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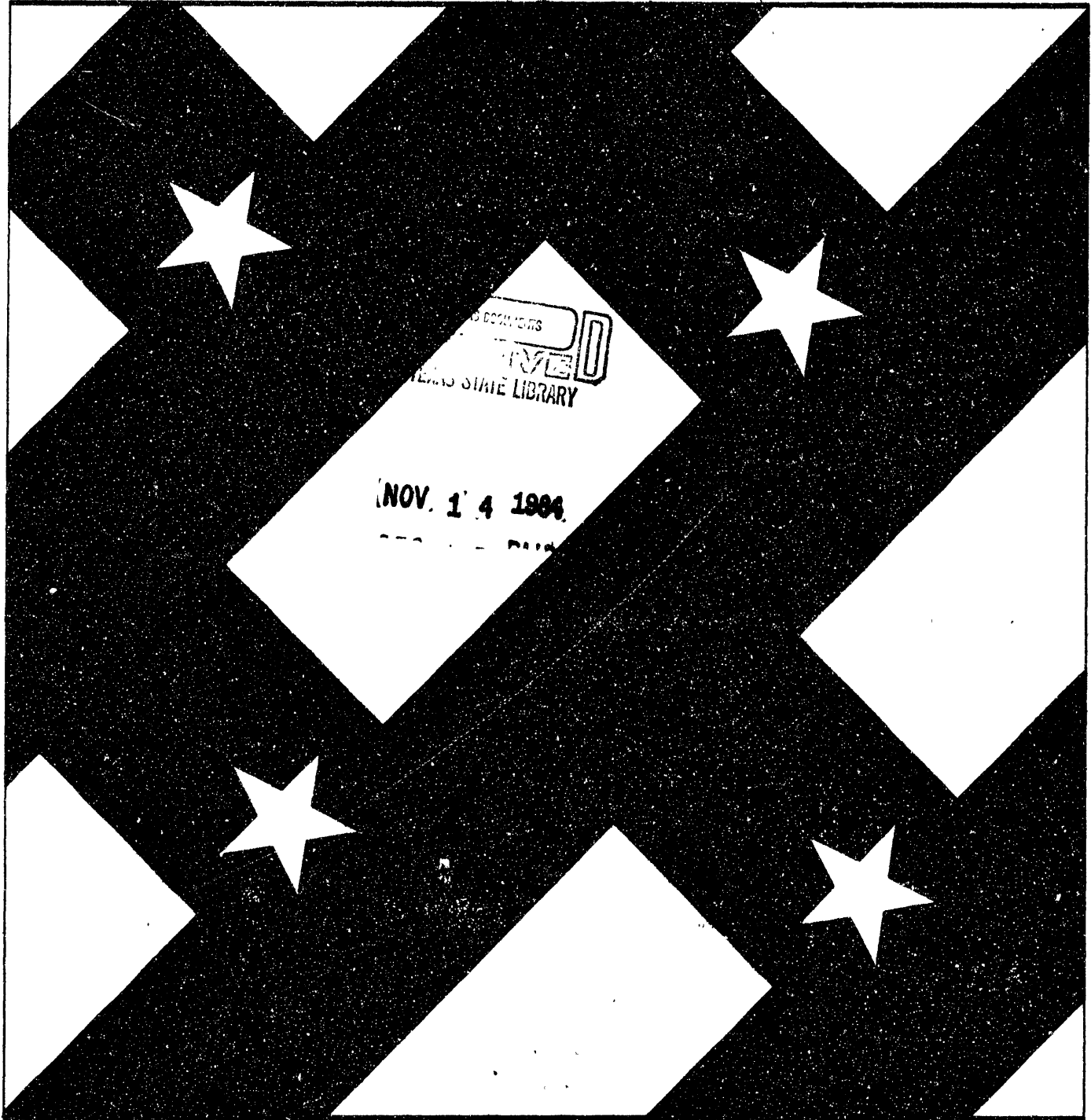
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Texas Register

Volume 9, Number 83, November 6, 1984

Pages 5597 - 5754



Highlights

The Texas Parks and Wildlife Department adopts an emergency new section concerning oystering. Effective date - November 1 5803

The Texas Water Development Board withdraws and repropose sections concerning surface

water quality standards. Earliest possible date of adoption - December 7 page 5610

The Texas Department of Corrections repeals and repropose a chapter concerning complaints initiated by inmates. Earliest possible date of adoption - December 7 page 5689

**Office of
the Secretary
of State**

Texas Register

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

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POSTMASTER: Please send Form 3579 changes to the *Texas Register*, P.O. Box 13824, Austin, Texas 78711-3824.

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

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- Withdrawn Rules—rules withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date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

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

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

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

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

Texas Administrative Code

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

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

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

TAC stands for the *Texas Administrative Code*;

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



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

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

The Governor

Appointments Made October 19

92nd Judicial District Court

To be judge until the next general election and until his successor shall be duly elected and qualified:

Homer Salinas
P.O. Box 71
Mercedes, Texas 78570

Mr. Salinas is replacing Judge Fortunato Pete Benavides of Mission, who resigned.

13th Supreme Judicial District Court of Appeals

To be associate justice until the next general election and until his successor shall be duly elected and qualified:

Fortunato Pete Benavides
Judge
Route 4, Box 193
Mission, Texas 78572

Judge Benavides is replacing Judge Raul A. Gonzalez of Portland, who resigned.

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

TRD-8410716 Mark White
Governor of Texas

Appointments Made October 24

Texas Commission on Uniform State Laws

For a term to expire September 30, 1990:

Stanley Plettman
3560 Brentwood
Beaumont, Texas 75225

Mr. Plettman is being reappointed.

