HEALTH PROVIDER ORGANIZATION, INC	
Open Meeting		Open Meetings	
Aug 9	4310	Aug 13	. . . . 4474
SAVINGS AND LOAN DEPARTMENT, TEXAS		Aug 21	. . . . 4601
Nonregulatory Notices		Aug 28	. . . . 4696
Applications for Change of Control	4323, 4373	SOUTH TEXAS DEVELOPMENT COUNCIL	
Open Meetings		Open Meeting	
Aug 6	4305	Aug 29	4636
Aug 9	4305	SOUTH TEXAS PRIVATE INDUSTRY COUNCIL	
Aug 13	4362	Open Meeting	
Aug 16	4362	Aug 23	4601
Aug 20	4470	SUNSET ADVISORY COMMISSION	
Aug 21	4470	Open Meetings	
Aug 28	4598	Aug 6	4305
Aug 29	4598	Sept 11 13	4694
Aug 31	4598	SURPLUS PROPERTY AGENCY, TEXAS	
Sept 4	4470	Open Meeting	
SCHOOL LAND BOARD		Aug 28	4598
Land Resources		SWISHER COUNTY APPRAISAL DISTRICT	
Adopted		Open Meeting	
coastal public lands	. . . . 4455	Aug 9	4310
Open Meeting		TARRANT APPRAISAL DISTRICT	
Aug 21	4470	Open Meeting	
SCURRY COUNTY APPRAISAL DISTRICT		Aug 30	4696
Open Meeting		TAX PROFESSIONAL EXAMINERS, BOARD OF	
Aug 7	4364	Open Meeting	
SECRETARY OF STATE, OFFICE OF THE		Aug 25	4470
Elections			
Withdrawn			
nominations	. . . . 4288		
suffrage	. . . . 4288		

<b>TAYLOR COUNTY CENTRAL APPRAISAL DISTRICT</b>	
Open Meeting	
Aug 8	4309
<b>TEACHER RETIREMENT SYSTEM OF TEXAS</b>	
Open Meetings	
Aug 26	4598
Sept 7	4694
Sept 11	4470
<b>TEACHERS' PROFESSIONAL PRACTICES COMMISSION</b>	
Open Meetings	
Aug 10	4362
Aug 31	4634
Sept 5	4634
<b>TEACHING PROFESSION, COMMISSION ON STANDARDS FOR THE</b>	
Open Meetings	
Aug 14	4305, 4470
<b>TECHNICAL VOCATIONAL EDUCATION IN TEXAS, ADVISORY COUNCIL FOR</b>	
Open Meetings	
Sept 10	4634
Sept 11	4635
Sept 18	4635
<b>TEXAS A&amp;M UNIVERSITY SYSTEM</b>	
Open Meeting	
Aug 31	4694
<b>TEXAS STATE UNIVERSITY SYSTEM</b>	
Open Meetings	
Aug 23	4510
Aug 23 & 24	4510
<b>TEXAS SYSTEM, UNIVERSITY OF</b>	
Open Meetings	
Aug 9 & 10	4362
Aug 10	4470
Aug 23	4598
<b>TEXAS TECH UNIVERSITY</b>	
Open Meetings	
Aug 2	4305
Aug 3	4306
<b>TOURIST DEVELOPMENT AGENCY, TEXAS</b>	
Nonregulatory Notice	
Consultant Proposal Request	
Texas package program for retail consumer sale	4700
Open Meetings	
Sept 19	4635
Sept 20 & 21	4635
<b>TRANSPORTATION AUDIT COMMITTEE</b>	
Open Meeting	
Aug 31	4511
<b>TRINITY RIVER AUTHORITY OF TEXAS</b>	
Open Meetings	
Aug 9	4364
Aug 13	4421
Aug 22	4601

