

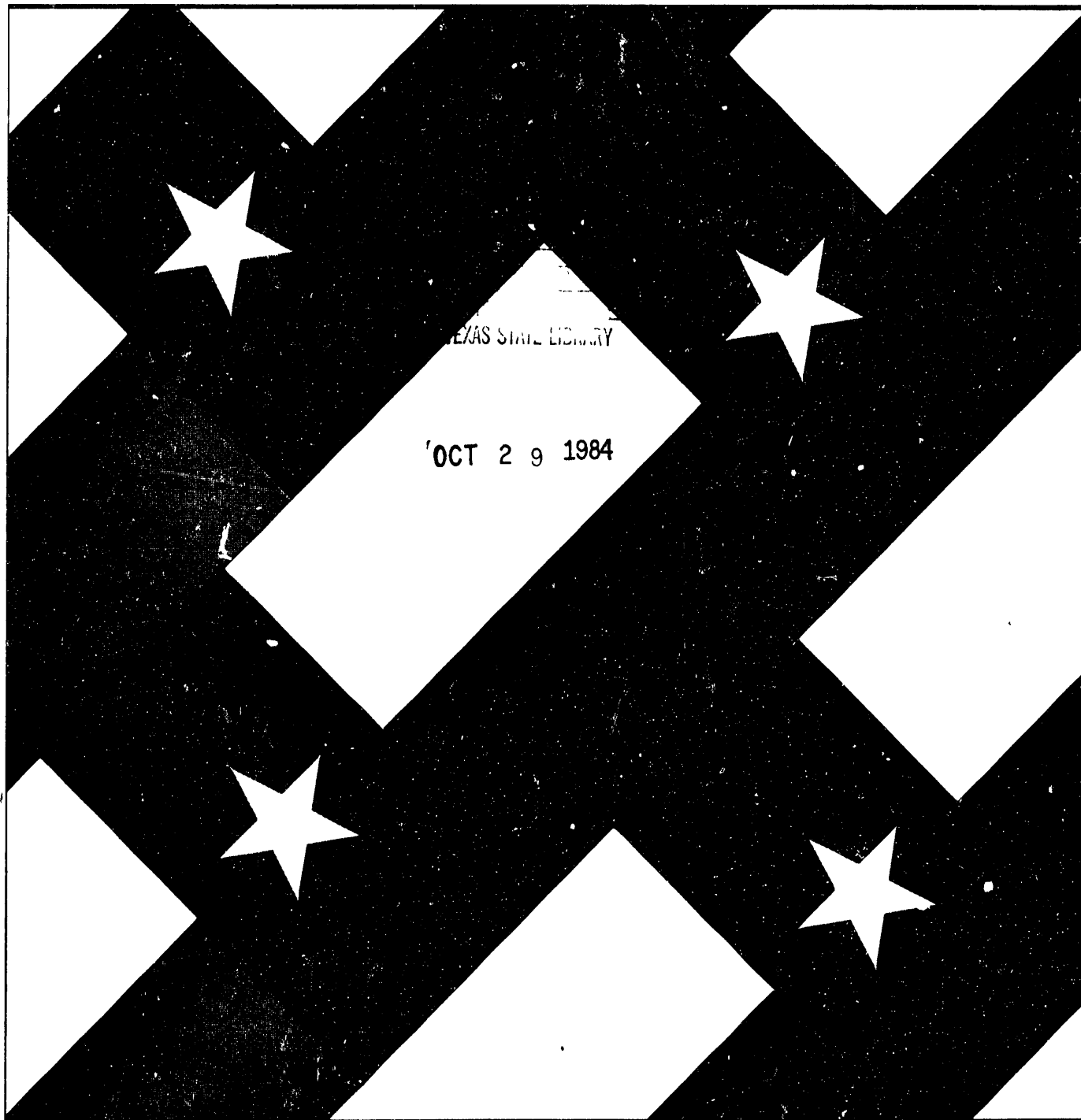
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Texas Register

Volume 9, Number 80, October 23, 1984

Pages 5463 - 5496



Highlights

The Texas Animal Health Commission adopts on an emergency basis amendments concerning the Texas bovine brucellosis regulations
 Effective date - October 17 page 5467

The Texas Department of Agriculture proposes

new sections concerning pesticide application standards. Earliest possible date of adoption - November 23 page 5468

The Texas Department of Human Resources proposes a repeal and new section concerning social work certification. Earliest possible date of adoption - November 23 page 5474

**Office of
the Secretary
of State**

Texas Register

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

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- Withdrawn Rules—rules withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date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



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The Governor

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

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

Appointment Made October 3

State Board of Education

For a term to expire January 1, 1989:

Geraldine E. Miller
3815 Beverly Drive
Dallas, Texas 75205

This appointment is being made pursuant to House Bill 72, 2nd Called Session, 68th Legislature, 1984.

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

TRD-8410450 Mark White
Governor of Texas

Appointments Made October 15

Texas Board of Corrections

For a term to expire February 15, 1987:

Ruben Montemayor
14319 Hill Prince
San Antonio, Texas 78248

Mr. Montemayor is replacing Pete V. Cortez of San Antonio, who is deceased.

State Purchasing and General Services Commission

For a term to expire January 31, 1987:

Richard C. Strauss
8935 Douglas
Dallas, Texas 75225

Mr. Strauss is replacing Henry C. Wendler of Dallas, who resigned.

Issued in Austin, Texas, on October 15, 1984.

TRD-8410460 Mark White
Governor of Texas

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 4. AGRICULTURE Part II. Texas Animal Health Commission Chapter 35. Brucellosis Subchapter A. Eradication of Brucellosis 4 TAC §35.4, 35.5

The Texas Animal Health Commission adopts on an emergency basis amendments to §35.4 and §35.5, concerning Texas bovine brucellosis regulations.

These amendments allow state funds to be used to pay for calfhood vaccination of heifers being moved on vaccination permits. An undue hardship had been encountered by the veterinarians who were called on to vaccinate the heifers as well as ranchers who purchased them. The large movement of calves in recent months has identified severe problems with the vaccination permit system. The problems were veterinarians being denied payment by the state for vaccinating heifers without realizing they were permitted, and ranchers needing to move calves to facilities in another area of the state as quickly as possible and be vaccinated at state expense. This emergency action will correct these problems as well as provide for a more orderly increased movement of heifers due to drought conditions.

The amended sections allow those unvaccinated heifers moving between the Texas Class B and Class C areas accompanied by a vaccination permit to be vaccinated at destination with fee basis funds provided by the state without waiting to receive a copy of the vaccination permit.

These amendments are adopted on an emergency basis under provisions of the Agriculture Code, Chapter 161 and Chapter 163, Texas Civil Statutes, which grant rule-making authority and set forth the duty of

this agency to protect domestic animals in the state from disease.

§35.4. Class B Area.

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

(c) Requirements for cattle entering the Class B area.

(1) Vaccination—All female cattle born after January 1, 1983, and four months of age and older entering shall be officially vaccinated prior to entry. Exceptions to these vaccination requirements:

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

(F) female cattle, originating in Texas and permitted to an approved veterinarian for vaccination [at owner's expense] within 10 days of permit date.

(G) (No change.)

(2) (No change.)

(d) (No change.)

§35.5. Class C Area.

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

(c) Requirements for cattle entering the Class C area.

(1) Vaccination—All female cattle born after January 1, 1983, and four months of age and older entering shall be officially vaccinated prior to entry. Exceptions to these vaccination requirements:

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

(F) female cattle, originating in Texas and permitted to an approved veterinarian for vaccination [at owner's expense] within 10 days of permit date.

(G) (No change.)

(2) (No change.)

(d) (No change.)

Issued in Austin, Texas, on October 15, 1984.

TRD-8410502

John W. Holcombe, DVM
Executive Director
Texas Animal Health Commission

Effective date: October 17, 1984

Expiration date: February 15, 1985

For further information, please call (512) 475-4111.

Proposed Rules

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

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

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

TITLE 4. AGRICULTURE Part I. Texas Department of Agriculture Chapter 7. Pesticides

4 TAC §§7.25-7.31

The Texas Department of Agriculture proposes new §§7.25-7.31, concerning pesticide application standards.

The Texas Department of Agriculture has the authority to regulate the amount of pesticide for agricultural purposes under the provisions of the Texas Pesticide Control Act, Texas Agriculture Code, Chapter 76. The Texas Pesticide Control Act regulates the agricultural use of all pesticides used in the state and covers labeling, registration, and application, as well as the licensing of pesticide dealers and applicators.

The department is given the authority to adopt rules regarding the time, place, manner, and method of pesticide application (Chapter 76.104). The existing protection has proved inadequate to prevent unreasonable risk to human health and to adequately protect workers.

The proposed sections set out specific application standards for pesticide use which will serve to reduce the risk of exposure to pesticides and thereby prevent unreasonable health hazards involved in pesticide use. The proposed sections include standards which will serve to protect all workers who come into contact

with pesticides, including agricultural laborers, applicators, and farm owners or operators.

Heather Ball, policy economist, has determined that for the first five-year period the rules will be in effect there will be fiscal implications as a result of enforcing or administering the rules. The effect on state government is an estimated additional cost of \$170,000 each year from 1985-1989. There is no anticipated effect on local government. The cost of compliance with the rules for small businesses for prior notification is \$0-\$50 per year, and the cost for posting on reentry periods over seven days is \$80 per year, beginning in July 1986. The cost of compliance is no different for small businesses than for large businesses on a cost-per-employee or cost-per-hour-of-labor basis.

Ms. Ball also has determined that for each year of the first five years the rules as proposed are in effect the public benefit anticipated as a result of enforcing the rules as proposed is reduced workers' compensation claims due to reduced illness from pesticide exposure. The anticipated economic cost to individuals who are required to comply with the rules as proposed is \$50 each year from 1985-1989 for prior notification and \$80 each year from 1986-1989 for posting on reentry periods over seven days.

Comments on the proposal may be submitted to Ron D. White, Assistant Commissioner for Regulatory Affairs, Texas Department of Agriculture, P.O. Box 12847, Austin, Texas 78711.

The new sections are proposed under the Texas Agriculture Code, Title 5, Subtitle C, Chapter 76, as amended, which provides the Texas Department of Agriculture with the authority to promulgate rules and regulations not inconsistent with the Act as may be necessary to carry out activities set out within the Act in respect to the regulation of pesticides.

§7.25. Scope of Pesticide Application Standards.

(a) Purpose. The purpose of §§7.25-7.31 of this title (relating to Pesticides) shall be to establish pesticide application standards designed to prevent unreasonable risk to human health and incorporate a reasonable margin of safety necessary to ensure the protection of workers and others in the production of agricultural commodities.

(b) Exemptions from regulation. These regulations do not apply to:

(1) pesticides used in structures, greenhouses, personal gardens, health-related or aquatic pest control programs conducted by or under the authority of governmental entities, and regulatory pest control;

(2) persons determined by the commissioner to have only limited and intermittent exposure to treated plants such as pest control advisors and federal, state, and county employees who need to enter treated areas before the expiration of applicable reentry intervals; and

(3) livestock.

(c) Conditional exemptions from regulation. Section 7.27 of this title (relating to Worker Reentry into Treated Fields) and §7.30 of this title (relating to Reentry Intervals) do not apply to crops which do not require a worker to have substantial contact with plants, foliage, soil, or other sources where pesticide residues may exist, which include, but are not limited to, cotton, wheat, rice, hay or grazing crops, peanuts, rye, safflower, sesame, sorghum, corn, barley, sugarcane, soybeans, sugar beets, flax, oats, sunflowers, alfalfa, and guar. If a worker is required to make substantial contact with plants, foliage, soil, or other sources of pesticide residue after application of a pesticide and before expiration of the applicable reentry interval on such crops, however, §7.27 of this title (relating to Worker Reentry into Treated Fields) and §7.30 of this title (relating to Reentry Intervals) apply.

(d) Definitions. In addition to the definitions set out in the Texas Agriculture Code, Chapter 76, §76.001 (1981), and §7.1 of this title (relating to Definitions), the following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

(1) Labor-intensive crops. Labor-intensive crops are those crops requiring a worker to make substantial contact with plants, foliage, soil, or other sources of pesticide residue after application of a pesticide and before expiration of the applicable reentry interval, which include, but are not limited to, vegetables, fruit, seed corn, and seed sorghum.

(2) Appropriate protective clothing. Appropriate protective clothing means protective clothing as specified for the applicator on the label or as required by state or federal law or regulation, whichever is more protective. At a minimum, such protective clothing shall include a loose-fitting one- or two-piece garment of closely woven or impermeable material which is worn over normal work attire and affords entire body protection (except for the

feet, hands, or head), head covering, boots or shoes and socks, and gloves impermeable to the pesticide residue.

(3) Farm operator. The farm operator is the person responsible for the control and management of the crop. Responsibilities of the farm operator may be contracted to a second party. However, if the effective date of the transfer of responsibility is unclear, both the farm operator and the second party may be held liable for any violation of these regulations.

(4) Person. The term person includes any individual, partnership, association, corporation, and any organized group of persons, whether incorporated or not.

(5) Points of access. Points of access are places on the border of a field at which workers might reasonably be anticipated to enter the field.

(6) Reentry interval. A reentry interval is the period of time between the application of a pesticide and the time when persons may reenter the field without wearing appropriate protective clothing.