Nueces River Authority

To the Board of Directors for terms to expire February 1, 1989:

Salvador Almanza
600 School Drive
Fleet, Texas 78065

Mr. Almanza is replacing Jerome Brite of Pleasanton, whose term expired.

Charles S. Carr
1243 Val Verde
Crystal City, Texas 78839

Mr. Carr is replacing C. A. Morris of Crystal City, whose term expired.

Governor's Advisory Panel on Offshore Oil and Chemical Spill Responses

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

Robert J. Meyers
Environmental Coordinator
Exxon Shipping Company
P.O. Box 1512
Houston, Texas 77001

Issued in Austin, Texas, on October 24, 1984.

TRD-8410770 Mark White
Governor of Texas

The Attorney General

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

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

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

Opinions

JM-211 (RQ-395). Request from Bob Bullock, Comptroller of Public Accounts, Austin, concerning whether country club fees are subject to the amusements tax.

Summary of Opinion. The attorney general will not as a matter of policy answer a question whose initial determination the legislature has clearly indicated shall be left to the comptroller.

JM-212 (RQ-324). Request from Robert O. Viterna, executive director, Commission on Jail Standards, Austin, concerning the authority of the Commission on Jail Standards over a county work release facility.

Summary of Opinion. The Commission on Jail Standards has supervision over fa-

cilities used for the confinement of prisoners on a work release program. The district and county court does not have authority to operate such facilities independent of the county sheriff.

JM-213 (RQ-307). Request from James S. McGrath, criminal district attorney, Jefferson County, Beaumont, concerning whether one person may serve simultaneously as county court at law judge and trustee of an independent school district.

Summary of Opinion. Texas Civil Statutes, Article XVI, §40, does not bar one person from serving as county court at law judge and a school trustee in a district in the same county. Texas Civil Statutes, Article 5966a, §6B, bars a county court at law judge from serving as a school trustee. It is unnecessary to decide whether the Texas

Constitution, Article II, §1, or the common law doctrine of incompatibility bars this case of dual office holding.

JM-214 (RQ-405). Request from Homer A. Foerster, executive director, State Purchasing and General Services Commission, Austin, concerning whether the State Purchasing and General Services Commission may use excess funds appropriated for construction of a parking garage to fund additional construction of the Travis Building.

Summary of Opinion. The State Purchasing and General Services Commission is authorized to use excess funds appropriated during the 1984-1985 biennium for a parking garage to fund additional construction of the Travis Building.

TRD-8410865

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 31. NATURAL RESOURCES AND CONSERVATION Part II. Texas Parks and Wildlife Department Chapter 57. Fisheries Closure of Oystering Area 31 TAC §57.421

The Texas Parks and Wildlife Commission adopts on an emergency basis new §57.421, relating to closing the public oyster reefs of the Galveston Bay System lying within Chambers, Harris, Galveston, and Brazoria Counties to the harvest of oysters.

Based on available evidence, the commission finds the oyster reefs are in an overworked condition and further damage will occur if the reefs are opened to oystering. The commission finds imminent peril to the public welfare and an immediate danger of depletion require this emergency measure to protect the resource from damage.

This new section is adopted on an emergency basis under the Texas Parks and Wildlife Code, §§76.115, 61.052, and 61.104, which provides the Texas Parks and Wildlife Commission with the authority to manage wildlife resources.

§57.421. Closure of Oystering Area. Effective November 1, 1984, through January 14, 1985, the public oyster reefs in the Galveston Bay System lying in Chambers, Harris, Galveston, and Brazoria Counties are closed to the harvest of oysters.

Issued in Austin, Texas, on October 29, 1984.

TRD-8410844

Maurine Ray
Administrative Assistant
Texas Parks and Wildlife
Department

Effective date: November 1, 1984

Expiration date: January 15, 1985

For further information, please call (512) 478-4881
or (800) 792-112.

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 22. EXAMINING BOARDS Part XIX. Polygraph Examiners Board Chapter 397. Practice and Procedures

22 TAC §§397.19, 397.20, 397.22, 397.24-397.26, 397.36, 397.39, 397.43, 397.46, 397.48

(Editor's note: The text of the following rules proposed for repeal will not be published. The rules may be examined in the offices of the Polygraph Examiners Board, 5805 North Lamar Boulevard, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The Polygraph Examiners Board proposes the repeal of §§397.19, 397.20, 397.22, 397.24-397.26, 397.36, 397.39, 397.43, 397.46, and 397.48, concerning contested proceedings; personal service; hearings; order of procedure; oral argument; motions for postponement, continuance, withdrawal, or dismissal of applications and appeals, or other matters before the board; reporters and transcript; proposals for decision; rendering of final decision or order; suspension of rules; and effective date. The proposed repeal and simultaneous proposal of replacement sections ensure that the rules of the Polygraph Examiner Act are in compliance with APTRA.

Candy M. Moors, executive officer, has determined that for the first five-year period the repeal will be in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the repeal.

Ms. Moore also has determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result of the repeal is the alignment of the practice and procedure rules with APTRA. There is no anticipated economic cost to individuals as a result of the repeal.

Comments on the proposal may be submitted to Candy Moore, P.O. Box 4087, Austin, Texas 78773.

The repeal is proposed under Texas Civil Statutes, Article 4413, §29cc, which provide the Polygraph Examiners Board with the authority to regulate persons who purport to be able to detect deception or to verify the truth of statements through the use of instrumentation.