<b>TRINITY RIVER INDUSTRIAL DEVELOPMENT AUTHORITY</b>	
Open Meeting	
Aug 14	4364
<b>TYLER COUNTY TAX APPRAISAL DISTRICT</b>	
Open Meetings	
Aug 3	4310
Aug 6	4309
Aug 8	4310
Aug 13	4474
Aug 20	4474
Aug. 22	4600
Sept 4	4696
<b>UNIVERSITY INTERSCHOLASTIC LEAGUE</b>	
Open Meetings	
Aug 5	4306
Aug 6 & 7	4306
Aug 8	4307
Aug 14 & 15	4470
<b>UPPER LEON RIVER MUNICIPAL WATER DISTRICT</b>	
Open Meeting	
Aug 23	4475
<b>UPSHUR COUNTY APPRAISAL DISTRICT</b>	
Open Meetings	
Aug 10	4364
Aug 13	4364
<b>VETERANS LAND BOARD</b>	
Open Meeting	
Sept 6	4694
<b>WATER COMMISSION, TEXAS</b>	
Nonregulatory Notices	
Applications for Waste Disposal	
Permits	4323, 4424, 4517, 4641
Open Meetings	
July 27	4307
Aug 1	4307
Aug 7	4307
Aug. 9	4307, 4419
Aug 14	4363, 4471
Aug. 16	4308
Aug 20	4419
Aug 21	4471, 4598
Aug 22	4471
Aug 23	4511
Aug 27	4635
Aug 28	4419, 4598
Aug 30	4420, 4471, 4694
Sept 4	4694
Sept 5	4420, 4598
Sept 6	4308, 4472, 4599, 4635, 4694
Sept 11	4511
Sept 12	4308, 4363, 4420
Sept 13	4695
Sept 18	4472
Sept. 19	4599
Sept. 20	4473
Sept. 25	4308, 4599
Sept. 26	4511, 4599, 4695

Sept 27	4511, 4599
Oct 3	4695
Oct 4	4695
Oct 5	4511
Oct 15	4511, 4635
Oct 19	4363
Nov 12	4473
<b>WATER DEVELOPMENT BOARD, TEXAS</b>	
Consolidated Permits	
Withdrawn	
additional conditions for drilled or mined	
shaft permits	4559
application for permit	4559
Drilled or Mined Shafts	
Withdrawn	
complaints	4559
general provisions	4559
standards and methods	4559
<b>WATER RESOURCES, TEXAS DEPARTMENT OF</b>	
Open Meetings	
Aug 16	4420
Aug 21	4473
Oct 4	4473
<b>WEST CENTRAL TEXAS COUNCIL OF GOVERNMENTS</b>	
Open Meetings	
Aug 21	4512
Aug 23	4421
<b>WEST CENTRAL TEXAS MUNICIPAL WATER DISTRICT</b>	
Open Meeting	
Aug 29	4512
<b>WEST TEXAS COUNCIL OF GOVERNMENTS</b>	
Open Meeting	
Aug 17	4474
<b>WEST TEXAS STATE UNIVERSITY</b>	
Open Meetings	
Aug 6	4308
Aug 8	4309
<b>WHEELER COUNTY APPRAISAL DISTRICT</b>	
Open Meeting	
Aug 9	4364
<b>WISE COUNTY APPRAISAL DISTRICT</b>	
Open Meeting	
Aug 9	4364
<b>WOOD COUNTY APPRAISAL DISTRICT</b>	
Open Meetings	
Aug 13	4474
Aug 16	4474
<b>WORKERS' COMPENSATION JOINT INSURANCE FUND, TEXAS POLITICAL SUBDIVISIONS</b>	
Open Meeting	
Aug 20	4365
<b>YOUTH COMMISSION, TEXAS</b>	
Corsicana Residential Treatment Center	
Proposed	
Family Services Program	4336,
	4556, 4622

<b>General Provisions</b>	
Adopted	
case management system for delinquents	4291
federal offenders	4291
<b>Volunteer Services</b>	
Adopted	
donations	4291
<b>Open Meeting</b>	
Aug 30	4600

**TAC Titles Affected—August**

The following is a list of the TAC titles affected by agency activity in August

<b>TITLE 1 ADMINISTRATION</b>	
Part IV Office of the Secretary of State	
1 TAC §81 78	4268
1 TAC §81 79	4268
1 TAC §81 142	4268
1 TAC §§87 1, 87 3, 87 4	4494
1 TAC §87 21, §87 23	4495
1 TAC §87 42	4496
1 TAC §91 121, §91 122	4412
<b>TITLE 4 AGRICULTURE</b>	
Part I Texas Department of Agriculture	
4 TAC §15 3	4681
4 TAC §15 13	4681
Part II Texas Animal Health Commission	
4 TAC §51 1	4617
Part IV State Entomologist	
4 TAC §71 31	4617, 4620
<b>TITLE 7 BANKING AND SECURITIES</b>	
Part VI Credit Union Commission	
7 TAC §91 302	4270
<b>TITLE 10 COMMUNITY DEVELOPMENT</b>	
Part I Texas Department of Community Affairs	
10 TAC §1 13	4649
10 TAC §5 301	4270
10 TAC §5 701	4271
10 TAC §9 1	4272
Part IV Texas Housing Agency	
10 TAC §141 9	4213
<b>TITLE 16 ECONOMIC REGULATION</b>	
Part I Railroad Commission of Texas	
16 TAC §11 221	4407
Part II Public Utility Commission of Texas	
16 TAC §23 12	4272
16 TAC §23 46	4401
16 TAC §23 61	4275
Part V Texas Amusement Machine Commission	
16 TAC §85 2	4650
16 TAC §85 4	4651
<b>TITLE 19 EDUCATION</b>	
Part I Coordinating Board, Texas College and University System	
19 TAC §5 73	4432
19 TAC §§5 211 5 214, 5.216, 5 221, 5 223	4282