(7) Worker. A worker is any person who performs work for compensation by the farm operator, either directly or indirectly, and enters a field for any reason associated with the growing or management of the crop, including field workers, irrigation workers, and pesticide applicators.

(8) Workplace. The term "workplace" includes outdoor areas or nurseries to which pesticides are being applied and where workers may reasonably be expected to enter during the course of performance of his or her duties.

§7.26. Notification Requirements.

(a) Responsibility. The farm operator shall be responsible for prior notification requirements.

(b) Exemption from notification requirements. All applications of pesticides by ground application equipment are exempted from these provisions. Applicators using ground equipment shall allow a reasonable buffer zone around the targeted area to control drift which may cause damage to property or exposure to persons or animals.

(c) Who may request. Any person who works or resides in a building, house, or other structure immediately adjacent to farm lands on which pesticides are to be applied may request prior notification of any pesticide application. In addition, the following persons may request prior notification of a pesticide application:

(1) persons with chemical hypersensitivities, allergies, or other medical conditions which may be aggravated by a pesticide exposure whose residence or place of employment is within one mile of the place of application, if they attach to the request a doctor's written confirmation of the medical condition; and

(2) persons who may be economically affected by a pesticide application within one mile of their place of business, such as stockpersons and beekeepers who have stock or hives, if they attach to the request a statement of potential economic harm.

(d) Content of request. The request for prior notification shall be made in writing to the farm operator and should include:

(1) the name, address, and telephone number of the person making the request;

(2) the date of the request;

(3) the location of the land for which the request for notification is being made; and

(4) a request to be notified prior to the application of any pesticides to the area described in paragraph (3) of this subsection or the trade name and/or chemical name of specific pesticides for which prior notification is requested.

(e) Certified mail preferred. Requests for prior notification should be sent by certified mail. It shall be the responsibility of the person making the request to retain copies of the request and the return receipts of certified letters.

(f) Length of effectiveness. A request for prior notification shall be in effect through December 31 of the year that the request is received.

(g) Multiple requests. When more than one person residing in the same building or working in the same workplace immediately adjacent to the property on which a pesticide is being applied requests prior notification, general notice shall be sufficient. In providing general notice, the farm operator shall initially inform each person making a request as to the place and manner in which general notice will be provided. The farm operator shall provide such general notice in writing, posted in a prominent place in a public area, at least 24 hours prior to the scheduled application of any pesticide for which notice is required.

(h) Exception. No request for prior notification is necessary for schools, hospitals, or temporary housing provided for workers within ½ mile of the land on which pesticides are to be applied. The farm operator shall provide written notice to the director, owner, or the person in charge of the site. This person should communicate such notice to all appropriate persons at the site.

(i) Content of notice. Notice shall include:

(1) the intended date and approximate time of application;

(2) the trade and chemical name, unless otherwise requested, of the pesticide to be applied; and

(3) the location of the land on which the application is to be made.

(j) Time of notice. Notice shall be given at least 24 hours prior to the scheduled application. Notice shall be deemed given at the time of delivery to the requesting person or to the address provided in the request for prior notification.

(k) Form of notice. Notice may be written or oral unless either is specifically required or requested. Notice shall be made in a language understood by the person(s) receiving notice.

(l) Emergency. Advance notice need not be given in emergencies where an immediate application is required and time does not reasonably allow the giving of an advance 24-hour notice, except in cases where the requesting persons are medically or economically affected. Notice of emergency applications shall be given as soon as reasonably possible before or after the application and shall include a brief explanation of the circumstances constituting the emergency.

§7.27. Worker Reentry into Treated Fields.

(a) Responsibility.

(1) The farm operator shall be responsible for complying with these requirements.

(2) The farm operator shall be responsible for knowing or having access to the trade and chemical name of the pesticide and label safety requirements and making such information available to workers, victims of pesticide exposure, and treating medical personnel promptly upon request.

(3) No person may apply any pesticide unless there is compliance with these regulations. Where posting of flags is required, such flags must be in place before application can occur.

(b) Fields treated with pesticides with reentry intervals of seven days or less. A farm operator may take either of the following actions to ensure adequate worker protection after application of a pesticide for which a reentry interval of seven days or less has been established pursuant to §7.30 of this title (relating to Reentry Intervals):

(1) prohibit workers from entering the treated area until expiration of the reentry interval and enforce compliance with such prohibition; or

(2) allow workers who are wearing appropriate protective clothing as defined in these regulations into the treated area during the reentry period, and post in accordance with subsection (d) of this section.

(c) Fields treated with pesticides with reentry intervals of more than seven days. All fields treated with pesticide for which a reentry interval more than seven days has been established pursuant to §7.30 of this title (relating to Reentry Intervals) shall be posted for the entire reentry interval in accordance with subsection (d) of this section. A farm operator must also:

(1) prohibit workers from entering the treated area until expiration of the reentry interval and enforce compliance with such prohibition, or

(2) allow only workers who are wearing the appropriate protective clothing as defined in these regulations into the treated area during the reentry period.

(d) Posting of flags.

(1) Flags must be posted not more than 24 hours prior to the scheduled treatment and must remain in good condition throughout the reentry interval.

(2) Flags must be removed within 24 hours after the expiration of the reentry interval specified in §7.30 of this title (relating to Reentry Intervals).

(3) Flags must be at least two feet square and must have the words "danger" and "peligro" and an appropriate symbol to be established by the commissioner, such as the skull and crossbones symbol, which shall be clearly visible.

(4) Flags must be posted at each corner of the area scheduled for pesticide application and at each point of access or, alternatively, at points which delineate such fields and where such flags may be seen by workers likely to enter such fields

§7.28. Oral Warning.

(a) Responsibility. The farm operator shall be responsible for oral warnings to any person that may reasonably be expected to enter a field before the expiration of the reentry interval:

(1) that is about to be treated with a pesticide;

(2) that is being treated with a pesticide; or

(3) that has been treated with a pesticide if the reentry interval has not expired.

(b) If the oral warning is to provide information to workers or others who must enter the field before the reentry interval expires, the warning shall include:

(1) the trade and chemical name of the pesticide applied to the field;

(2) the date and time the reentry interval will expire;

(3) a clear statement that it is not safe to enter the field until the reentry interval expires, unless appropriate protective clothing is worn;

(4) a clear statement that entry to the field is prohibited until the reentry interval expires, unless appropriate protective clothing is worn;

(5) a description of appropriate protective clothing to be worn when in the field;

(6) clear instructions on appropriate sanitation procedures, as required by label or by state or federal laws or regulations, after the person leaves the field;

(7) a clear statement of physical symptoms that may result from exposure to the pesticide; and

(8) clear instructions to seek medical attention in the event they show symptoms of pesticide poisoning or feel they were accidentally exposed.

(c) Language of the warning. Oral warning shall be given in a language understood by the person(s) receiving the warning.

§7.29. Prohibited Pesticide Applications.

(a) Direct spray prohibited. Pesticides may not be applied if persons not involved with the application of the pesticide are present in the workplace.

(b) Human exposure prohibited. No person shall apply any pesticide in such a manner that it exposes the body or clothing of any person, except for the appropriate protective clothing of persons involved in the application process.

(c) Ordered entry prohibited. No person may order, instruct, or permit any worker to engage in any activity that may involve substantial and prolonged body contact with the treated plant, unless the applicable reentry interval has expired or unless appropriate protective clothing is worn.

(d) Protective clothing. Employees shall not be permitted to enter any area treated with a pesticide until the expiration of any applicable reentry interval, unless that worker wears appropriate protective clothing. Minimum appropriate protective clothing shall be worn in the absence of a protective clothing specification on the label.

(e) Duty to stop application. The applicator shall stop the application of a pesticide if any person not involved with the application process enters the workplace. The applicator shall stop the application of a pesticide if any person not wearing appropriate protective clothing lawfully enters the field. No person shall enter a workplace without the authorization of the farm operator for the express purpose of stopping or preventing a lawful application.

(f) Duty to avoid drift.

(1) Pesticides may not be applied within a buffer zone required or recommended on the label or required by federal or state laws or regulations.

(2) Every applicator has the duty to prevent pesticides from drifting off-target. The department shall interpret evidence of drift which causes damage to property

or exposure to persons or animals as evidence of negligence.

(3) Each applicator is expected to allow a reasonable buffer zone around sensitive areas designated by the department to guarantee the avoidance of drift. The department shall view evidence of drift to these areas which causes damage to property or exposure to persons or animals as evidence of negligence.

(4) The department, in an aerial application case involving damage to property or exposure to persons or animals, shall treat as evidence of negligence the applicator's failure to take a reconnaissance flight over or otherwise inspect the area to be treated to clearly designate the targeted area, to identify sensitive areas which should be buffered, to ensure the avoidance of drift, to ensure that posting has occurred where required by these regulations, and to ensure that only persons involved with the pesticide application are in the targeted area.

§7.30. Reentry Intervals.

(a) Applicable interval. If there is a discrepancy between reentry intervals required by federal laws or regulations, state laws or regulations, or the pesticide label, the longest reentry interval shall apply.

(b) Reentry intervals for all crops. Workers shall not be permitted to enter any area treated with a pesticide until the pesticide spray has dried or the pesticide dust has settled, unless that employee wears appropriate protective clothing. In no case does the waiting period for the drying or settling to occur need to exceed 24 hours, unless otherwise required in subsection (c) of this section.

(c) Reentry intervals for labor intensive crops. The following reentry intervals are hereby established for pesticides when used on labor intensive crops.

(1) A 24-hour reentry interval applies after each application of a toxicity category one pesticide formulation used on a labor intensive crop. Toxicity category one pesticides are identified by use of the signal word "danger" on the label.

(2) A 48-hour reentry interval applies after each application on a labor intensive crop of a pesticide containing one of the following ingredients:

- (A) Azodrin;
- (B) Bidrin;
- (C) Carbophenothion;
- (D) Demeton;
- (E) Disulfoton;
- (F) Endosulfan;
- (G) Endrin;
- (H) Ethion;
- (I) Metasystox (R);
- (J) Methidathion;
- (K) Methyl parathion;
- (L) Phorate;
- (M) Phosphamidon.

(3) A seven-day reentry interval applies after each application on a labor intensive crop of a pesticide containing one of the following ingredients:

- (A) Azinphos-methyl (Guthion);
- (B) Ethyl parathion;
- (C) Mevinphos.

(4) Effective July 1, 1986, the reentry intervals set out as follows shall apply to each application of the designated pesticide to the specific crop, unless prior to that date the registrants of such pesticides or active in-

ingredients present to the department satisfactory residue degradation data, dermal absorption data, other scien-

tifically reliable data, and any other data demonstrating that a shorter reentry interval is warranted:

<u>Name of Chemical</u>	<u>Interval</u>	<u>Use</u>
Azinphos-methyl	30 days	citrus
Azinphos-methyl	21 days	grapes
Azinphos-methyl	14 days	apples, peaches or nectarines
Carbophenothion	14 days	citrus, peaches, nectarines or grapes
Chlorobenzilate	14 days	citrus
Demeton	5 days	citrus
Demeton	7 days	peaches, nectarines or grapes
Diazinon	5 days	citrus, peaches, nectarines or grapes
Dimecron	14 days	citrus
Dimethoate	4 days	grapes or citrus
Dioxathion	30 days	citrus, peaches, nectarines or grapes
EPN	14 days	citrus, peaches, nectarines, grapes or apples
Ethion	14 days	peaches, nectarines or grapes
Ethion	30 days	citrus
Ethyl parathion	21 days	peaches, nectarines or grapes
Ethyl parathion	14 days	apples
Ethyl parathion	30 days (may vary depending on rate of mixing)	citrus
Imidan	7 days	peaches, nectarines or grapes
Malathion	1 day	citrus, peaches or grapes
Methidathion	30 days	citrus
Methiocarb	7 days	peaches or nectarines
Mathomyl	2 days	citrus, peaches, nectarines, grapes or apples

<u>Name of Chemical</u>	<u>Interval</u>	<u>Use</u>
Methyl parathion	14 days	apples or grapes
Methyl parathion	21 days	peaches or nectarines
Naled	1 day	citrus, peaches, nectarines or grapes
Omite	7 days	grapes
Phosalone	7 days	citrus, peaches, nectarines or grapes

(5) One hundred and twenty days following promulgation of these regulations an interim 24-hour reentry interval is established for all pesticides used on labor intensive crops, unless pesticide registrants submit to the Texas Department of Agriculture (TDA):

(A) a sworn statement and supporting documentation demonstrating that for each formulation all chronic toxicity data required by the current U.S. Environmental Protection Agency (EPA) data requirements for pesticide registration (40 Code of Federal Regulations 158) have been submitted to the EPA and that these data demonstrate an absence of chronic effects; or

(B) in the event that animal testing indicates the possibility of the occurrence of chronic effects, a sworn statement and supporting documentation affirming that required chronic toxicity data have been submitted to the EPA and a risk assessment acceptable to the department which includes supporting documentation demonstrating that an unreasonable risk to human health will not occur if field reentry occurs within 24 hours after application of a pesticide.

(6) If the department, on its own motion or at the request of a third party, does not accept the validity of the statement or risk assessment submitted by a registrant under this section, the 24-hour interim reentry interval shall remain in effect until the registrant sustains the burden of showing that a lesser reentry interval will not impose an unreasonable risk to human health.