§397.19. *Contested Proceedings.*

§397.20. *Personal Service.*

§397.22. *Motions for Postponement, Continuance, Withdrawal, or Dismissal of Applications and Appeals, or Other Matters before the Board.*

§397.24. *Hearings.*

§397.25. *Order of Procedure.*

§397.26. *Reporters and Transcript.*

§397.36. *Proposals for Decision.*

§397.39. *Oral Argument.*

§397.46. *Suspension of Rules.*

§397.48. *Effective Date.*

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-8410723 Candy Moore
 Executive Officer
 Polygraph Examiners Board

Earliest possible date of adoption:

November 7, 1984

For further information, please call (512) 465-2058.

22 TAC §§397.19, 397.22, 397.25, 397.26,
397.36

The Polygraph Examiners Board proposes new §§397.19, 397.22, 397.25, 397.26, and 397.36, concerning contested cases; notice, hearings; records; motions for postponement, continuance, withdrawal, or dismissal of applications and appeals, or other matters before the board; order of procedure; reporters and transcript; and proposals for decision. These proposed new sections and simultaneous proposal to repeal existing sections ensure that the rules of the Polygraph Examiners Act are in compliance with APTRA.

Candy M. Moore, executive officer, 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. Moore 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 the alignment of the practice and procedure rules with APTRA. There is no anticipated economic cost to individuals who are required to comply with the rules as proposed.

Comments on the proposal may be submitted to Candy M. Moore, P.O. Box 4087, Austin, Texas 78773.

The new sections are proposed under Texas Civil Statutes, Article 4413, §29cc, which provide the Polygraph Examiners Board with the authority to regulate persons who purport to be able to detect deception or to verify the truth of statements through the use of instrumentation.

§397.19. *Contested Cases; Notice, Hearings; Records.*

(a) In a contested case, all parties must be afforded an opportunity for hearing after reasonable notice of not less than 10 days.

(b) The notice must include:

(1) a statement of time, place, and nature of the hearing;

(2) a statement of the legal authority and jurisdiction under which the hearing is to be held;

(3) a reference to the particular sections of the statutes and rules involved; and

(4) a short and plain statement of the matters asserted.

(c) If the board or other party is unable to state the matters in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved. Thereafter, on timely written application, a more definite and detailed statement must be furnished not less than three days prior to the date set for the hearing.

(d) Opportunity must be afforded all parties to respond and present evidence and argument on all issues involved.

(e) Unless precluded by law, informal disposition may be made of any contested case by stipulation, agreed settlement, consent order, or default.

(f) The record in a contested case includes:

(1) all pleadings, motions, and intermediate rulings;

(2) evidence received or considered;

(3) a statement of matters officially noticed;

(4) questions and offers of proof, objections, and rulings of them;

(5) proposed findings and exceptions;

(6) any decision, opinion, or report by the officer presiding at the hearing; and

(7) all staff memoranda or data submitted to or considered by the hearing officer or members of the agency who are involved in making the decision.

(g) Findings of fact must be based exclusively on the evidence and on matters officially noticed.

§397.22. *Motions for Postponement, Continuance, Withdrawal, or Dismissal of Applications and Appeals, or Other Matters before the Board.*

(a) The board may continue a hearing from time to time and from place to place. The notice of the hearing must indicate the times and places at which the hearing may be continued. If a hearing is not concluded on the day it commences, the board shall, to the extent possible, proceed with the conduct of the hearing on each subsequent working day until the hearing is concluded.

(b) Motions for postponement, continuance, withdrawal, or dismissal of appeals, or other matters which have been duly set for hearing, shall be in writing, shall be filed with the secretary and distributed to all interested parties, under a certificate of service, not less than five days prior to the designated date that the matter is to be heard. Such motion shall set forth, under oath, the specific grounds upon which the moving party seeks such action and shall make reference to all prior motions of the same nature filed in the same proceeding. Failure to comply, except for good cause shown, may be construed as lack of diligence on the part of the moving party, and at the discretion of the board, may result in the dismissal of the appeal or other matter in issue, with prejudice to refiling. Once an application has actually proceeded to a hearing, pursuant to the notice issued thereon, no postponement or continuance shall be granted by the board without the consent of all parties involved, unless the board shall have ordered such postponement or continuance.

§397.25. *Order of Procedure.* In all proceedings, the petitioner, appellant, applicant, or complainant, respec-

tively, shall be entitled to open and close. The board in all cases shall determine to what stage intervenors shall be permitted to offer evidence. After all parties have completed the presentation of their evidence, the board may call upon any party or the staff of the board for further material or relevant evidence upon any issue, to be presented at further public hearing after notice to all parties of record.

§397.26. Reporters and Transcript.

(a) Proceedings, or any part of them, must be transcribed on written request of any party. The board may pay the cost of the transcript or assess the cost of one or more parties. This rule does not limit the board to a stenographic record of proceedings.

(b) A stenographic reporter may sell a copy of a transcript upon approval of the board. Upon approval of the request by the board, the stenographic reporter shall furnish a copy to the requesting party at not more than \$.30 per page plus the cost of postage, if any. The board may exclude any stenographic reporter for late delivery or poor workmanship in previous hearings. A written request for permission shall be addressed to the secretary combining:

- (1) the full name and address of the party requesting the copy;
- (2) the number of pages in the transcript; and
- (3) the cost of the copy to the party.

(c) Suggested corrections to the transcript of the record may be offered within 10 days after the transcript is filed in the proceeding, unless the board shall permit suggested corrections to be offered thereafter. Suggested corrections shall be served in writing upon each party of record, the official reporter, and the board. If suggested corrections are not objected to, the board will direct the corrections to be made and the manner of making them. In case the parties disagree on suggested corrections, they may be heard by the board, who shall then determine the manner in which the record shall be changed, if at all. The language is not to be understood to prevent any party from taking notes either individually or by using his private secretary, nor is it intended to prevent any party from recording the proceedings.