19 TAC §5 222	4282	25 TAC §157 76	4444
19 TAC §§21 191 21 206	4433	25 TAC §181 9	4502
19 TAC §§21 221 21 240	4436	25 TAC §§325 321 325 324	4502
<b>Part II Texas Education Agency</b>		<b>Part II Texas Department of Mental Health and Mental Retardation</b>	
19 TAC §78 1, §78 5	4543	25 TAC §§405 121 405 130	4288
19 TAC §78 5	4524	25 TAC §§405 121 405 133	4288
19 TAC §78 21	4525, 4547	25 TAC §§405 801 405 810	4213, 4217
19 TAC §§78 61-78 69	4525, 4547	<b>Part V Texas Health Facilities Commission</b>	
19 TAC §78 81, §78 82	4536, 4548	25 TAC §§501 1, 501 3, 501 5, 501 7	4560
19 TAC §78 82	4537, 4549	25 TAC §§503 1, 503 3, 503 5, 503 7, 503 9, 503 11, 503 13, 503 15, 503 17	4561
19 TAC §78 102, §78 103	4537, 4550	25 TAC §505 1	4561
19 TAC §§78 121, 78 122, 78 124	4538, 4550	25 TAC §§507 1, 507 3, 507 5, 507 7, 507 9, 507 11, 507 13, 507 15, 507 17	4565
19 TAC §§78 131, 78 133, 78 134	4540, 4551	25 TAC §§509 1, 509 3, 509 5, 509 7, 509 9, 509 11, 509 13, 509 15, 509 17, 509 19, 509 21, 509 23, 509 25, 509 27, 509 29, 509 31, 509 33, 509 35, 509 37, 509 39, 509 41, 509 43, 509 45, 509 47, 509 49, 509 51, 509 53, 509 55, 509 57, 509 59, 509 61, 509 63, 509 65, 509 67, 509 69, 509 71	4568
19 TAC §78 132	4541, 4552	25 TAC §§509 1, 509 3, 509 5, 509 7, 509 9, 509 11, 509 13, 509 15, 509 17, 509 19, 509 21, 509 23, 509 25, 509 27, 509 29, 509 31, 509 33, 509 35, 509 37, 509 39, 509 41, 509 43, 509 45, 509 47, 509 49, 509 51, 509 53, 509 55, 509 57, 509 59, 509 61, 509 63, 509 65, 509 67, 509 69, 509 71, 509 73, 509 75	4570
19 TAC §81 63	4541, 4553	25 TAC §§509 81, 509 83, 509 85	4569
19 TAC §81 71	4541, 4553	25 TAC §§509 91, 509 93, 509 95, 509 97, 509 99, 509 101, 509 103, 509 105, 509 107	4570
19 TAC §§81 110, 81 125-81 127, 81 129	4542, 4554	25 TAC §§509 121, 509 123, 509 125	4571
19 TAC §81 111	4498	25 TAC §§509 131 509 133, 509 135	4572
19 TAC §81 127	4544, 4555	25 TAC §§509 141, 509 143, 509 145	4572
19 TAC §137 23	4544, 4555	25 TAC §§509 151, 509 153, 509 155	4573
<b>TITLE 22 EXAMINING BOARDS</b>		25 TAC §§509 161, 509 163, 509 165	4574
<b>Part III Texas Board of Chiropractic Examiners</b>		25 TAC §§513 1, 513 3, 513 5, 513 7, 513 9, 513 11, 513 13, 513 15, 513 17, 513 19, 513 21	4574
22 TAC §71 5	4497	25 TAC §513 51, §513 53	4576
<b>Part XIV Texas Optometry Board</b>		25 TAC §§515 1, 515 3, 515 5, 515 7, 515 9, 515 11, 515 13, 515 15, 515 17, 515 19, 515 21	4577
22 TAC §273 1	4282	25 TAC §§515 1, 515 3, 515 5, 515 7, 515 9, 515 11, 515 13, 515 15, 515 17, 515 19, 515 21, 515 23	4576
22 TAC §273 2	4283	25 TAC §§515 31, 515 33, 515 35, 515 37, 515 39, 515 41	4578
22 TAC §273 3	4283	25 TAC §§515 31, 515 33, 515 35, 515 37, 515 39, 515 41, 515 43, 515 45, 515 47, 515 49	4577
<b>Part XV Texas State Board of Pharmacy</b>		<b>Part XVI Texas Board of Physical Therapy Examiners</b>	
22 TAC §283 4	4448	22 TAC §§339 1 339 3	4283
22 TAC §§283 6, 283 8, 283 11	4449	<b>Part XVII Texas State Board of Plumbing Examiners</b>	
22 TAC §291 17	4449	22 TAC §363 1	4493
22 TAC §291 33	4450	<b>Part XXII Texas State Board of Public Accountancy</b>	
22 TAC §291 34	4439	22 TAC §511 83	4412
22 TAC §291 74	4450	22 TAC §511 165	4452
22 TAC §291 75	4450	22 TAC §521 2	4556
22 TAC §291 91	4440	<b>Part XXXI Texas State Board of Examiners of Dietitians</b>	
22 TAC §291 95	4447, 4451	22 TAC §711 5	4401, 4408
22 TAC §295 5, §295 7	4451	22 TAC §711 7	4284
22 TAC §303 1	4451	22 TAC §711 12	4284
<b>Part XVII Texas State Board of Plumbing Examiners</b>		<b>TITLE 25 HEALTH SERVICES</b>	
22 TAC §363 1	4493	<b>Part I Texas Department of Health</b>	
<b>Part XXII Texas State Board of Public Accountancy</b>		25 TAC §537 171-37 175	4284
22 TAC §511 83	4412	25 TAC §§61 1-61 4, 61 6, 61 8, 61 9	4498
22 TAC §511 165	4452	25 TAC §157 75	4441
22 TAC §521 2	4556		