§7.31. Technical Advisory Committee.

(a) Purpose. The commissioner shall, within 30 days of the date of implementation of these regulations or as soon thereafter as practicable, establish a Technical Advisory Committee that shall have the following functions:

- (1) to develop a method for determining appropriate reentry intervals;
- (2) to develop a list of chemicals that are likely to involve high worker exposure;
- (3) to develop a list of chemicals that require a reevaluation of reentry intervals;
- (4) to make a priority listing of chemicals to be reviewed for reentry intervals;
- (5) to solicit input from all affected and interested parties on paragraphs (1)-(4) of this subsection and all other matters covered by these regulations;

(6) to provide notice to the public of actions taken on paragraphs (1)-(4) of this subsection within 180 days of the date of implementation of these regulations;

(7) to recommend appropriate reentry intervals or other application criteria; and

(8) to serve as an advisory committee on matters related to pesticide use and worker protection.

(b) Priority action. The list of chemicals for review developed pursuant to subsection (a) of this section shall be such that highly toxic pesticides and pesticide uses that involve substantial worker exposure are reviewed first.

(c) Standards for establishing reentry intervals. The method for determining appropriate reentry intervals shall incorporate the following:

- (1) acute, subchronic, and chronic toxicity of the pesticide and its degradation products;
- (2) the rate of degradation of the pesticide and its degradation products;
- (3) environmental factors that may affect the potential for transfer of residues to workers;
- (4) application rates and method of application of the pesticide;
- (5) inert ingredients that may affect the rate of absorption of residues;
- (6) actual data on worker exposure or dislodgeable residue data;
- (7) the rate and extent of dermal absorption and inhalation; and
- (8) consideration of other exposure to pesticides in addition to occupational exposure, including pesticide residues in food and water.

(d) Best available information. In cases where there is inadequate data for a pesticide, the committee shall not delay its determination of appropriate reentry intervals or application criteria, but shall use the best information available to set intervals and criteria designed for worker protection in an expeditious manner. The intervals and criteria shall be set at a level adequate to protect human health and shall incorporate a reasonable margin of safety to ensure protection of human health.

(e) Petition for review. Any person may petition the department to review the reentry intervals of a pesticide, class of pesticides, or use of a pesticide or pesticides. The petition shall be referred to the committee for a recommendation of appropriate action. A person requesting that reentry intervals be shortened shall at all times bear

the burden of proof that shorter reentry intervals will not impose an unreasonable risk to human health.

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 October 17, 1984

TRD-8410501 Dolores Alvarado Hibbs
Agency Liaison
Texas Department of Agriculture

Earliest possible date of adoption:
November 23, 1984

For further information, please call (512) 475-6686.

TITLE 40. SOCIAL SERVICES AND ASSISTANCE
Part I. Texas Department of Human Resources
Chapter 85. General Licensing Procedures
Subchapter III. Social Work Certification

The Texas Department of Human Resources proposes amendments to §85.6003, the repeal of existing §85.6025, and new §85.6025, concerning the qualifications of social work practitioners, in the department's general licensing procedures chapter. The amendments clarify requirements for recognition as an independent social work practitioner. The new section identifies continuing education requirements and time limits for completing the requirements to renew a certificate or order of recognition.

The repeal and new section were previously proposed in the October 16, 1984, issue of the *Texas Register* (9 TexReg 5376) but the preamble was inadvertently omitted. Therefore, the repeal and new section are being republished.

Cris Ros-Dukler, assistant commissioner for licensing, has determined that for the first five-year period the rules will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rules.

Ms. Ros-Dukler also has determined that for each year of the first five years the rules as proposed are in effect the public benefit anticipated as a result of enforcing the rules is that social work practitioners will have an increased understanding of qualifications necessary for private or specialty practice and of continuing education requirements necessary for renewing their certificates. There is no anticipated economic cost to individuals required to comply with the rules as proposed.

Comments on the proposal may be submitted to Cathy Rossberg, Administrator, Policy Development Support Division—577, Texas Department of Human Resources 153-E, P.O. Box 2960, Austin, Texas 78769, within 30 days of publication in this *Register*.

40 TAC §85.6003

The amendments are proposed under the Human Resources Code, Title 2, Chapter 50, which authorizes the department to regulate social work practitioners.

§85.6003. Recognition.

(a) (No change.)

(b) Private practice—A private practitioner of social work is one who, on either a full-or part-time basis, is responsible for his own practice, establishes his own conditions of exchanges with his clients, and identifies himself as a social work practitioner in offering services. A social worker is considered in private practice if he provides social work services with sole responsibility for the client, regardless of the organizational structure in which he provides the services.

(1) (No change.)

(2) The requirements for recognition as an independent private practitioner are:

(A) (No change.)

(B) five years of full-time social work practice in an agency, institution, or in the employment of an individual qualified as a private practitioner under these rules. The private practitioner must have five years of experience after completing the requirements for certification as a certified social worker. He must meet the experience requirements in §85.6022 of this title (relating to Social Work Experience). (Completion of these requirements may predate actual certification under the law.) [The department may grant provisional recognition as a private practitioner to persons submitting an acceptable plan for completing this requirement by August 31, 1987.]

(C) two [years] of the [these] five years or 3,000 hours of the required experience must include [have been completed under the] supervision by [of] a person who meets the requirements for an independent private practitioner [eligible for certification as a certified social worker who has had at least an equivalent amount of supervision]. (Completion of these requirements may predate actual certification under the law.)

(D) (No change.)

(3) Until August 31, 1987, the department may recognize as independent private practitioners people who: [waive the requirement that the five years of full-time social work practice must be in an agency or institutional setting or in the employment of a private practitioner qualified under these rules if the private practitioner has:]

(A) were employed in private practice of social work before March 1, 1983; [five years of full-time social work experience completed after the requirements for the C.S.W.]

(B) have completed at least five years of full-time social work experience (in any setting) after completing requirements for the Certified Social Worker (C.S.W.) [one year of full-time experience in private of social work before March 1, 1983]; and

(C) can document [documentation of] continued participation in the social work profession.

(4) Until August 31, 1987, the department may grant provisional recognition as a private practitioner. [an applicant for provisional recognition as a private prac-

itioner must submit within 90 days of application an acceptable plan for completing the requirements in paragraph (b)(2)(A) of this section. He must include in the plan a minimum of one hour per week of supervision by or consultation from a certified social worker approved by the department for the duration of the provisional recognition.]

(A) The requirements for provisional recognition are:

(i) certification as a certified social worker under the Human Resources Code, Chapter 50;

(ii) one year of full-time experience in the private practice of social work before March 1, 1983; and

(iii) documentation of continued participation in the social work profession.

(B) Applicants for provisional recognition as private practitioners must submit within 90 days of application an acceptable plan for completing the required five years of full-time social work experience beyond the C.S.W. by August 31, 1987. They must include in their plans a minimum of one hour per week of supervision by or consultation with a certified social worker approved by the department for the duration of the provisional recognition.

(c) (No change.)

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

Issued in Austin, Texas, on October 15, 1984.

TRD-8410391 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Earliest possible date of adoption:
November 23, 1984

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

40 TAC §85.6025

(Editor's note: The text of the following rule proposed for repeal will not be published. The rule may be examined in the offices of the Texas Department of Human Resources, 701 West 51st Street, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The repeal is proposed under the Human Resources Code, Title 2, Chapter 50, which authorizes the department to regulate social work practitioners.

§85.6025. Continuing Education Requirements.

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 October 15, 1984.

TRD-8410392 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Earliest possible date of adoption:
November 23, 1984

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

The new section is proposed under the Human Resources Code, Title 2, Chapter 50, which authorizes the department to regulate social work practitioners.

§85.6025. Continuing Education Requirements. A certificate holder must meet continuing education requirements to renew a certificate or order of recognition. A certificate holder who applies to renew a certificate or an order of recognition during calendar year 1984 must have completed at least 20 hours of continuing education during the 12 months before the date the current certificate expires. During calendar year 1985 and thereafter, a certificate holder who applies to renew a certificate or an order of recognition must have completed at least 30 hours of continuing education during the 12 months before the date the current certificate expires. During calendar year 1985 and thereafter, the 30 hours of continuing education must include at least one continuing education unit that is counted as 10 hours of training. The sponsoring organization or the certificate holder's supervisor must verify the continuing education.

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 October 15, 1984.

TRD-8410393 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Earliest possible date of adoption:
November 23, 1984

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

Adopted Rules

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

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

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

TITLE 4. AGRICULTURE Part II. Texas Animal Health Commission Chapter 35. Brucellosis Subchapter A. Eradication of Brucellosis 4 TAC §35.4, §35.5

The Texas Animal Health Commission adopts amendments to §35.5, with changes to the proposed text published in the September 11, 1984, issue of the *Texas Register* (9 TexReg 4806). Section 35.4 is adopted without changes and will not be republished.

Section 35.5(d)(1)(B) was reformatted for clarification. Also, the words "all female cattle" were substituted for "heifers" and the words "all females" were substituted for "females."

Section 35.4(a) is amended to allow the commission to add counties to the Class B area at the time statistics are submitted to the United States Department of Agriculture (USDA) for reclassification of the area, regardless of whether those counties individually meet the criteria of the entire area. Therefore, it was necessary to amend this rule concerning the manner in which a county in the Class C area of Texas can be transferred to the Class B area.

The amendment to §35.5(d)(1)(B) was made following overwhelming support from the public that carry on ranching activities in the Class C area for a mandatory calfhood vaccination program. The support for calfhood vaccination will increase the immunity of replacement females in the "C" area.

In §35.4(a), if a county petitions the commission for transfer from the "C" area to the "B" area, at times other than when the annual submission form is made to the United States Department of Agriculture, the herd infection rate in the county cannot exceed an accumulated 12-month herd infection rate of 1.5% and a 12-month adjusted MCI reactor prevalence rate that does not exceed three reactors per 1,000 cattle tested at the time of filing the petition for transfer. Each year when the annual submission form for reclassification is made, the commission may consider the transfer of a county that is contiguous to counties in the "B" area, even though the Class C county does not meet the criteria.

In §35.5(d)(1)(B), calfhood vaccination of heifers born after January 1, 1984, between four and 12 months of age and changing ownership within the Class C area is required if the heifers are acquired and used in grazing, breeding, dairying operations, or confinement in a dry lot not under quarantine. Heifers born after January 1, 1984, which are not official vaccinates and are over 12 months of age, may change ownership only if they have been spayed, or consigned to a market for spaying, or "S" branded prior to sale; or consigned direct to slaughter; or consigned directly to a quarantined feedlot or a quarantined pasture.

Although the proposal concerning calfhood vaccination of cattle on change of ownership within the "C" area of Texas, filed with the *Texas Register* on July 17, 1984, Texas Register Docket 847264, has been withdrawn from consideration, the following comment is offered for information.

Four public hearings were held concerning this proposal. Testimony received at the hearings as well as written comments were taken into consideration in the formation of this adoption.

Comments in favor of the current proposal ranged from expressing support for the program to support of vaccination requirements and vaccinations in general.

There were comments in opposition to the current proposal and expressing concern for vaccination of females consigned to feedlots. There were also comments requesting vaccination prior to sale or consign to slaughter, authority for ranchers to vaccinate their own heifers, delayed implementation, more deliberation and study before adopting the amendment, required vaccination of heifers raised, and requesting that weaned heifers not vaccinated to be consigned to slaughter, quarantined feedlot, or quarantined pasture.

Commenting in favor of the sections were Jerry F. Burge, Dr. Davis Brown, Presnall C. Cage, William E. Harcrow, William B. Miller III, Dan Scott, Dr. Jon Taylor, Dr. Frank Mann, Billy Huddleston, Keith Chapman, Dr. C. E. Payne, and Roy Wheeler. Commenting against the sections were Dr. James Davant, Benno Luensman, A. A. Raines, Emil Wild, Charles Wilson, Ernest E. Allerkamp, and J. G. Rathmell.

The agency considered all testimony and comments received. Some of the testimony offered did not address the proposal under consideration, while other comments concerned certain provisions of the proposal. These comments had either previously been considered by the commission and deemed unworkable after previous testimony or were not in conformity with recognized calfhood vaccination practices.

The amendments are adopted pursuant to provisions of the Agriculture Code, Chapter 161 and Chapter 163, which provides the commission with authority to adopt rules and sets forth the duties of the commission to protect domestic animals in the state from disease.

§35.5. Class C Area.

(a)-(c) (No change.)

(d) Change of ownership within the Class C area.

(1) Vaccination.

(A) All female cattle born after January 1, 1983, 18 months of age and older, except cattle from certified free herds, which are purchased or sold for use in grazing, breeding, dairying operations, or confinement in a dry lot not under quarantine, shall be officially vaccinated; or meet the testing requirements in paragraph (2)(B) of this subsection.

(B) All female cattle born after January 1, 1984, and between four and 12 months of age which are acquired and used in grazing, breeding, dairying operations, or confinement in a dry lot not under quarantine must be officially vaccinated.

(C) Females born after January 1, 1984, which have not been officially vaccinated and are over 12 months of age may change ownership only after being spayed; or,

(i) consigned to a livestock market to be spayed or "S" branded prior to sale; or

(ii) consigned direct to a slaughter establishment; or

(iii) consigned direct to a quarantined feedlot or quarantined pasture.