§397.36. Proposals for Decision.

(a) If in a contested case a majority of the officials of the board who are to render the final decision have not heard the case or read the record, the decision, if adverse to a party to the proceeding other than the agency itself, may not be made until a proposal for decision is served on the parties, and an opportunity is afforded to each party adversely affected to file exceptions and present briefs to the officials who are to render the decision. If any party files exceptions or presents briefs, an opportunity must be afforded to all other parties to file replies to the exceptions or briefs. The proposal for decision must contain a statement of the reasons for the proposed decision and of each finding of fact and conclusion of law necessary to the proposed decision, prepared by the person who conducted the hearing or by one who has read the record. The proposal for decision may be amended pursuant to exceptions, replies, or briefs submitted by the parties without being served on the parties. The parties by written stipulation may waive compliance with this section.

(b) When a proposal for decision is prepared, a copy of the proposal shall be served forthwith by the board on each party and his attorney of record. Upon the expiration of the 20th day following the time provided for the filing of exceptions and briefs in §397.37 of this title (relating to Filing of Exceptions, Briefs, and Replies), the proposal for decision may be adopted by written order of the board, unless exceptions and briefs shall have been filed in the manner required in §397.37 of this title (relating to Filing of Exceptions, Briefs, and Replies). If deemed warranted by the board, the board may direct a party to draft and submit a proposal for decision which shall include proposed findings of fact and a concise and explicit statement of the underlying facts supporting such proposed findings developed from the record.

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-8410724 Candy M. Moore
 Executive Officer
 Polygraph Examiners Board

Earliest possible date of adoption:
December 7, 1984

For further information, please call (512) 465-2068.

22 TAC §397.29, §397.42

The Polygraph Examiners Board proposes amendments to §397.29 and §397.42, concerning rules of evidence; motions for rehearing; and amendments to rules. These proposed changes are to ensure that the rules of the Polygraph Examiners Act are in compliance with APTRA.

Candy M. Moore, executive officer, 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. Moore 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 the alignment of the practice and procedure rules with APTRA. There is no anticipated economic cost to individuals who are required to comply with the rules as proposed.

Comments on the proposal may be submitted to Candy M. Moore, P.O. Box 4087, Austin, Texas 78773.

The new sections are proposed under Texas Civil Statutes, Article 4413, §29cc, which provide the Polygraph Examiners Board with the authority to regulate persons who purport to be able to detect deception or to verify the truth of statements through the use of instrumentation.

§397.29. Rules of Evidence. In all contested cases, irrelevant, immaterial, or unduly repetitious evidence shall be excluded. The rules of evidence as applied in nonjury

civil cases in the district courts of this state shall be followed. When necessary to ascertain facts not reasonably susceptible of proof under those rules, evidence not admissible thereunder may be admitted, except where precluded by statute, if it is of a type commonly relied upon by reasonably prudent men in the conduct of their affairs. The board shall give effect to the rules of privilege recognized by law. Objections to evidentiary offers may be made and shall be noted in the record. Subject to these requirements, if a hearing will be expedited and the interests of the parties will not be prejudiced substantially, any part of the evidence may be received in written form.

§397.42. Motions for Rehearing. A motion for rehearing must be filed within 15 days after the date of rendition of a final decision or order. Replies to a motion for rehearing must be filed with the board 25 [10] days after the date of rendition of the final decision or order[, and board action on the motion must be taken within 30 days after the date of rendition of the final decision or order]. If board action is not taken with the 45- [30-] day period, the motion for rehearing is overruled by operation of law 45 [30] days after the date of rendition of the final decision or order. The board may by written order extend the period of time for filing the motions and replies and taking board action, except that an extension may not extend the period for board action beyond 90 [60] days after the date of rendition of the final decision or order. In the event of an extension, the motion for rehearing is overruled by operation by law on the date fixed by the order, or in the absence of a fixed date, 90 [60] days after the date of the final decision or order. The parties may by agreement with the approval of the board provide for a modification of the times provided in this section.

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-8410725 Candy M. Moore
Executive Officer
Polygraph Examiners Board

Earliest possible date of adoption:
December 7, 1984

For further information, please call (512) 465-2068.



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 TAC title and part.)

Liquidation

Texas Life, Health, and Accident Guaranty Association Plan of Operation

059.27.06.001-.007

The State Board of Insurance proposes new Rules 059.27.06.001-.007, which set forth the plan of operation of the Texas Life, Health, and Accident Guaranty Association (hereinafter referred to as "Association") established under the Insurance Code, Article 21.28-E, as amended (the Texas Life, Health, and Accident Guaranty Act). The board has determined to propose the association's plan of operation as rules under the Administrative Procedure and Texas Register Act to meet all possible procedural requirements of law. This adoption is primarily procedural. The only substantive changes from the existing plan of operation are found in .002(c).

Anthony G. Harris, liquidator-receiver, 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 these rules, due to the fact that the adoption of these rules is primarily procedural.

Mr. Harris 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 the maintenance of the association's plan of operation as part of the advisory association's duly adopted rules on file with the Office of the Secretary of State. There is no anticipated economic cost to individuals who are required to comply with the rules as proposed.

Comments on the proposal may be submitted to Anthony G. Harris, Liquidator-Receiver, State Board of Insurance, 7801 Cameron Road, Building One, Austin, Texas 78753.

The new rules are proposed under the Insurance Code, Article 21.28-E, §14, as amended, pursuant to which the State Board of Insurance may adopt the association's plan of operation.