515 69, 515 71, 515 73, 515 75, 515 77, 515 79, 515 81, 515 83, 515 85, 515 87	4578	Noncodified (059 05 53 001)	4240, 4268
25 TAC §§515 101, 515 103, 515 105, 515 107, 515 109, 515 111, 515 113, 515 115, 515 117, 515 119	4579	Noncodified (059 05 53 002)	4241, 4269
25 TAC §§515 101, 515 103, 515 105, 515 107, 515 109, 515 111, 515 113, 515 115, 515 117, 515 119, 515 121	4580	Noncodified (059 05 53 004)	4241, 4269
25 TAC §§515 123, 515 125, 515 127, 515 129, 515 131	4628	Noncodified (059 05 53 008)	4242, 4269
25 TAC §§517 1, 517 3, 517 5, 517 7, 517 9, 517 11, 517 13, 517 15, 517 17, 517 19, 517 21, 517 23, 517 25, 517 27, 517 29, 517 31, 517 33, 517 35, 517 37, 517 39, 517 41, 517 43, 517 45, 517 47	4582	Noncodified (059 05 53 009)	4242, 4269
25 TAC §§517 1, 517 3, 517 5, 517 7, 517 9, 517 11, 517 13, 517 15, 517 17, 517 19, 517 21, 517 23, 517 25, 517 27, 517 29, 517 31, 517 33, 517 35, 517 37, 517 39, 517 41, 517 43, 517 45, 517 47, 517 49	4581	Noncodified (059 05 53 011)	4242, 4269
25 TAC §519 1, §519 3	4583	Noncodified (059 05 53 012 014)	4243, 4269
25 TAC §§519 11, 519 13, 519 15	4583	Noncodified (059 05 55 001)	4243
25 TAC §§519 21, 519 23, 519 25	4583	Noncodified (059 05 57 001)	4244
25 TAC §519 31, §519 33	4583	Noncodified (059 05 58 002)	4244
25 TAC §§523 1, 523 3, 523 5, 523 7	4583	Noncodified (059 05 81 001)	4245
25 TAC §§523 1, 523 3, 523 5, 523 7, 523 9	4584	Noncodified (059 10 01 001 010)	4245
25 TAC §§525 1, 525 3, 525 5, 525 7, 525 9, 525 11, 525 13, 525 15	4584	Noncodified (059 18 01 001 004)	4246
25 TAC §527 1	4585	Noncodified (059 21 01 111 119)	4247
25 TAC §527 11, §527 13	4586	Noncodified (059 21 26 003)	4334
25 TAC §§527 21, 527 23, 527 25	4586	Noncodified (059 21 28 002)	4250
25 TAC §527 31	4587	Noncodified (059 21 28 003)	4250
25 TAC §527 31, §527 33	4587	Noncodified (059 21 49 006)	4290
<b>Part VIII Interagency Council on Early Childhood Intervention</b>		Noncodified (059 27 01 001, 002)	4251
25 TAC §§621 21, 621 22, 621 25, 621 27 621 29	4453	Noncodified (059 27 04 001 007)	4252
25 TAC §621 30, §621 31	4453	Noncodified (059 27 05 001 007)	4254
		Noncodified (059 51 03 004 006)	4257
		Noncodified (059 51 04 001, 003 006)	4259
		Noncodified (059 51 06 001, 004 009, 011)	4261
		Noncodified (059 51 08 002, 006)	4263
		Noncodified (059 51 11 001)	4264
<b>TITLE 28 INSURANCE</b>		<b>TITLE 31 NATURAL RESOURCES AND CONSERVATION</b>	
<b>Part I State Board of Insurance</b>		<b>Part II Texas Parks and Wildlife Department</b>	
Noncodified (059 01 11 031)	4340	31 TAC §59 211	4343
Noncodified (059 01 14 011, 015)	4289	31 TAC §§65 311 65 313, 65 315	4453
Noncodified (059 01 16 003)	4290	<b>Part III Texas Air Control Board</b>	
Noncodified (059 03 51 101 111)	4218	31 TAC §116 6, §116 7	4265
Noncodified (059 03 76 001 012)	4223	<b>Part IV School Land Board</b>	
Noncodified (059 05 01 001)	4234	31 TAC §155 3	4455
Noncodified (059 05 01 005)	4235	<b>Part X Texas Water Development Board</b>	
Noncodified (059 05 06 001)	4235	31 TAC §341 165	4559
Noncodified (059 05 06 003)	4236	31 TAC §§341 381 341 386	4559
Noncodified (059 05 25 003)	4236	31 TAC §§361 1 361 10	4559
Noncodified (059 05 25 004)	4237	31 TAC §§361 21 361 29	4559
Noncodified (059 05 25 005)	4237	31 TAC §361 41, §361 42	4559
Noncodified (059 05 33 001)	4238	<b>Part XV Texas Low Level Radioactive Waste Disposal Authority</b>	
Noncodified (059 05 36 001)	4238	31 TAC §§451 1 451 4	4621
Noncodified (059 05 36 002)	4239	<b>TITLE 34 PUBLIC FINANCE</b>	
Noncodified (059 05 36 003)	4239	<b>Part I Comptroller of Public Accounts</b>	
Noncodified (059 05 36 006)	4240	34 TAC §3 175	4647
		34 TAC §3 185	4686
		34 TAC §3 289	4335
		34 TAC §3 336	4343
		<b>TITLE 37 PUBLIC SAFETY AND CORRECTIONS</b>	
		<b>Part III Texas Youth Commission</b>	
		37 TAC §81 119	4291
		37 TAC §§81 251 81 259	4291
		37 TAC §91 261	4336, 4622
		37 TAC §§91 821, 91 825, 91 833, 91 835	4556
		37 TAC §§91 823, 91 827, 91 830	4622
		37 TAC §93 095	4291