(2) (No change.)

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

Issued in Austin, Texas, on October 15, 1984.

TRD-8410395 John W. Holcombe, DVM
Executive Director
Texas Animal Health Commission

Effective date: November 5, 1984

Proposal publication date: September 11, 1984

For further information, please call (512) 475-4111.

Chapter 59. General Practice and Procedures

4 TAC §59.1

The Texas Animal Health Commission adopts new §59.1, without changes to the proposed text published in the September 11, 1984, issue of the *Texas Register* (9 TexReg 4807).

To prevent delays of necessary commission meetings and to better serve the public in the absence or unavailability of the chairman, the vice-chairman will fulfill the duties of the chairman with the same powers and authority as those of the designated chairman should a matter arise requiring the services of the vice-chairman. The new section further provides that an ad hoc chairman may be appointed to serve by majority vote of the commission if an emergency situation arises requiring the commission to meet.

No comments were received regarding adoption of the new section.

The new section is adopted pursuant to the Agriculture Code, Texas Civil Statutes, Chapter 161, which provides the commission with authority to adopt rules.

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

Issued in Austin, Texas, on October 12, 1984.

TRD-8410396 John W. Holcombe, DVM
Executive Director
Texas Animal Health Commission

Effective date: November 5, 1984

Proposal publication date: September 11, 1984

For further information, please call (512) 475-4111.

**TITLE 22. EXAMINING BOARDS
Part XXI. Texas State Board of
Examiners of Psychologists
Chapter 463. Applications**

22 TAC §463.21

The Texas State Board of Examiners of Psychologists adopts an amendment to §463.21, without changes to the proposed text published in the September 4, 1984, issue of the *Texas Register* (9 TexReg 4708).

The amendment makes the section consistent for all applicants and removes the restriction for applicants who may have sat for an earlier exam that contained fewer items than the current exam. Applicants who have taken the professional examination at the master's level are not required to retake the exam, provided that the requirements of the section have been satisfied.

No comments were received regarding adoption of the amendment

The amendment is adopted under Texas Civil Statutes, Article 4512 C, which provide the Texas State Board of Examiners of Psychologists with the authority to make all rules, not inconsistent with the constitution and laws of this state, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

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 October 15, 1984.

TRD-8410452 Patti Bizzell
Executive Director
Texas State Board of Examiners
of Psychologists

Effective date: November 6, 1984
Proposal publication date: September 4, 1984
For further information, please call (512) 835-2036.

**Part XXII. Texas State Board of
Public Accountancy
Chapter 521. Fee Schedule**

22 TAC §521.2

The Texas State Board of Public Accountancy adopts amendments to §521.2, without changes to the proposed text published in the August 24, 1984, issue of the *Texas Register* (9 TexReg 4556)

The section provides funds to meet increased charges for administering the uniform CPA examination to candidates. The section increases the fee for taking the examination from \$75 to \$100 for the initial examination and from \$15 to \$20 for each part on retake.

No comments were received regarding adoption of the amendments.

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

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 October 15, 1984.

TRD-8410418 Bob E. Bradley
Executive Director
Texas State Board of Public
Accountancy

Effective date: November 5, 1984
Proposal publication date: August 24, 1984
For further information, please call (512) 451-0241.

**TITLE 28. INSURANCE
Part I. State Board of Insurance**

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

**Rating and Policy Forms
Filing of Rates and Rating Information**

059.05.15.001, .004-.012

The State Board of Insurance adopts the repeal of Rules 059.05.15.001 and .004-.012, without changes to the proposal published in the April 13, 1984, issue of the *Texas Register* (9 TexReg 2063)

Rule 059.05.15.001 adopts manuals of liability insurance, including supplements and guide (a) rates. Rule 059.05.15.004 adopts standard provisions for general liability policies. Rule 059.05.15.005 adopts a composite rating plan for general liability insurance. Rule 059.05.15.006 adopts rules, rates, and forms for miscellaneous standard and uniform insurance programs regulated under the Insurance Code, Chapter 5, Subchapter B. Rule 059.05.15.007 adopts a manual for boiler and machinery insurance, including guide (a) rates. Rule 059.05.15.008 adopts boiler and machinery policy and endorsement forms. Rule 059.01.15.009 adopts boiler and machinery premium adjustment rating plans. Rule 059.05.15.010 adopts manual rules, rates, and forms for nuclear energy liability insurance. Rule 059.05.15.011 adopts endorsement forms and rating rules for governmental units. Rule 059.05.15.012 adopts rates, rating rules, and forms for liquor liability insurance.

These manual rules, rating rules, rates, rating plans, and forms are subject to adoption under the Insurance Code, Article 5.97. Article 5.97 is an alternative to the Administrative Procedure and Texas Register Act. Simultaneously with this repeal, current manual rules, rating rules, rates, rating plans, and forms are being adopted under Article 5.97. No agency practice, procedure, or requirement will be changed as a result of this repeal. This repeal does not affect transactions occurring prior to its effective date.

No comments were received regarding adoption of the repeal.

The repeal is adopted under the Insurance Code, Article 5.15, pursuant to which the board may approve standard and uniform manual rules, rating rules, rates, rating plans, and forms for the lines of insurance regulated under the Insurance Code, Chapter 5, Subchapter B, and pursuant to the board's authority to repeal any rule it has previously promulgated.

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 October 15, 1984.

TRD-8410427 James W. Norman
Chief Clerk
State Board of Insurance

Effective date: November 15, 1984
Proposal publication date: April 13, 1984
For further information, please call (512) 475-2950.



Reaffirmation Form

059.05.15.002

The State Board of Insurance adopts the repeal of Rules 059.05.15.002, without changes to the proposal published in the June 19, 1984, issue of the *Texas Register* (9 TexReg 3292).

Rule 059.05.15.002 provides for a reaffirmation form to be used by an insurer who wishes to continue particular insurance coverage on a previously approved (a) rated basis for an additional policy term. The requirement for filing a reaffirmation form in such a circumstance has heretofore been deleted from the general liability portion of the *Commercial Lines Manual*. No present practice or requirement of the board is changed as a result of this repeal.

No comments were received regarding adoption of the repeal.

The repeal is adopted under the Insurance Code, Article 5.15, which provides the State Board of Insurance with the authority to approve rates for certain

insurance as specified in the Insurance Code, Article 5.15.

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 October 15, 1984.

TRD-8410428 James W. Norman
Chief Clerk
State Board of Insurance

Effective date: November 5, 1984
Proposal publication date: June 19, 1984
For further information, please call (512) 475-2950.

Filing of Rates and Rating Information

059.05.15.013, .014

The State Board of Insurance adopts the repeal of Rules 059.05.15.013 and .014, without changes to the proposal published in the April 13, 1984, issue of the *Texas Register* (9 TexReg 2068).

Rule 059.05.15.013 adopts bulletins concerning certain certificates of insurance. The bulletins contain only a suggested procedure and are therefore not a rule. Rule 059.05.15.014 adopts a general liability insurance single limit rules and rating procedure. A current version of this material is contained in the guide (a) rate portion of the general liability division of the *Commercial Lines Manual*. No present practice or requirement of the board will be changed by this repeal.

No comments were received regarding adoption of the repeal.

The repeal is adopted under the Insurance Code, Article 5.15, pursuant to which the board may approve standard and uniform rules, rates, forms, rating manuals, and rating procedures for the lines of insurance regulated under the Insurance Code, Chapter 5, Subchapter B.

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 October 15, 1984.

TRD-8410429 James W. Norman
Chief Clerk
State Board of Insurance

Effective date: November 5, 1984
Proposal publication date: April 13, 1984
For further information, please call (512) 475-2950.

059.05.15.015-.024

The State Board of Insurance adopts the repeal of Rules 059.05.15.015-.024, without changes to the proposals published in the April 13, 1984, and May 18, 1984, issues of the *Texas Register* (9 TexReg 2069 and 2742).

Rule 059.05.15.015 adopts a rate manual for fidelity, forgery, and surety bonds. Rule 059.05.15.016 adopts certain standard forms for blanket and forgery bonds. Rule 059.05.15.017 adopts tables of basic three-year term prepaid premiums for blanket fidelity bonds for mercantile establishments. Rule 059.05.15.018 adopts a rate manual for burglary insurance. Rule 059.05.15.019 adopts a rate manual and policy and endorsement forms for burglary, robbery, and theft insurance. Rule 059.05.15.020 adopts a rate manual for glass insurance. Rule 059.05.15.021 adopts certain standard provisions for glass insurance policies. Rule 059.05.15.022 adopts a rate manual for credit insurance. Rule 059.05.15.023 adopts policy and endorsement forms for credit insurance. Rule 059.05.15.024 adopts manual rules, rates, and forms for miscellaneous coverages.

These manuals, rates, forms, and provisions are subject to adoption under the Insurance Code, Article 5.97, which is an alternative to the Administrative Procedure and Texas Register Act. Simultaneously with this repeal, current manuals, rates, forms, and provisions are being adopted under Article 5.97. No agency practice, procedure, or requirement will be changed as a result of this repeal. This repeal does not affect the validity of any transaction occurring prior to its effective date.

No comments were received regarding adoption of the repeal

The repeal is adopted under the Insurance Code, Article 5.15, pursuant to which manuals, rates, forms, and provisions for the standard and uniform lines of insurance regulated under the Insurance Code, Chapter 5, Subchapter B, may be approved, and pursuant to the board's authority to repeal any rule it has previously promulgated.

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 October 15, 1984

TRD-8410430 James W Norman
Chief Clerk
State Board of Insurance

Effective date November 15, 1984
Proposal publication dates April 13, 1984
May 18, 1984

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

Rate Administration

059.05.19.006-.008

The State Board of Insurance adopts the repeal of 059.05.19.006-.008, without changes to the proposal published in the April 13, 1984, issue of the *Texas Register* (9 TexReg 2072).

Rule 059.05.19.006 adopts certain rating plans for surety bonds. Rule 059.05.19.007 adopts a theft in-

surance rating plan. Rule 059.05.19.008 adopts a glass insurance rating plan.

These rating plans are subject to adoption under the Insurance Code, Article 5.97, which is an alternative to the Administrative Procedure and Texas Register Act. Simultaneously with this repeal, rating plans for surety bonds, theft insurance, and glass insurance are being adopted under Article 5.97. No agency practice, procedure, or requirement is changed as a result of this repeal. This repeal does not affect the validity of any transaction occurring prior to its effective date.

No comments were received regarding adoption of the repeal.

The repeal is adopted under the Insurance Code, Article 5.15, pursuant to which the board may approve standard and uniform rating plans for the lines of insurance regulated under the Insurance Code, Chapter 5, Subchapter B.

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 October 15, 1984.

TRD-8410431 James W Norman
Chief Clerk
State Board of Insurance

Effective date: November 15, 1984
Proposal publication date: April 13, 1984
For further information, please call (512) 475-2950.

Application to Inland Marine Insurance, Rain Insurance, or Hail Insurance on Farm Crops; Definitions; Rates and Rating Plans Filed; Policy Forms; Checking Offices

059.05.53.001, .008, .009

The State Board of Insurance adopts the repeal of Rules 059.05.53.001, .008, and .009, without changes to the proposal published in the August 7, 1984, issue of the *Texas Register* (9 TexReg 4240).

Rule 059.05.53.001 adopts by reference a manual which contains manual rules, rates, and forms for inland marine insurance. Rule 059.05.53.008 adopts by reference a rules and rates manual for crop-hail insurance. Rule 059.05.53.009 adopts by reference certain crop-hail insurance policy forms. These manual rules, rates, and forms are subject to adoption under the Insurance Code, Article 5.97. Article 5.97 is an alternative to the Administrative Procedure and Texas Register Act. Simultaneously with this repeal, current manual rules, rates, and forms for inland marine and crop-hail insurance are being adopted under the Insurance Code, Article 5.97. No agency practice, procedure, or requirement will be changed as a result of this repeal. The repeal does not affect any transaction occurring prior to the repeal.

No comments were received regarding adoption of the repeal.

The repeal is adopted under the Insurance Code, Article 5.53, pursuant to which the board may review manual rules, rates, and forms for the lines of insurance regulated under that statute.

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

Issued in Austin, Texas, on October 15, 1984.

TRD-8410432 James W. Norman
 Chief Clerk
 State Board of Insurance

Effective date: November 15, 1984

Proposal publication date: August 7, 1984

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

059.05.53.002

The State Board of Insurance adopts the repeal of Rule 059.05.53.002, without changes to the proposal published in the August 7, 1984, issue of the *Texas Register* (9 TexReg 4241).

Rule 059.05.53.002 adopts by reference a Transportation Insurance Rating Bureau inland marine manual. This manual is out-of-date. A current manual is being adopted simultaneously with this repeal which will be applicable to the American Association of Insurance Services, which is the successor to the Transportation Insurance Rating Bureau. The current manual is being adopted under the Insurance Code, Article 5.97, which is an alternative to the Administrative Procedure and Texas Register Act.

No comments were received regarding adoption of the repeal.

This repeal is adopted under the Insurance Code, Article 5.53, pursuant to which the board may approve standard and uniform rates and rating plans and policy and endorsement forms for inland marine insurance.