.001. General. This plan of operation (hereinafter referred to as the plan), shall become effective upon promulgation by the State Board of Insurance and written approval of the commissioner of insurance (hereinafter referred to as the commissioner) as provided in Texas Life, Health, and Accident Guaranty Act (hereinafter referred to as the Act) and upon appropriate rule-making proceedings under the Administrative Procedure and Texas Register Act. As used herein, the association

shall be the Texas Life, Health, and Accident Guaranty Association as provided for and defined in the Act.

.002. Advisory Association.

(a) There shall be an advisory association established in accordance with the provisions of the Act, §14.

(1) The advisory association shall consist of four insurers, all of whom shall be chosen from companies subject to the provisions of the Act.

(2) The members of the advisory association shall be elected by the insurers, subject to approval of the commissioner in accordance with the Act. The members of the advisory association shall establish procedures for the election of members of the advisory association.

(3) Vacancies in the advisory association shall be filled in accordance with the Act.

(4) The advisory association shall elect a chairman, a vice-chairman, a secretary-treasurer, and such other officers as it deems necessary. The term of office shall be one year or until a successor is elected and qualified. Vacancies occurring in elective office shall be filled by the advisory association.

(b) A majority of the advisory association shall constitute a quorum for the transaction of business and the acts of a majority of the advisory association members voting in person at a meeting at which a quorum is present shall be the acts of the advisory association; except that an affirmative vote of a majority of the full advisory association shall be required to:

- (1) approve any contract or service agreement;
- (2) levy an assessment or provide for a refund;
- (3) borrow money;
- (4) approve reinsurance contracts, assumption agreements, or guaranty plans.

(c) The advisory association shall hold meetings at the office of the commissioner approximately once each calendar quarter or at such other places or times as the commissioner shall designate upon 10 days' notice. Such notice may be oral or written. At each such meeting the advisory association shall:

(1) review the plan and submit proposed amendments to the plan, if any, to the commissioner for approval;

(2) review each outstanding contract or service agreement, if any, and to the extent possible, make necessary or desirable corrections, improvements, or additions;

(3) review operating expenses and outstanding contractual obligations and determine if an assessment, or a refund of a prior assessment is necessary for the proper administration of the association and, if so, the amount of either. If such assessment or refund is deemed to be necessary, the advisory association shall advise the commissioner in order that such assessment can be made or shall provide for such refund in accordance with the Act;

(4) review, consider, and act on other matters deemed by it to be necessary and proper for the administration of the association;

(5) if the only business to come before the advisory association at any meeting is the election of officers, the advisory association may, subject to the approval of the commissioner, conduct the election by mail in lieu of such meeting.

(d) The advisory association shall hold a special meeting promptly after receiving notice from the com-

missioner of the need for such meeting. At least 48 hours' oral or written notice shall be given each advisory association member of such meeting by the commissioner; provided, however, if the period of notice is less than five days, such notice must be given orally. At such meetings, the advisory association, if appropriate, shall:

(1) receive and consider the report of the commissioner that an insurer has, in fact, become an impaired or insolvent insurer within the meaning of the Act;

(2) consider and decide what method, methods, or facilities, as permitted under the Act, shall be adopted or utilized to assure fulfillment of obligations of an impaired or insolvent insurer. If the advisory association should appoint a servicing facility, every effort shall be made to secure the participation of liquidators or receivers, if any, in such contact to assist the association in the performance of its duties;

(3) consider and decide what immediate action, if any, should be taken to assure the proper retention of the records of the impaired or insolvent member insurer which are deemed necessary to the prompt and economical handling by the association of its legally imposed duties;

(4) consider and decide what persons, firms, or corporations, if any, should be hired by the association to implement and carry out broad directives of the advisory association made pursuant to its statutorily imposed duties. Such persons may include a managing secretary who would have such authority as is properly delegated to him by the advisory association. Such person shall be knowledgeable about insurance matters, conversant with the law as it relates to covered policies of insurance, and administratively capable of implementing the advisory association's directives. Such persons may include attorneys at law, actuaries, accountants, claims personnel, and such other specialists or persons whose advice or assistance is deemed by the advisory association to be necessary to the discharge of its duties imposed by law. The advisory association may agree to compensate such persons so as to best serve the interest of the association and the public. Such persons, firms, or corporations shall keep and maintain such records of their activities as may be required by the advisory association;

(5) consider and decide to what extent and in what manner the advisory association shall exercise the powers authorized in the Act and to what extent the advisory association will contest settlements, releases, judgments, orders, decisions, verdicts, or findings to which the impaired or insolvent insurers or its insureds were parties;

(6) consider and decide what assessment, if any, should be levied, and whether any refund should be made to a member insurer. If such assessment or refund shall be determined to be appropriate, such action or actions shall be in accordance with the requirements specified in the appropriate item or items of the Code. The advisory association shall promptly inform the commissioner of the failure of any member to pay an assessment made pursuant to this paragraph after 30 days' written notice to the member that payment is due;

(7) take all steps permitted by law, and deemed necessary, to protect the association's rights as pertaining to the impaired or insolvent member insurer and its policyholders.

(e) In addition to the powers specifically identified in this rule, the advisory association shall have and exercise such other powers as may be reasonable and necessary to implement its powers and responsibilities under the Act.

(f) Special meetings of the advisory association may be called by the chairman and shall be called upon request of any two advisory association members, and not less than five days' oral or written notice shall be given to each advisory association member of the time, place, and purpose of any such special meeting. Any advisory association member not present may consent in writing to any specific action taken by the advisory association, but this shall not permit advisory association members to act through other advisory association members by proxy. Any action approved by the required number of advisory association members at such special meeting, including those consenting in writing, shall be as valid an advisory association action as though authorized at a regular meeting of the advisory association. At such special meeting, the advisory association may consider and decide any matter deemed by it to be necessary for the proper administration of the association.