Part V Board of Pardons and Paroles  
 37 TAC §143 42, §143 43 4337  
 37 TAC §145 25 4331, 4557  
 37 TAC §§149 3 149 7 4338  
 37 TAC §149 5 4332  
 Part VIII Commission on Fire Protection  
 Personnel Standards and Education  
 37 TAC §233 12 4506  
 37 TAC §233 13 4507  
 37 TAC §233 142 4455  
 Part X Texas Adult Probation Commission  
 37 TAC §321 12 4625

40 TAC §§49 7101 49 7131, 49 7134  
 49 7146, 49 7149 49 7154 4671, 4679  
 40 TAC §§49 7201 49 7227 4672, 4679  
 40 TAC §§49 7301 49 7330, 49 7332  
 49 7402 4673, 4679  
 40 TAC §§49 7501 49 7519, 49 7528,  
 49 7529, 49 7531 49 7538, 49 7540  
 49 7546 4674  
 40 TAC §§49 7501 49 7519, 49 7528  
 49 7538, 49 7540 49 7547 4679  
 40 TAC §§49 7601 49 7616 4674, 4679  
 40 TAC §49 7701 4675, 4680  
 40 TAC §§49 7801 49 7809 4675, 4680  
 40 TAC §§49 7901 49 7904 4676, 4680  
 40 TAC §§49 8001 49 8003,  
 49 8006 4676, 4680