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 October 15, 1984.

TRD-8410436 James W. Norman
 Chief Clerk
 State Board of Insurance

Effective date: November 5, 1984

Proposal publication date: August 7, 1984

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

059.05.53.004

The State Board of Insurance adopts the repeal of Rule 059.05.53.004, without changes to the proposal published in the August 7, 1984, issue of the *Texas Register* (9 TexReg 4241).

Rule 059.05.53.004 adopts by reference the National Association of Independent Insurers Bulletin IM-75,

1975, *Call for Inland Marine Experience*. This document is out-of-date and is not in the nature of a rule. The repeal will not change any present procedure or requirement of the board.

No comments were received regarding adoption of the repeal.

This repeal is adopted under the Insurance Code, Article 5.53(g), which provides that inland marine insurance is subject to the Insurance Code, Article 5.28; and Article 5.28, which authorizes the State Board of Insurance to make experience calls.

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 October 15, 1984.

TRD-8410437 James W. Norman
 Chief Clerk
 State Board of Insurance

Effective date: November 5, 1984

Proposal publication date: August 7, 1984

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

059.05.53.005-.007, .010

The State Board of Insurance adopts the repeal of Rules 059.05.53.005-.007 and .010, without changes to the proposal published in the April 13, 1984, issue of the *Texas Register* (9 TexReg 2074).

Rule 059.05.53.005 adopts by reference manual rules, rates, and forms for oil and gas lease property. Rule 059.05.53.006 adopts by reference manual rules, rates, and forms for mobile home dealers coverage. Rule 059.05.53.007 adopts by reference manual rules, rates, and forms for household floaters coverage. Rule 059.05.53.010 adopts by reference manual rules, rates, and forms for rain insurance coverage. These manual rules, rates, and forms are subject to adoption under the Insurance Code, Article 5.97. Article 5.97 is an alternative to the Administrative Procedure and Texas Register Act. Simultaneously with this repeal, these manual rules, rates, and forms are being adopted under Article 5.97. A savings clause is added to the instrument repealing these rules.

No comments were received regarding adoption of the repeal.

This repeal is adopted under the Insurance Code, Article 5.53, pursuant to which the board may review manual rules, rates, and forms for the lines of insurance regulated under that statute.

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

Issued in Austin, Texas, on October 15, 1984.

TRD-8410438 James W. Norman
 Chief Clerk
 State Board of Insurance

Effective date: November 15, 1984

Proposal publication date: April 13, 1984

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

059.05.53.011

The State Board of Insurance adopts the repeal of Rule 059.05.53.011, without changes to the proposal published in the August 7, 1984, issue of the *Texas Register* (9 TexReg 4242).

Rule 059.05.53.011 adopts by reference certain crop-hail policy and endorsement forms. These forms are out-of-date and are no longer in use. No present practice or requirement of the board is being changed as a result of this repeal.

No comments were received regarding adoption of the repeal.

The repeal is adopted under the Insurance Code, Article 5.53, pursuant to which the board may approve standard and uniform rates and rating plans and policy and endorsement forms for crop-hail insurance, and pursuant to the board's authority to repeal any rule it has previously promulgated.

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 October 15, 1984.

TRD-8410439 James W. Norman
Chief Clerk
State Board of Insurance

Effective date: November 5, 1984
Proposal publication date: August 7, 1984
For further information, please call (512) 475-2950.



059.05.53.012-.014

The State Board of Insurance adopts the repeal of Rules 059.05.53.012-.014, without changes to the proposal published in the August 7, 1984, issue of the *Texas Register* (9 TexReg 4243).

Rule 059.05.53.012 adopts by reference an agent's manual for writing crop-hail insurance. Rule 059.05.53.013 adopts by reference a customer's personal jewelry policy form. Rule 059.05.53.014 adopts by reference a personal inland marine manual containing rules and rates. These programs are out-of-date and no longer in use. No present board practice or requirement of the board is being changed as a result of the repeal.

No comments were received regarding adoption of the repeal.

The repeal is adopted under the Insurance Code, Article 5.53, pursuant to which the State Board of Insurance may approve standard and uniform rates and rating plans and policy and endorsement forms for inland marine and crop-hail insurance.

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 October 15, 1984.

TRD-8410440 James W. Norman
Chief Clerk
State Board of Insurance

Effective date: November 5, 1984
Proposal publication date: August 7, 1984
For further information, please call (512) 475-2950.

TITLE 37. PUBLIC SAFETY AND CORRECTIONS

Part III. Texas Youth Commission

Chapter 91. Corsicana Residential Treatment Center

Communications

**37 TAC §§91.601, 91.604, 91.607, 91.611,
91.615, 91.619, 91.623, 91.627, 91.631,
91.635, 91.639, 91.643, 91.651, 91.655,
91.659, 91.661, 91.665, 91.669, 91.673,
91.681, 91.685, 91.689, 91.693**

The Texas Youth Commission adopts new §§91.601, 91.604, 91.607, 91.611, 91.615, 91.619, 91.623, 91.627, 91.631, 91.635, 91.639, 91.643, 91.651, 91.655, 91.659, 91.661, 91.665, 91.669, 91.673, 91.681, 91.685, 91.689, and 91.693, concerning communications, without changes to the proposed text published in the September 14, 1984, issue of the *Texas Register* (9 TexReg 4855).

The new sections govern the activities of the security unit at the Corsicana Residential Treatment Center (CRTC). The rules are similar to the security policies adopted for TYC institutions (9 TexReg 1581) but they stress CRTC's treatment orientation.

The sections will be used to monitor the operation of CRTC's security unit; ensure due process protections for students in security; and increase staff efficiency.

No comments were received regarding adoption of the new sections.

The new sections are adopted under the Human Resources Code, §61.075, which provides the Texas Youth Commission with the authority to order the confinement of a delinquent child committed to the agency under conditions it believes best designed for the child's welfare and the interests of the public.

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 October 16, 1984.

TRD-8410483 Ron Jackson
Executive Director
Texas Youth Commission

Effective date: November 16, 1984
Proposal publication date: September 14, 1984
For further information, please call (512) 452-8111,
ext. 390.

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 Department of Agriculture

Thursday, October 25, 1984, 3:45 p.m. The Texas Department of Agriculture will meet at its office on Expressway 83, two blocks west of Morningside Road, San Juan. According to the agenda, the department will conduct an administrative hearing to review possible violations of the Texas Agriculture Code, §76.111(a) and (g) and §76.116(a)(5), by J. W. Murphey, doing business as C & M Construction and Specialities Company, holder of a commercial applicator's license.

Tuesday, November 13, 1984, 10:30 a.m. The Texas Department of Agriculture will meet at 2935 Westhollow Drive, Houston. According to the agenda, the department will conduct an administrative hearing to review possible violations of the Texas Agriculture Code, §76.111(a) and (g) and §76.116(a)(5), by Richard Gordon, doing business as Growth Systems, Inc., holder of a commercial applicator's license.

Tuesday, November 13, 1984, 1 p.m. The Texas Department of Agriculture will meet at 2935 Westhollow Drive, Houston. According to the agenda, the department will conduct an administrative hearing to review possible violations of the Texas Agriculture Code, §76.111(a) and (g) and §76.116(a)(5), by Mary Wallace, doing business as Wood-

chuck Tree Service, holder of a commercial applicator's license.

Contact: Samuel T. Biscoe, P.O. Box 12847, Austin, Texas 78711, (512) 475-6686.

Filed: October 17, 1984, 9:47 a.m.
TRD-8410490-8410492

State Bar of Texas

Wednesday, October 24, 1984, 10 a.m. The Executive-Budget Committee of the State Bar of Texas will meet in the Barbados Room, Sandy Shores Hotel, 3200 Surfside, Corpus Christi. According to the agenda summary, the committee will hear a report from the president concerning general and committee matters, interest on lawyers' trust accounts, minimum continuing legal education, a progress report on the Texas Law Center meeting room facilities, and a report on the meeting with Houston Directors and Grievance Committee chairpersons; discuss budgetary matters; and hear reports of the executive director, president-elect, immediate past president, board chairman, Supreme Court liaison, general counsel, the Committee on Scope and Correlation, the Special Committee on Facilities

and Equipment, the Goals and Implementation Committee, the Ad Hoc Committee to Study Problems of Defense Counsel for Indigents in Certain Small Counties, the Standing Committee on Professional Development, the Recommendations of the Peer Committee, the Print Shop Committee, the Lawyers' Assistance Committee, and Advocacy, Inc.; and hear reports concerning the 1985 Legislative Program and the 1984-1985 conventions.

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

Filed: October 16, 1984, 3:35 p.m.
TRD-8410480

Thursday and Friday, October 25 and 26, 1984, 9 a.m. daily. The Board of Directors of the State Bar of Texas will meet in the ballroom, Sandy Shores Hotel, 3200 Surfside, Corpus Christi. According to the agenda summary, the board will consider legislative proposals; hear reports of the president, the Committee on the Thurgood Marshall School of Law Problem, the executive director, the president-elect, the immediate past president, the board chairman, the federal judiciary liaison, the Judicial Section chair-

man, the general counsel, the TYLA president, the PDP director, the Ad Hoc Committee on the Print Shop, Labor Law Sections, board committees, and standing and special committees; consider budgetary matters, a presentation on the Judicial Budget Board, a report on interest on lawyers' trust accounts, and reports on 1984-1985 conventions and approval of the 1985 convention budget.

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

Filed: October 17, 1984, 3:12 p.m.
TRD-8410539

Texas Conservation Foundation

Friday, October 19, 1984, 8 a.m. The Board of the Texas Conservation Foundation met in an emergency rescheduled session in Room 833, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. Items on the agenda included the previous meeting minutes, the executive director's report, the Sunset Advisory Commission report, San Jacinto land acquisition, the Map Publishing Committee project, a Montgomery County land donation, the Texas Youth Conservation Corps, and lakeshore clean-up. The emergency status was necessary to accommodate a board member. The meeting originally was scheduled for October 19, 1984, at 9 a.m.

Contact: M. J. Hutchins, Stephen F. Austin Building, Room 611, 1700 North Congress Avenue, Austin, Texas 78701, (512) 475-0342.

Filed: October 17, 1984, 9:46 a.m.
TRD-8410495

Texas Education Agency

Friday, October 19, 1984, 1 p.m. The Committee for Finance and Programs of the State Board of Education of the Texas Education Agency (TEA) made emergency additions to the agenda of a meeting held in Room 101-E, TEA North Building, 1200 East Anderson Lane, Austin. The additions concerned introduction of the investment staff to committee members, a presentation on the permanent school fund, review of securities transactions and the investment portfolio, a recommended investment program for October, estimated funds available for the October program, and a report of

the investment officer. The emergency status was necessary because a separate Investment Committee had not been established at the time. The responsibilities of the Investment Committee will be performed by the Committee for Finance and Programs.

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

Filed: October 17, 1984, 3:41 p.m.
TRD-8410540

Employees Retirement System of Texas

Monday, October 29, 1984, 9 a.m. The Board of Trustees of the Employees Retirement System (ERS) of Texas will meet at the ERS Building, 18th and Brazos Streets, Austin. According to the agenda, the board will consider an amendment to the investment policy; adopt a calendar for electing an employee board member; discuss and/or act on the uniform group insurance program for 1985-1986; discuss a proposal to obtain consultant services to revise certain uniform group insurance program documents; appeals of contested cases; and the executive director's report. The board also will meet in executive session.

Contact: Clayton T. Garrison, 18th and Brazos Streets, Austin, Texas 78701, (512) 476-6431.

Filed: October 18, 1984, 9:05 a.m.
TRD-8410543

Office of the Firemen's Pension Commissioner

Thursday, November 1, 1984, 10 a.m. The Administrative Division of the Office of the Firemen's Pension Commissioner will meet at the Wyndham Southpark Hotel, 4140 Governor's Row, Austin. According to the agenda, in conjunction with the National Fire and Police Pension Fund Association Conference to be held November 1-3, 1984, at the Wyndham Hotel, the Board of Trustees of the firemen's relief and retirement fund for the Senate Bill 411 pension system will meet to discuss the pension plan.

Contact: Hal H. Hood, Sam Houston Building, Room 503F, 201 East 14th Street, Austin, Texas 78701, (512) 475-5879.

Filed: October 16, 1984, 2:47 p.m.
TRD-8410468

Office of the Governor

Wednesday, October 24, 1984, 10 a.m. The Policy Development Committee of the State Job Training Coordinating Council of the Office of the Governor will meet in the seventh floor conference room, Sam Houston Building, 201 East 14th Street, Austin. According to the agenda, the committee will decide if any recommendations should be taken to the full council at the next council meeting on November 2, 1984, and discuss employment and training and prison reform, public assistance programs, functional illiteracy and employment and training, the state job training fund, and public service employment legislation.

Contact: Nina Rivkin, Sam Houston Building, 201 East 14th Street, Austin, Texas 78711, (512) 475-2624.

Filed: October 16, 1984, 4:26 p.m.
TRD-8410482

Friday, October 26, 1984, 10 a.m. The Texas Crime Stoppers Advisory Council of the Criminal Justice Division of the Office of the Governor will meet in Room 503-G, Sam Houston Building, 201 East 14th Street, Austin. According to the agenda, the council will approve minutes and hear reports on local crime stoppers programs.