(g) Members of the advisory association may be reimbursed from the assets of the association for expenses incurred by them as members of the advisory association upon approval of such expenses by the advisory association, but members of the advisory association shall not otherwise be compensated by the association for their services. The advisory association shall, from time to time, establish the amount and method of reimbursing members of the advisory association for such expenses.

.003. Operations.

(a) The official address of the association shall be the address of the office of the commissioner unless otherwise designated by the advisory association.

(b) The advisory association shall keep and maintain a record of the affairs and financial transactions of the association, its agents, and advisory association. Such record shall be in such form and detail as is deemed appropriate pursuant to the Act.

(c) The advisory association may open one or more bank accounts for use in association business. Reasonable delegation of deposit and withdrawal authority to such accounts for association business may be made consistent with prudent fiscal policy. Any person to whom such authority has been delegated shall be bonded in such amount as may be required by the advisory association. The advisory association may borrow money from any person or organization including a member insurer, or from an appointed servicing facility as the advisory association, in its judgment, deems advantageous for the association.

(d) The advisory association shall, from time to time, as it deems appropriate, establish any additional procedures as authorized by the Act for handling any asset or assets of the association.

(e) The advisory association may contract with one or more persons, firms, or corporations to serve as servicing facilities should the advisory association receive notice from the commissioner of an insolvency of a member insurer. Such contract terms shall comply with the Act and be subject to the approval of the commissioner. Such contract terms may include:

(1) terms of payment to the servicing facility;
(2) extent of authority delegated to the servicing facility;

(3) procedures for giving the commissioner timely notice, sufficient to protect the association's right of subrogation against any receiver, liquidator, or statutory successor, of each and every covered claim not otherwise reported;

(4) procedures contemplated for the handling of covered claims as defined in the Act. These procedures shall include the right to request from or offer to any person arbitration of his or her covered claim;

(5) procedures for the printing or preparation of forms necessary for the proper handling of covered claims.

.004. Records and Reports.

(a) A written record of the proceedings of each advisory association meeting shall be made. The original of this record shall be retained by the secretary-treasurer with copies being furnished to each advisory association member and the commissioner. Such records as maintained by the commissioner shall be open for inspection by any member company, and upon written request, the commissioner shall furnish a copy of such record to any member company.

(b) The advisory association shall make an annual report not later than May 1 of each year to the commissioner. Such report shall include a financial report for the preceding calendar year in a form approved by the commissioner and a review of the activities of the association during the preceding calendar year.

(c) The books, records, and affairs of the association shall be subject to examination and regulation by the commissioner.

.005. Membership.

(a) Membership in the association shall be determined by the provisions of the Act.

(b) Any member insurer aggrieved by an act of the association may appeal to the advisory association. If such member insurer is aggrieved by the final action or decision of the advisory association, or if the advisory association does not act on such appeal within 30 days, then the member insurer may appeal to the commissioner within 30 days after the action or decision of the advisory association or the expiration of the 30-day period in which the advisory association failed to act on such appeal.

.006. Indemnification.

(a) All persons, except the commissioner and his representatives, described in the Act, §16, shall be indemnified by the association for all expenses incurred in the defense of any action, suit, or proceeding brought against person on account of any action taken or not taken by him or her in the performance of his or her powers and duties under the Act, unless such person shall be finally adjudged to have committed a breach of duty involving gross negligence, bad faith, dishonesty, willful misfeasance, or reckless disregard of the responsibilities of his or her office. In the event of settlement before final adjudication, such indemnity shall be provided only if the association is advised by independent counsel that such person did not, in such counsel's opinion, commit such a breach of duty.

(b) Subsection (a) of this rule is intended to operate as a supplement and additional safeguard to, and not in place of, the immunity granted by the Act, §16.

.007. *Conformity of Statute.* The Insurance Code, Article 21.28-E, as written, and as may be hereafter amended, is incorporated as a part of these rules.

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

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

TRD-8410922 James W. Norman
Chief Clerk
State Board of Insurance

Earliest possible date of adoption:
December 7, 1984

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

TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part X. Texas Water Development Board

Chapter 333. Area Water Quality Standards

Surface Water Quality Standards

31 TAC §§333.11-333.21

The Texas Department of Water Resources previously proposed new §§333.11-333.21, concerning the Texas surface water quality standards. (See 9 TexReg 5295, October 16, 1984.) New §§333.11-333.21 are withdrawn and repropoed herein with further revisions as noted. The proposed repeal of §§333.11-333.21 (9 TexReg 5294) remains in effect.

New §333.11 allows for revisions to the Texas surface water quality standards, including editorial revisions, substantive changes, and changes deemed warranted in response to standards established by the United States Environmental Protection Agency (EPA). (See 40 Code of Federal Regulations Part 131.) The new sections also comply with provisions of the Municipal Wastewater Treatment Construction Grants Amendments of 1981, §24, Public Law 97-117, which requires states to promulgate revised water quality standards pursuant to Public Law 92-500, §303(c), 33 United States Code §1313, within three years after enactment of the effective date of the 1981 amendments (December 29, 1981).

Editorial changes include grammatical corrections, reformatting intended to promote consistency, and deletions of nonoperational and duplicative language. One important editorial change involved changing the term "standards violation or compliance" to "standards attainment" throughout the regulation. In a related reformatting change, all methodological proce-

dures and sampling and analytical requirements have been moved to a retitled section on determination of standards attainment.