**TITLE 40 SOCIAL SERVICES AND ASSISTANCE**

Part I Texas Department of Human Resources  
 40 TAC §3 2101 4292  
 40 TAC §§3 3101, 3 3102, 3 3105-3 3109,  
 3 3117 4292  
 40 TAC §3 3118 4292  
 40 TAC §3 3220 4293  
 40 TAC §3 4301 4293  
 40 TAC §3 7001 4293  
 40 TAC §§3 7001 3 7007 4293  
 40 TAC §3 7305 4293  
 40 TAC §9 2512 4629  
 40 TAC §§9 2513 9 2515 4629  
 40 TAC §9 2616 4625  
 40 TAC §15 2001 4413  
 40 TAC §16 1914 4456  
 40 TAC §16 3901 4456  
 40 TAC §23 103 4456  
 40 TAC §23 9801 4456  
 40 TAC §§27 101 27 106 4414  
 40 TAC §§27 101 27 107 4414  
 40 TAC §29 302 4416  
 40 TAC §47 903 4294  
 40 TAC §47 3903 4457  
 40 TAC §48 2911 4408  
 40 TAC §48 3903 4294  
 40 TAC §§48 9102, 48 9105,  
 48 9106 4294  
 40 TAC §§49 101 49 104 4652, 4677  
 40 TAC §§49 301 49 343 4652, 4677  
 40 TAC §§49 501 49 513 4658  
 40 TAC §§49 501 49 514 4677  
 40 TAC §49 701, §49 702 4677  
 40 TAC §§49 701 49 703 4660  
 40 TAC §§49 901 49 903 4678  
 40 TAC §§49 901 49 904 4660  
 40 TAC §§49 1101 49 1108 4678  
 40 TAC §§49 1101 49 1109 4661  
 40 TAC §§49 1301 49 1306 4678  
 40 TAC §§49 1301 49 1312 4662  
 40 TAC §§49 1501 49 1505 4663, 4678  
 40 TAC §§49 1701 49 1745 4678  
 40 TAC §§49 1701 49 1746 4664  
 40 TAC §49 1901, §49 1902 4670  
 40 TAC §§49 1901 49 1903 4678  
 40 TAC §§49 7001 49 7015 4671, 4679

40 TAC §51 1 4588  
 40 TAC §51 11, §51 12 4588  
 40 TAC §§51 21 51 30 4588  
 40 TAC §§51 41 51 48 4588  
 40 TAC §51 50 4457  
 40 TAC §51 61, §51 62 4588  
 40 TAC §§53 2001 53 2003 4589  
 40 TAC §§53 2101 53 2119 4589  
 40 TAC §73 4003 4458  
 40 TAC §§79 1101 79 1104 4458  
 40 TAC §§79 1201, 79 1202,  
 79 1207 4458  
 40 TAC §§79 1203 79 1206, 79 1210,  
 79 1211, 79 1213, 79 1214 4459  
 40 TAC §79 1207 4459  
 40 TAC §79 1301 4460  
 Part II Texas Rehabilitation Commission  
 40 TAC §§109 1 109 6 4409  
 Part III Texas Commission on Alcoholism  
 40 TAC §153 36 4626  
 Part IV State Commission for the Blind  
 40 TAC §159 21 4344  
 40 TAC §159 22, §159 23 4345  
 40 TAC §161 3 4345  
 40 TAC §161 5 4346  
 40 TAC §§163 4 163 31 4346  
 40 TAC §§169 3 169 15 4349  
 40 TAC §171 2 4349  
 Part IX Texas Department on Aging  
 40 TAC §251 7 4460  
 40 TAC §252 1 4589  
 Part X Texas Employment Commission  
 40 TAC §301 16 4447  
 Part XIV Long Term Care Coordinating Council  
 for the Elderly  
 40 TAC §421 1, §421 2 4589  
 40 TAC §§423 1, 423 20, 423 30, 423 40,  
 423 50 4590  
 40 TAC §425 1 4590  
 40 TAC §427 1 4590  
 40 TAC §429 1 4591  
 TITLE 43 TRANSPORTATION  
 Part III Texas Aeronautics Commission  
 43 TAC §§67 1-67 7 4350



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