Contact: Greg MacAleese, P.O. Box 12428, Austin, Texas 78711, (800) 252-TIPS or (512) 475-2303.

Filed: October 17, 1984, 9:26 a.m.
TRD-8410486

Friday, October 26, 1984, 2 p.m. The Texas Crime Stoppers Media Committee of the Criminal Justice Division of the Office of the Governor will meet in Room 503-G, Sam Houston Building, 201 East 14th Street, Austin. According to the agenda, the committee will approve minutes, view and discuss submitted crime spots, and conduct additional business.

Contact: Greg MacAleese, P.O. Box 12428, Austin, Texas 78711, (800) 252-TIPS or (512) 475-2303.

Filed: October 17, 1984, 9:27 a.m.
TRD-8410487

Texas Health Facilities Commission

Thursday, October 25, 1984, 1:30 p.m. The Texas Health Facilities Commission will

meet in Suite 305, Jefferson Building, 1600 West 38th Street, Austin. According to the agenda summary, the commission will consider the following applications.

Certificate of Need

Andrews Nursing Home, Andrews
AN84-0718-469
Garza Memorial Hospital, Post
AH84-0622-401

Amendments of Certificate of Need Orders

Humana Hospital—Metropolitan,
San Antonio
AH82-1025-137A(082984)
Heritage Manor Southwest Parkway,
Wichita Falls
AN82-0708-016A(083184)

Declaratory Rulings

Texas Tower Partnership, a to-be-formed partnership, Houston
AO84-0904-566
Cardiovascular Health Unit, a proposed Texas limited partnership, Abilene
AO84-0906-570
Spohn Hospital, Corpus Christi
AH84-0917-589

Notice of Intent to Acquire Major Medical Equipment

Allan Shivers Radiation Therapy Center,
Austin
AO84-0813-524

Notices of Intent to Acquire Existing Health Care Facilities

Demeris Smith, Houston
AN84-0831-555
SCA-Bryan Development Corporation, a Texas corporation and wholly-owned subsidiary of Surgical Care Affiliates, Inc., and Bryan-SC, Inc., a Texas corporation and wholly-owned subsidiary of Surgical Care Affiliates, Inc., or any other wholly-owned subsidiary of Surgical Care Affiliates, Inc., Fort Worth
AS84-0831-559
Westworld Community Healthcare of Texas, Inc., a wholly-owned subsidiary of Westworld Community Healthcare, Inc., a Delaware corporation, Lake Forest, California
AH84-0912-581

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

Filed: October 17, 1984, 9:33 a.m.
TRD-8410488



State Department of Highways and Public Transportation

Thursday and Friday, October 25 and 26, 1984, 9 a.m. daily. The State Highway and Public Transportation Commission of the State Department of Highways and Public Transportation will meet in Room 207, second floor, on Thursday, and Room 101, first floor, on Friday, in the Dewitt C. Greer Building, 11th and Brazos Streets, Austin. According to the agenda summary, on Thursday the commission will execute contract awards and routine minute orders, consider decisions on presentations from public hearing dockets, and review staff reports relative to planning and construction programs and projects. The agenda is available in the second floor office of the minute clerk in the Dewitt C. Greer Building. On Friday, the commission will consider presentations by the public for various highway, bridge, and FM road requests for Harris; Tarrant; Bexar; Ellis; Navarro; Fannin; Hidalgo, Cameron, Willacy, and Starr Counties; the "Green Carpet Route" which extends from the Texas-Oklahoma border north of Paris to Houston and Port Arthur; and Jefferson; Montgomery; Matagorda; Rusk; Cass; and Lubbock Counties. The docket is available in the second floor commission office in the Dewitt C. Greer Building.

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

Filed: October 17, 1984, 1:51 p.m.
TRD-8410506

Texas Historical Commission

Monday, October 22, 1984, 9 a.m. The Texas Historical Commission met in emergency session at Naegelin Hall, 400 Angelo Street, Castroville. According to the agenda summary, the commission heard the chairman's report, including the approval of Minutes 133, gifts and donations for the quarter, approval of the financial statement, and a Nominating Committee appointment for 1985; considered the Main Street project, including cities applying for 1985 designation and the Main Street conference; considered the Marker Committee, including approval for markers for the quarter and an oral history workshop; heard reports of the Sesquicentennial Committee, the Publications Committee, the Museum and Field Services Committee, the National Register Committee, including a report from the Cultural Resources Depart-

ment, and the Archaeology Committee, including research projects and public outreach. The emergency status was necessary because agenda items were submitted too late for any other type of posting.

Contact: Susan Willis, P.O. Box 12276, Austin, Texas 78711, (512) 475-3092.

Filed: October 17, 1984, 9:48 a.m.
TRD-8410493

State Board of Insurance

Wednesday, October 24, 1984. The Commissioner's Hearing Section of the State Board of Insurance will conduct public hearings in Room 353, 1110 San Jacinto Street, Austin. Times and dockets follow.

9 a.m. Docket 7800—whether the certificate of authority held by American First Life and Accident Insurance Company, Dallas, should be canceled or revoked.

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

Filed: October 16, 1984, 2:51 p.m.
TRD-8410469

10 a.m. Docket 7801—whether the certificate of authority held by Family Security Insurance Company, Fort Worth, should be canceled or revoked.

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

Filed: October 16, 1984, 2:51 p.m.
TRD-8410470

11 a.m. Docket 7802—whether the certificate of authority held by Pacific International Insurance Company, Houston, should be canceled or revoked.

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

Filed: October 16, 1984, 2:51 p.m.
TRD-8410471

1 p.m. Docket 7803—whether the certificate of authority held by Union and Phenix Espanol Insurance Company, New York, New York, should be canceled or revoked.

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

Filed: October 16, 1984, 2:51 p.m.
TRD-8410472

2 p.m. Docket 7804—whether the certificate of authority held by Preferred Security Life

Texas Register

Insurance Company, Dallas, should be canceled or revoked.

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

Filed: October 16, 1984, 2:51 p.m.
TRD-8410473

3 p.m. Docket 7805—whether the certificate of authority held by Lewis Life Insurance Company, Marshall, should be canceled or revoked.

Filed: October 16, 1984, 2:52 p.m.
TRD-8410474

Friday, October 26, 1984. The Commissioner's Hearing Section of the State Board of Insurance will conduct public hearings at 1110 San Jacinto Street, Austin. Times, rooms, and dockets follow.

9 a.m. In Room 342, Docket 7807—whether the certificate of authority held by Griffin Burial Association, Corsicana, should be canceled or revoked.

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

Filed: October 16, 1984, 2:52 p.m.
TRD-8410476

10 a.m. In Room 342, Docket 7808—whether the certificate of authority held by Good Samaritan Burial Association, Greenville, should be canceled or revoked.

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

Filed: October 16, 1984, 2:52 p.m.
TRD-8410477

4 p.m. In Room 353, Docket 7806—whether the certificate of authority held by Howell Corporation Employees Benefit Association, Houston, should be canceled or revoked.

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

Filed: October 16, 1984, 2:52 p.m.
TRD-8410475

Monday, October 29, 1984, 9 a.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 342, 1110 San Jacinto Street, Austin. According to the agenda, the section will conduct a public hearing in Docket 7830—consideration of a reinsurance agreement whereby Heartland Life Insurance Company, Comanche, will be reinsured by Family Life Insurance Company of Texas, Waco.

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

Filed: October 16, 1984, 2:52 p.m.
TRD-8410478

Monday, October 29, 1984, 1:30 p.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 353, 1110 San Jacinto Street, Austin. According to the agenda, the section will conduct a public hearing in Docket 7817—whether the Group I legal reserve life insurance agent's license and Group II health and accident insurance agent's license held by John Joseph Gast, Grand Prairie, should be canceled or revoked.

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

Filed: October 17, 1984, 4:51 p.m.
TRD-8410541

Texas Juvenile Probation Commission

Friday, November 2, 1984, 10 a.m. The Texas Juvenile Probation Commission will meet at 2015 IH 35 South, Austin. Items on the agenda include approval of the August 10, 1984, minutes; the director's report, a legislative report, including Legislative Budget Board recommendations to the commission's budget request and proposed legislation; and approval of 1984 budget transfers and reallocation of state aid funds.

Contact: Bill Anderson or Judy Culpepper, P.O. Box 13547, Austin, Texas 78711, (512) 443-2001.

Filed: October 17, 1984, 1:47 p.m.
TRD-8410505

Board of Pardons and Paroles

Wednesday, October 17, 1984, 10:30 a.m. The Board of Pardons and Paroles met in emergency session at 8610 Shoal Creek Boulevard, Austin. According to the agenda, the board considered and acted upon personnel matters. The emergency status was necessary because board members could not adjust their schedules to meet at any other reasonable time.

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

Filed: October 16, 1984, 2:19 p.m.
TRD-8410459

Public Utility Commission of Texas

Monday, October 22, 1984, 10 a.m. The Hearings Division of the Public Utility Commission of Texas met in emergency session in Suite 450N, 7800 Shoal Creek Boulevard, Austin. According to the agenda, the division conducted a hearing on the merits in Docket 5790—petition for review by Texas Utilities Electric Company of the rate-making ordinances of various cities. The emergency status was necessary because of statutory deadlines.

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

Filed: October 16, 1984, 2:11 p.m.
TRD-8410456

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, October 30, 1984, 10 a.m. A prehearing conference in Docket 5923—inquiry into the legality of rates charged by Lake of the Hills Estates Water Company.

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

Filed: October 18, 1984, 9:41 a.m.
TRD-8410545

Thursday, November 1, 1984, 1:30 p.m. A prehearing conference in Docket 5858—application of General Telephone Company of the Southwest for the addition of the Penelope special rate area in the Malone exchange.

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

Filed: October 17, 1984, 2:17 p.m.
TRD-8410524

Friday, November 2, 1984, 1:30 p.m. A prehearing conference in Docket 5880—application of Continental Telephone Company of Texas to amend its certificate of convenience and necessity between the Venus exchange and Southwestern Bell Telephone Company's Alvarado exchange in Johnson County.

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

Filed: October 17, 1984, 2:17 p.m.
TRD-8410525

Thursday, November 8, 1984, 10 a.m. A prehearing conference in Docket 5451—ap-

plication of the City of Belton to amend water and sewer certificates of convenience and necessity within Bell County.

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

Filed: October 17, 1984, 9:48 a.m.
TRD-8410496

Friday, November 9, 1984, 10 a.m. A prehearing conference in Docket 5961—application of Ingram Water Supply, Inc., for a rate/tariff change.

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

Filed: October 17, 1984, 9:48 a.m.
TRD-8410497

Addition to the previous agenda:

A prehearing conference in Docket 5907—application of Hickory Water Works for a certificate of convenience and necessity within Atascosa County.

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

Filed: October 17, 1984, 2:17 p.m.
TRD-8410526

Tuesday, November 20, 1984, 9 a.m. The commissioners will consider the final adoption of 16 TAC §23.42, concerning refusal of service; 16 TAC §23.43, concerning applicant and customer deposit; and 16 TAC §23.46, concerning discontinuance of service. Comments concerning the proposed amendments should be filed by Monday, November 12, 1984.

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

Filed: October 17, 1984, 3:06 p.m.
TRD-8410538

Wednesday, December 5, 1984, 9:30 a.m. A rescheduled hearing on the merits in Docket 5782—application of the City of Schertz to transfer Schaefer Road Rural Water Supply Corporation in Bexar County. The hearing was originally scheduled for November 1, 1984, as published at 9 TexReg 4468.

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

Filed: October 16, 1984, 2:12 p.m.
TRD-8410457

Tuesday, December 18, 1984, 10 a.m. A hearing on the merits in Docket 4650—ap-

plication of the City of College Station to amend its certificate of convenience and necessity within Brazos County; and Docket 5763—application of Wellborn Water Supply Corporation to amend its certificate of convenience and necessity within Brazos County.

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

Filed: October 17, 1984, 9:48 a.m.
TRD-8410498

Monday, February 4, 1985, 10 a.m. A hearing on the merits in Docket 5884—petition of Texas Industrial Energy Consumers against Central Power and Light Company.

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

Filed: October 16, 1984, 2:12 p.m.
TRD-8410458

State Rural Medical Education Board

Saturday, October 27, 1984, 8 a.m. The State Rural Medical Education Board rescheduled a meeting to be held in Room 526, Granada Royale Homotel, Austin. According to the agenda, the board will recognize appointments of new members and reorganization of the board, review potential default cases, interview new applicants and award loans, and review requests for renewal and supplemental loans and award, if applicable. The meeting originally was scheduled for October 27, 1984, at 8:30 a.m.

Contact: Duane Keeran, 211 Erst Seventh Street, Austin, Texas 78701, (512) 475-0801.

Filed: October 17, 1984, 9:47 a.m.
TRD-8410494

University Interscholastic League

Sunday and Monday, October 21 and 22, 1984, 8 a.m. daily. The 44th Legislative Council of the University Interscholastic League met at La Mansion Hotel, 6505 IH 35 North, Austin. Items on the agenda included policy, athletic, music, and literary related items presented by individuals to a 20-member legislative council and referred to standing committees, with final action taken by the Legislative Council.

Contact: Bailey Marshall, P.O. Box 8028, Austin, Texas 78712, (512) 471-5883.