Several substantive changes have been proposed to promote agency flexibility and accommodate previous Texas Water Development Board actions. First, an aquifer protection (AP) use category has been established. The new AP designation replaces the asterisk and the footnote reference to the Edwards Aquifer rule that were contained in the 1981 standards. Second, the former propagation of fish and wildlife classification has been renamed "aquatic life" and subdivided into five categories. The five are limited quality aquatic habitat, intermediate quality aquatic habitat, high quality aquatic habitat, exceptional quality aquatic habitat, and shellfish waters. The first four categories are based on dissolved oxygen levels, are applicable to both freshwater and saltwater, and are intended to accurately reflect the variability of natural environmental conditions and aquatic organism requirements in Texas. The last category, shellfish waters, is limited to saltwater segments recognized as viable shellfish production areas. Third, a new water use category called "other uses" has been proposed for waters where aquatic life, domestic water supply, or recreational uses classifications may not apply. The new category includes, but is not necessarily limited to, navigation, agricultural water supply, and industrial water supply uses. Last, approximately 60 segments have been designated or subdivided. It is anticipated that the majority of the 60 segments (resulting from moves, splits, combinations, lake construction, and new segment selection) will be classified as effluent-limited water bodies.

Environmental Protection Agency-initiated changes include making several minor revisions to promote administrative consistency between the Texas standards and the new national regulations, indicating that implementation measures or approaches would be explained in the state's continuing planning process or annual 108 work plan, and revising the general criteria to more adequately protect currently unclassified water bodies. Supporting general criteria changes include proposing dissolved oxygen and fecal coliform criterion goals of 3.0 mg/l and 2,000 colonies per 100/ml, respectively, for all unclassified waters in the state.

Fiscal implications of these proposed sections have been reviewed by Mike Hodges, Fiscal Services Section director, and it is anticipated that the proposed sections should not create substantial additional impacts to state and local units of government above the fiscal effects already experienced by these entities under the existing standards. Definitive cost increases at the state level will be associated with the establishment and operation of additional surface water quality monitoring stations for new segments that are being proposed and minor adjustments in agency staff time required for permit review and compliance evaluation. However, no loss or increase of revenue is anticipated, and staff adjustments can be accomplished without affecting the department's budget or personnel ceilings.

Local economic impacts that may be anticipated in conjunction with the adoption of the proposed sections involve costs for wastewater and water treatment. Since the number of new plants constructed each year is directly related to population and industrial growth, it is difficult to ascertain the exact number of new facilities that may be required as a result of the proposed section. The state awards approximately 30 new construction grants to build publicly owned wastewater treatment facilities each year.

Economic impacts on small businesses are anticipated to be minimal. Since treatment and operational costs are a function of production processes and volumes, as well as water quality limits, any cost increases or decreases should be similar by scale to those for larger businesses.

Expected public benefits that will be realized as a result of rule adoption include maintaining and enhancing surface water quality, and providing for continued and expanded recreational use and related commercial activities. Adoption of this proposed section will also assure continued federal financial assistance to the State of Texas.

Direct economic costs to individuals will be minimal and should be limited to the indirect costs associated with using municipal wastewater treatment systems.

Comments on the proposal may be submitted to Kenneth L. Petersen, Jr., Assistant General Counsel, Water Quality Section, Texas Department of Water Resources, P.O. Box 13087, Austin, Texas 78711, (512) 475-7841.

The new sections are proposed under the Texas Water Code, §§ 131 and 26.023, which provide the Texas Water Development Board with the authority to make rules setting water quality standards for the water in the state.

§333.11. Policy Statement. It is the policy of this state, as set forth in the Texas Water Code and this chapter, to maintain the quality of water in the state consistent with public health and enjoyment, propagation and protection of terrestrial and aquatic life, operation of existing industries, and economic development of the state; to encourage and promote development and use of regional and areawide wastewater collection, treatment, and disposal systems to serve the wastewater disposal needs of the citizens of the state; and to require the use of all reasonable methods to implement this policy.

§333.12. Antidegradation Statement. In implementing the legislative policy expressed in the Texas Water Code, §26.003, it is the policy of the Texas Department of Water Resources (hereinafter, the department) that:

(1) the waters in the state whose existing quality is better than applicable water quality standards as of the effective date of this rule will be maintained at their higher quality, and no waste discharges may be made which will result in a lowering of quality unless and until it has been demonstrated to the department that lower water quality is necessary to accommodate important economic or social development in the area in which the waters are located. Additionally, no degradation shall be allowed in higher quality waters within or adjacent to national

parks and wildlife refuges, wild and scenic rivers designated by law, or other waters of exceptional recreational or ecological significance designated by law if the department determines that such degradation would significantly impair water quality necessary to protect and maintain the established purpose of the area.

(2) existing instream water uses and associated water quality levels or requirements established by general and numerical criteria in these standards will be maintained and protected consistent with the provisions of the Texas Water Code, Chapter 11, and in accordance with the Clean Water Act, §101(g) (33 United States Code 1251). Designated uses will be reviewed when appropriate, and necessary changes will be proposed and justified in accordance with 40 Code of Federal Regulations §131.20 and §131.21.

(3) the department will not authorize or approve any waste discharge that will result in the quality of any water being lowered below water quality standards without complying with federal and state laws applicable to water quality standards amendment.

(4) anyone discharging wastewater which would constitute a new source of pollution or an increased source of pollution from any industrial, public, or private project or development will be required to provide a level of wastewater treatment consistent with the provisions of the Texas Water Code and the Clean Water Act (33 United States Code 1251 *et seq.*) As necessary, cost-effective and reasonable best management practices (BMP) established through the Texas Water Quality Management (WQM) Program shall be achieved for nonpoint sources of pollution.

(5) application of antidegradation provisions shall not preclude the department from establishing modified thermal discharge limitations consistent with the Clean Water Act, §316(a) (33 United States Code 1326).