Filed: October 16, 1984, 4:13 p.m.
TRD-8410481

Veterans Land Board

Thursday, October 18, 1984, 9 a.m. The Veterans Land Board (VLB) of the General Land Office met in emergency rescheduled session in Room 831, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the board approved the September 5, 1984, minutes; considered adoption of resolutions approving bidding instructions, official notice, official statement, and the authorizing of issuance and sale and providing for other matters related to VLB bonds, Series 1984B; considered bids and awarding a contract for paying agents/registrar services; took other action considered to be appropriate and/or necessary for the sale of bonds; considered bids of the forfeited land sale; considered home improvement guidelines; considered a double submission fee for the lender by Lomas and Nettleton; considered a reinstatement request of a veteran's eligibility for the Veterans Land Program; and considered other business of the board. The emergency status was necessary to consider adoption of a resolution authorizing the issuance and sale of veterans bonds, Series 1984B. The meeting was originally scheduled for October 18, 1984, at 10:30 a.m.

Contact: Richard Keahey, Stephen F. Austin Building, Room 711, 1700 North Congress Avenue, Austin, Texas 78701, (512) 475-6755.

Filed: October 16, 1984, 11:48 a.m.
TRD-8410454

Texas Water Commission

Monday, December 3, 1984, 10 a.m. The Texas Water Commission will conduct hearings in Room 152, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. Agendas follow.

Application of Cameron County Fresh Water Supply District 1, seeking to amend Certificate of Adjudication 23-138 to change the purpose of use of 636.6 acres of water rights diverted from the Rio Grande, Rio Grande Basin, from irrigation to municipal

use in Cameron County, and to change the place of use.

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

Filed: October 16, 1984, 1:57 p.m.
TRD-8410460

Application of Cameron County Fresh Water Supply District 1, seeking to amend Certificate of Adjudication 23-182 to change the purpose of use of 50 acres of Class B water rights diverted from the Rio Grande, Rio Grande Basin, from irrigation to municipal use in Cameron County, to change the place of use, and to change the point of diversion.

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

Filed: October 16, 1984, 1:57 p.m.
TRD-8410461

Application of Robert A. Mezger and wife, Frances F. Mezger, seeking to amend their Certificate of Adjudication 12-2281 to authorize a total diversion of 218 acre-feet of water per annum from the North Bosque River, Brazos River Basin, for irrigation use on the entire 87.5-acre tract in Bosque County, and to increase the maximum diversion rate to 2.67 cfs (1,200 gpm).

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

Filed: October 16, 1984, 1:57 p.m.
TRD-8410462

Thursday, December 6, 1984, 10 a.m. The Texas Water Commission will conduct public hearings in Room 618, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. Agendas follow.

Application 4496 of William Walls, Jr., seeking a permit to divert and use 30 acre-feet of water per annum from an exempt 10-acre-foot capacity reservoir on Martinez Creek, tributary of Cibolo Creek, Tributary of the San Antonio River, San Antonio River Basin, for irrigation use in Bexar County.

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

Filed: October 16, 1984, 1:59 p.m.
TRD-8410463

Application 4499 of Joseph M. Stanush, Jr., and wife, Suzanne S. Stanush, and Susie Stanush seeking a permit to divert and use 240-acre-feet of water per annum from an existing 1.3-acre-foot capacity exempt reservoir on Martinez Creek, tributary of Cibolo Creek, tributary of the San Antonio River, San Antonio River Basin, for irrigation use in Bexar County.

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

Filed: October 16, 1984, 1:58 p.m.
TRD-8410464

Application 4497 of Lorene A. Drzymalla, Carl Ray Drzymalla, and Theodore E. Drzymalla, Jr., seeking a permit to divert and use 378 acre-feet of water per annum directly from Martinez Creek, tributary of Cibolo Creek, tributary of San Antonio River, San Antonio River Basin, for irrigation use in Bexar County.

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

Filed: October 16, 1984, 1:58 p.m.
TRD-8410465

Application 4495 of William Walls, Jr., and wife, Irene C. Walls, seeking a permit to divert and use 50 acre-feet of water per annum directly from the San Antonio River, San Antonio River Basin, for irrigation use in Wilson County.

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

Filed: October 16, 1984, 1:58 p.m.
TRD-8410466

Application 4498 of Virginia Jaksik seeking a permit to divert and use 153 acre-feet of water per annum directly from Martinez Creek, tributary of Cibolo Creek, tributary of San Antonio River, San Antonio River Basin, for irrigation use in Bexar County.

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

Filed: October 16, 1984, 1:58 p.m.
TRD-8410467

Regional Agencies Meetings Filed October 16

The Central Texas Council of Governments, Executive Committee, will meet at 302 East Central, Belton, on October 25, 1984, at 11 a.m. Information may be obtained from Walton B. Reedy, P.O. Box 729, Belton, Texas 76513, (817) 939-1803.

The Henderson County Appraisal District, Board of Directors, met in emergency session at 101 East Corsicana, Athens, on October 16, 1984, at 7:30 p.m. Information may be obtained from Linda Hagar, 101 East Corsicana, Athens, Texas 75751, (214) 675-9296.

The West Central Texas Council of Governments, Executive Committee, will meet at 1025 East North 10th Street, Abilene, on October 24, 1984, at 12:45 p.m. The Regional Alcohol and Drug Abuse Advisory Council will meet at 3450 South Clack, Abilene, on October 25, 1984, at noon. Information may be obtained from Brad Helbert or Sue Smith, P.O. Box 3195, Abilene, Texas 79604, (915) 672-8544.

TRD-8410449

Meetings Filed October 17

The Alamo Area Council of Governments, Executive Committee, will meet in Room 420, Three Americas Building, San Antonio, on October 24, 1984, at noon. Information may be obtained from Al J. Notzon III, 118 Broadway, Suite 400, San Antonio, Texas 78205, (512) 225-5201.

The Bexar Appraisal District, Appraisal Review Board, met in emergency session at 535 South Main, San Antonio, on October 19, 1984, at 9 a.m. The board also will meet at the same location on October 25, 29, and 31, 1984, at 8:30 a.m. daily. Information may be obtained from Bill Burnette, 535 South Main, San Antonio, Texas 78204, (512) 224-8511.

The Brown County Appraisal District met in emergency session at 403 Fisk Avenue, Brownwood, on October 18, 1984, at 7 p.m. Information may be obtained from Alvis Sewalt, 403 Fisk Avenue, Brownwood, Texas 76801, (915) 643-5676.

The Colorado River Municipal Water District, Board of Directors, will meet at 400 East 24th Street, Big Spring, on October 24, 1984, at 10 a.m. Information may be obtained from O. H. Ivie, P.O. Box 869, Big Spring, Texas 79720, (915) 267-6341.

The Dallas Area Rapid Transit Authority, Communications and Community Involvement Committee, made an emergency revision to the agenda of a meeting held at 601 Pacific Avenue, Dallas, on October 18, 1984, at 4:30 p.m. The Personnel Committee met in emergency session at the same location on October 19, 1984, at 4 p.m. The Budget and Finance Committee revised the agenda of a meeting held at the same location on October 22, 1984, at 3 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 748-3278.

The Fisher County Appraisal District, Board of Review, will meet in the commis-

sioners courtroom, Fisher County Court-
house, Roby, on October 26, 1984, at 10
a.m. Information may be obtained from
Rhonda Boyd, P.O. Box 516, Roby, Texas
79543, (915) 776-2733.

The Gregg County Appraisal District,
Board of Review, will meet at 2010 Gilmer
Road, Longview, on October 30, 1984, at
1:30 p.m. Information may be obtained
from William T. Carroll, P.O. Box 6700,
Longview, Texas 75608, (214) 759-0015.

**The Panhandle Regional Planning Commis-
sion,** Board of Directors, will meet in the

first floor conference room, Briercroft
Building, Eighth and Jackson Streets,
Amarillo. Information may be obtained
from Polly Jennings, P.O. Box 9257,
Amarillo, Texas 79105, (806) 372-3381.

TRD-8410500

Meetings Filed October 18

The Edwards Underground Water District,
Executive Committee, made additions to

the agenda of a meeting to be held in the
conference room, 1615 North St. Mary's,
San Antonio, on October 23, 1984, at 10
a.m. Information may be obtained from
Thomas P. Fox, 1615 North St. Mary's,
San Antonio, Texas 78212, (512) 222-2204.

The Trinity River Authority of Texas,
Board of Directors, will meet at 5300 South
Collins Street, Arlington, on October 24,
1984, at 10 a.m. Information may be ob-
tained from J. Sam Scott, 5300 South Col-
lins, Arlington, Texas 76004-0060, (817)
467-4343.

TRD-8410544

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 October 8-12, 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.

Vi-Tex Packaging, La Marque; rotogravure printing; 502 Volney Road. Galveston County; 9530; new source

Sil Flo, Inc., Fort Worth; perlite expanding; 3405 North Sylvania, Tarrant County; 6015A; modification

Callahan County Gas Systems, Inc., Oplin; gas compression and sweetening operation; Oplin, Callahan County; 9531; new source

American International Manufacturing Corporation, Fort Worth; ajax furnaces; 3209 North Sylvania; Tarrant County; 144A; modification

American Choline Company, Inc., La Porte; choline chloride plant; 600 Battleground Road, Harris County; 9532; new source

Vi-Tex Packaging, La Marque; rotogravure printing; 502 Volney Road, Galveston County; 9533; new source

Liquid Energy Corporation, Bridgeport; 6,000 HP compressor station; State Highway 114, Wise County; 9534; new source

Princeton Packaging, Inc., Dallas; flexographic printing presses; 2236 South Cockrell Avenue, Dallas County; 9434A; modification

Issued in Austin, Texas, on October 15, 1984.

TRD-8410453 Paul M. Shinkawa
Director of Hearings
Legal Division
Texas Air Control Board

Filed: October 16, 1984

For further information, please call (512) 451-5711, ext. 354.

Banking Department of Texas Application to Acquire Control of a State Bank

Texas Civil Statutes, Article 342-401a, require any person who intends to buy control of a state bank to file an application with the banking commissioner for the commissioner's approval to purchase control of a particular bank. A hearing may be held if the application is denied by the commissioner.

On October 15, 1984, the banking commissioner received an application to acquire control of The Colony Bank, The Colony, by Kenny Ewell Marchant of Carrollton.

Additional information may be obtained from William F. Aldridge, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 475-4451.

Issued in Austin, Texas, on October 15, 1984.

TRD-8410451 William F. Aldridge
Director of Corporate Activities
Banking Department of Texas

Filed: October 16, 1984
For further information, please call (512) 475-4451.

Texas Education Agency Consultant Contract Award

This notice is filed pursuant to the provisions of Texas Civil Statutes, Article 6252-11c.

Description. After publication of a request for proposals in the July 24, 1984, issue of the *Texas Register* (9 TexReg 4038), the Texas Education Agency on October 11, 1984, executed a contract with National Evaluation Systems, Inc., 30 Gatehouse Road, P. O. Box 226, Amherst, Massachusetts, 01004, for the purpose of developing the Texas Teacher Certification Testing Program and for continuing administration of the testing program.

Contract Amount. The contract amount is \$1,122,300.

Period of Contract. The beginning date was September 12, 1984, and the ending date is March 30, 1986.

Due Dates of Documents. The contractor shall deliver all contracted products in conformance with appropriate professional standards and subject to the review of the associate commissioner for professional support, Texas Education Agency. The associate commissioner shall indicate, within mutually agreed upon timelines, approval, or reasons for nonapproval, of all processes, activities, and products.

Issued in Austin, Texas, on October 15, 1984

TRD-8410413 Raymon L. Bynum
Commissioner of Education

Filed: October 15, 1984
For further information, please call (512) 475-7077.

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

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

project; NIE/HMO indicates notice of intent for exemption of HMO-related project; and EC indicates exemption certificate.

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

The contents and form of a request to become a party to any of these applications must meet the criteria set out in 25 TAC §515.9. Failure of a party to supply the necessary information in the correct form may result in a defective request to become a party.

Panhandle Hospital Authority and the Baptist
General Convention of Texas for High Plains
Baptist Hospital, Amarillo
AH83-0114-032A(092884)

CN/AMD—Request to increase the new construction square footage from 91,800 to 113,953 square feet in Certificate of Need AH83-0114-032, which authorized the certificate holder to conduct an extensive construction and renovation project.

Harris Hospital Methodist, Fort Worth
AH82-0628-050A(092884)

CN/AMD—Request to increase total square footage of new construction from 242,300 to 277,220 square feet in Certificate of Need AH82-0628-050, which authorized the certificate holder to conduct a major construction and renovation program.

Issued in Austin, Texas, on October 17, 1984.

TRD-8410489 John R. Neel
General Counsel
Texas Health Facilities
Commission

Filed: October 17, 1984
For further information, please call (512) 475-6940.

Texas Housing Agency Public Hearings for Approval of Industrial Development Bonds for Residential Real Property

The Texas Housing Agency (THA) will conduct two public hearings concerning public approval for the issuance of industrial development bonds for residential real property. In accordance with federal law, the THA intends to seek public approval from the attorney general, the governor, or other applicable elected representative or designated official of the State of Texas for the issuance of a series of multifamily residential development revenue

bonds (the bonds), in amounts not expected to exceed the following approximate amounts.

Pursuant to the statutory authority of the THA, the bonds are being proposed to provide financing for sanitary, decent, and safe dwelling accommodations for persons and families of low income and families of moderate income. If issued, the bonds will constitute limited obligations of the THA. Neither the State of Texas nor any political subdivision, other than the THA, will be liable for the bonds. The bonds will not constitute a debt of the State of Texas.

The executive administrator or deputy administrator of the THA will hold separate public hearings on the two residential projects proposed to be financed by the bonds. The first hearing will be held at 10 a.m. on Tuesday, October 30, 1984, at the Best Western Royal Inn, 2301 Decker Drive, Baytown. The proposed residential project and description are as follows.

The mortgage loan amount is \$12.305 million for the benefit of Gene Branscome to provide financing for a multifamily residential development consisting of approximately 356 units to be located on approximately 16 acres on the west side of Garth Road, approximately ¼ mile north of the intersection of Baker and Garth Road, Baytown, Harris County

The second hearing will be held at 2.30 p.m. on Tuesday, October 30, 1984, at the Holiday Inn NASA, 1300 NASA Road, Houston. The proposed residential project and description are as follows.

The mortgage loan amount is \$7.532 million for the benefit of Pipers Ridge Joint Venture, a Texas partnership composed of Gene Branscome and Harry Reed, to provide financing for a multifamily rental residential development consisting of approximately 204 units to be located on approximately seven acres located on the south side of El Dorado Boulevard, approximately 1/8 mile west of the intersection of El Dorado Boulevard and Highway 3, Clear Lake City, Harris County.

All interested persons are invited to attend the hearings to express their views on the projects and the proposed issuance of the bonds. For details, contact Stan Kantrowitz, General Counsel, Texas Housing Agency, 411 West 13th Street, Suite 700, Austin, Texas 78701, (512) 475-0812 or (800) 792-1119.

Persons who intend to appear at the hearings and express views are encouraged to contact Mr. Kantrowitz before the hearing. Any interested persons unable to attend the hearings may submit their views in writing to Mr. Kantrowitz before the hearings. All written comments will be made available for review by all parties attending the public hearing.

Issued in Austin, Texas, on October 16, 1984.

TRD-8410499 Stan Kantrowitz
General Counsel
Texas Housing Agency

Filed: October 17, 1984
For further information, please call (512) 475-0812
or (800) 792-1119.

Texas Department of Human Resources Consultant Proposal Requests

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

Description of Services. The DHR is releasing a request for proposal (RFP) to provide consultation services to study and make recommendations on inpatient hospital reimbursement methodologies and comparisons of different inpatient hospital reimbursement systems. The consultant will determine if modifications are needed to the department's hospital reimbursement system and recommend appropriate changes. The project is expected to begin on or about January 1, 1985, and be completed by December 31, 1985. The project may be extended for one year to review outpatient hospital reimbursement systems.

Contact Person. For additional information, a copy of the RFP, or to notify the department of an intent to submit a proposal, contact Brian Packard, Purchased Health Services Bureau, Texas Department of Human Resources 611-S, P.O. Box 2960, Austin, Texas 78769, (512) 465-1106.

Closing Date. Closing date for offers to provide these services is November 29, 1984.

Selection Criteria. Final selection will be made based on consultant's demonstrated competence and experience in assessing inpatient hospital reimbursement systems, the consultant's knowledge of and experience with the department, adequateness of the technical approach in the proposal, and soundness of the proposal in terms of cost and overall project management controls.

Issued in Austin, Texas, on October 16, 1984

TRD-8410455 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Filed: October 16, 1984
For further information, please call (512) 450-3766.

In compliance with Texas Civil Statutes, Article 6252-11c, the Texas Department of Human Resources (DHR) requests all interested parties to submit technical proposals for the provision of consulting services to the Office for Information Systems. Funds expended under this contract will not exceed \$800,000 in fiscal year 1985.

Description of Services. This request is to obtain services previously provided under the terms of a vendor contract for use of staff supplied by Sperry Corporation as part of the WelNet Phase II procurement. It is the department's intent to establish a separate contract for this type of staff.

Contracted staff are required to have expertise in Sperry technology in the following areas: OS1100; SperryLink; TELCON; Database (DMS 1100); MAPPER; DOPS; Network Engineering; COBOL, MUSL, and MUSS oper-

ating systems; and Sperry hardware/software and support procedures.

These staff should also be able to interface effectively and timely with Sperry Corporation staff. The current contract is for two OS1100 internalists; two database specialists; one TELCON internalist; one DOPS internalist; one MAPPER specialist; one SperryLink specialist; one network specialist; two senior programmer/programmer analysts; and one computer programmer.

This contract requires flexibility in the overall number and type of staff dependent upon the development of the workload. These positions are full time and will be located in DHR headquarters in Austin. Management of these staff will be the responsibility of the contract firm selected.

Closing Date. Closing date for offers to provide these services is November 21, 1984.

Effective Date. The contract will be effective on or about January 1, 1985, and will end on August 31, 1985. The contract will be renewable annually on a state fiscal year basis.

Procedure for Selecting Consultant. The DHR will select the consultant firm through recommendations of a review committee established for this purpose. It is the intent of the DHR to continue this type service with Sperry Corporation unless a substantially better offer is received. Selection of the consultant will be based on the stated ability of the supplier to provide staff with training and experience to fulfill the stated needs/requirements.

A final decision will be made in terms of most reasonable cost and technical expertise.

Terms and Conditions of Contract. The following terms and conditions must be accepted by all respondents. The DHR reserves the right to reject any and all proposals. All bid information generated is the exclusive property of the DHR. Cost for travel, lodging, telephone, and other services required by the selected consultant must be included in the overall cost. The DHR prefers that all staff contracted through this RFP be supplied by one firm to allow for the most effective contract management and interface with Sperry Corporation staff. The DHR has the option to require presentation of a list of qualified candidates for each description listed. The DHR does not require any reports to be submitted.

Contact Person. Any consultant interested in providing the described services may obtain a copy of the job descriptions or RFP by contacting A. R. Simpkin, Contract Monitor, Texas Department of Human Resources, Office of Systems Processing 820-C, P.O. Box 2960, Austin, Texas 78769, (512) 450-4543.

Issued in Austin, Texas, on October 17, 1984.

TRD-8410485 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Filed: October 17, 1984

For further information, please call (512) 450-3786.

Public Utility Commission of Texas Consultant Proposal Request

This consultant proposal request is filed under the provisions of Texas Civil Statutes, Article 6252-11c.

The Public Utility Commission of Texas is seeking a management consulting firm to conduct a management and operational audit of the fuel affiliate companies of Texas Utilities Electric Company (TUEC). The audit should focus on the management and operations of the affiliate companies, Texas Utilities Mining Company (TUMCO) and Texas Utilities Fuel Company (TUFCO). The evaluation of technical operations is an important element of this study. However, the scope of the audit should include all fuel and fuel supply relationships between TUEC and any of its affiliate companies. Although this is a limited scope, focused audit, it is assumed that it will be necessary to analyze the fuel affiliates in the context of their relationship with TUEC.

On January 1, 1984, three affiliated operating utilities, Dallas Power & Light, Texas Power & Light, and Texas Electric Service Company, merged into and became the operating divisions of TUEC. The TUEC is the principal subsidiary of Texas Utilities Company.

In 1983, the total fuel consumed by the three companies for electric generation was 744,541,214 Btu. Of this amount, 42.9% was gas, 55.4% was lignite, and 1.7% was oil. Most of this fuel was supplied by TUFCO and what is now TUMCO.

The TUFCO owns a natural gas pipeline system, acquires, stores, and delivers fuel gas and provides other fuel services for the generation of electricity by TUEC. It has approximately 115 employees. The TUMCO owns and operates fuel production facilities for the surface mining and recovery of lignite at TUEC's three mine-mouth plant operations, Big Brown, Martin Lake, and Monticello. The TUMCO has approximately 2,600 employees.

This request for proposal (RFP) is issued by the Public Utility Commission of Texas (PUC), which is the sole point of contact. The PUC will be the principal client for this study. The consultant will enter into a three-party contract with TUEC and the PUC, although TUEC will make all payments after approval by the PUC. The consultant will be selected by and report to the PUC during the course of the audit.

The State of Texas will not be responsible for any costs incurred by any unsuccessful respondent to this RFP; and it will not be responsible for any costs incurred by the successful contractor prior to the effective date of any contract resulting from this RFP.

The PUC reserves the right to reject any and all proposals received as a result of this RFP or to negotiate separately with competing contractors. The PUC reserves the right to accept other than the lowest offer.

A preproposal conference will be held on October 29, 1984. Written confirmation should be sent to arrive prior to the 29th if the consultant plans to attend the preproposal conference and intends to submit a proposal. Interested consultants should contact Richard Greffe, Manager of Management Studies, Public Utility Commission of Texas, 7800 Shoal Creek Boulevard, Austin,

Texas 78757, (512) 458-0338, for a complete copy of the request for proposal.

Proposals will be due on or before 3 p.m. on Friday, December 7, 1984.

All proposals received shall be subject to evaluation by a committee of qualified PUC personnel for the purpose of selecting the proposal which most closely meets the requirements of the RFP. The staff will make a recommendation to the PUC commissioners, who will make the final selection. The following areas of consideration will be used in making the selection.

Understanding of the Problem. This refers to the contractor's understanding of the commission and utility needs that generated the RFP, the agency's objective in asking for the services or undertaking the study, and the nature and the scope of the work involved.

Professional Personnel. This refers to the competence of the professional personnel who would be assigned to the job by the contractor. Qualifications of professional personnel will be measured by education and experience, with particular reference to experience on studies similar to that described in the RFP

Contractor Qualifications. This includes the ability of the contractor to meet the terms of the RFP, including the time constraint, and the quality, relevancy, and recency of studies and projects completed by the contractor. Technical expertise and management operational auditing techniques, knowledge of the utility industry, and independence with respect to present and historical utility company relationships will be considered.

Soundness of Approach. Emphasis is on the techniques for collecting and analyzing data, sequence and relationships of major steps, and methods of managing the study.

Cost. While this area will be weighed heavily, it will not necessarily be the deciding factor in the selection process.

Issued in Austin, Texas, on October 16, 1984.

TRD-8410484 Rhonda Colbert Ryan
Secretary of the Commission
Public Utility Commission of
Texas

Filed: October 17, 1984
For further information, please call (512) 458-0100.

Texas Water Commission Applications for Waste Disposal Permits

Notice is given by the Texas Water Commission of public notices of waste disposal permit applications issued during the period of October 8-12, 1984

No public hearing will be held on these applications unless an affected person has requested a public hearing. Any such request for a public hearing shall be in writing and contain the name, mailing address, and phone number of the person making the request; and a brief descrip-

tion of how the requester, or persons represented by the requester, would be adversely affected by the granting of the application. If the commission determines that the request sets out an issue which is relevant to the waste discharge permit decision, or that a public hearing would serve the public interest, the commission shall conduct a public hearing, after the issuance of proper and timely notice of the hearing. If no sufficient request for hearing is received within 30 days of the date of publication of notice concerning the applications, the permit will be submitted to the commission for final decision on the application.

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

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

Period of October 8-12, 1984

El Paso Products Company, Odessa; waste disposal well; 2,335 feet from the west line and 4,500 feet from the south line of §38, Block 42, Township 2, south of the T&P RR Survey, Ector County, approximately two miles southeast of the City of Odessa; WDW-126; amendment

El Paso Products Company, Odessa; waste disposal well; 225 feet from the west line and 1,890 feet from the south line of §38, Block 42, Township 2, south of the T&P RR Survey, Ector County, approximately two miles southeast of the City of Odessa; WDW-88; amendment

El Paso Products Company, Odessa; waste disposal well; 200 feet south of the north line and 2,500 feet west of the east line of §47, Block 42, Township 2, south of the T&P RR Survey, Ector County, approximately two miles southeast of the City of Odessa; WDW-16; amendment

El Paso Products Company, Odessa; waste disposal well; 335 feet from the north line and 550 feet from the east line of §37, Block 42, Township 2, south of the T&P RR Survey, Ector County, approximately two miles southeast of the City of Odessa; WDW-154; amendment

City of Driscoll; wastewater treatment plant; northeast of Driscoll, approximately 2,400 feet northeast of the intersection of FM Road 665, and U.S. Highway 77, approximately 2,600 feet southeast of the U.S. Highway 77 crossing over Petronilla Creek in Nueces County; 11541-01; amendment

Kendrick, Moss, & Associates, Inc., Colleyville; mobile home park; approximately 6,000 feet east-southeast of the intersection of U.S. Highway 81 and FM Road 718 and approximately five miles east of Eagle Mountain Lake in Tarrant County; 12993-01; new permit

PPG Industries, Inc., Houston; hazardous industrial solid waste storage and processing facility; on the

northeast corner of the intersection of Homestead Road and Liberty Road, on a 20.3-acre parcel of land within the Harris and Wilson two-league grant, City of Houston; HW-50061-000; new permit

Issued in Austin, Texas, on October 12, 1984.

TRD-8410408

Mary Ann Hefner
Chief Clerk
Texas Water Commission

Filed: October 15, 1984

For further information, please call (512) 475-4514.



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