(6) Antidegradation policy implementation is partially achieved through specific reviews and approvals identified in paragraphs (3)-(5) of this section. Additional implementation activities are accomplished according to the rules of the Texas Water Development Board (hereinafter, the board), as set out in the Texas Water Code and the Texas Administrative Code, and procedures established through the WQM Program and the continuing planning process (CPP).

§333.13. Classification of Surface Waters. The surface waters of the state are divided into four categories.

(1) River basin waters. Surface inland waters comprising the major rivers, their tributaries, including listed impounded waters, and the tidal portion of rivers to the extent that they are confined in channels.

(2) Coastal basin waters. Surface inland waters, including listed impounded waters but exclusive of paragraph (1) of this section, discharging, flowing, or otherwise communicating with bays or the gulf, including the tidal portion of streams to the extent that they are confined in channels.

(3) Bay waters. All tidal waters, exclusive of those included in river basin waters, coastal basin waters, and gulf waters.

(4) Gulf waters. Waters which are not included in or do not form a part of any bay or estuary but which are a part of the open waters of the Gulf of Mexico to the limit of the state's jurisdiction.

§333.14. Description of Standards.

(a) The policy, antidegradation, and application statements in §333.11 of this title (relating to Policy Statement), §333.12 of this title (relating to Antidegradation Statement), and §333.16 of this title (relating to Application of Standards), respectively, are integral parts of the standards, and the standards shall be interpreted in accordance with these statements.

(b) The standards consist of three parts.

(1) General criteria in §333.17 of this title (relating to General Criteria) that are applicable to all surface waters of the state, except as provided otherwise in §333.16 of this title (relating to Application of Standards) and §333.20 of this title (relating to Determination of Standards Attainment).

(2) Numerical criteria in §333.18 of this title (relating to Numerical Criteria) and in §333.19 of this title (relating to Water Uses) that are applicable to specific surface waters listed in Appendix A of §333.21 of this title (relating to Appendices A-C) of the standards.

(3) Water uses in §333.19 of this title (relating to Water Uses) that are deemed desirable for specific surface waters listed in Appendix A of §333.21 of this title (relating to Appendices A-C) of the standards. The specification of desirable uses reflects the department's objective to attain and protect a quality of water appropriate to maintain the water uses designated for a stream segment.

(c) Desirable water uses and associated numerical criteria are set out in §333.18 of this title (relating to Numerical Criteria) and §333.19 of this title (relating to Water Uses). Appendix A of §333.21 of this title (relating to Appendices A-C) lists surface waters that have been specifically designated for desired water uses.

(d) Modification of standards.

(1) The board reserves the right to amend these standards following the completion of special studies.

(2) Any errors in water quality standards resulting from clerical errors or errors in data may be corrected by the board through amendment of the affected standards. Water quality standards not affected by such clerical errors or errors in data remain valid until changed by the board.

§333.15. Definitions and Abbreviations.

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

(1) Ambient—The natural conditions that would be expected to occur in waters unaffected or not influenced by the activities of man.

(2) Best management practice—A schedule of activities, a management practice or combination of practices, prohibitions of practices, or maintenance procedures determined to be the most practicable means of preventing or reducing, to a level compatible with water quality goals, the amount of pollution generated by non-point sources.

(3) Bioaccumulative toxic—A toxic substance which has a tendency to accumulate in organisms.

(4) Board—The Texas Water Development Board.

(5) Contact recreation—Recreational activities involving wading by children, swimming, water skiing, diving, and surfing.

(6) Continuing planning process (CPP)—A document that describes the state's planning and management process and procedures for making water quality decisions. The CPP is required by the Clean Water Act, §303(e) (33 United States Code 1313).

(7) Criteria—Concentrations of water constituents or characteristics which, if not exceeded, are expected to support and protect desired uses.

(8) Department—The Texas Department of Water Resources.

(9) Dissolved solids—The amount of material (inorganic salts and small amounts of organic material) dissolved in water and commonly expressed as a concentration in terms of milligrams per liter. The term is equivalent to the term "filtrable residue," as used in the 15th edition of *Standard Methods for the Examination of Water and Wastewater*.

(10) Effluent—Wastewater discharged from any point source prior to entering a water body.

(11) Epilimnion—The upper layer of a lake (including impoundments, ponds, and reservoirs) lying above the metalimnion.

(12) Fecal coliform—That portion of the coliform bacteria group which is present in the intestinal tracts and feces of warm-blooded animals.

(13) LC₅₀—The concentration of a toxicant that is lethal (fatal) to 50% of the organisms tested in a specified time period.

(14) Mixing zone—The area contiguous to a discharge where initial dilution takes place and which may not meet numerical criteria applicable to the receiving water.

(15) Noncontact recreation—Recreational pursuits not involving a significant risk of water ingestion, including fishing, commercial and recreational boating, and limited body contact incidental to shoreline activity.

(16) Nonpersistent toxic—A toxic substance that readily degrades in the aquatic environment, exhibits a half-life of less than 96 hours, and does not have a tendency to accumulate in organisms.

(17) Persistent toxic—A toxic substance that is not readily degraded, exhibits a half-life of 96 hours or more, is bioaccumulative, or acts additively, synergistically, or antagonistically with other pollutants.

(18) Salinity—The total dissolved solids in water after all carbonates have been converted to oxides, all bromide and iodide have been replaced by chloride, and all organic matter has been oxidized. For most purposes, salinity is considered equivalent to total dissolved salt content.

(19) Settleable solids—Material which will settle out of a water sample in a specified period of time. Settleable solids are measured as either volume or weight and are calculated by subtracting nonsettleable matter from total suspended matter.

(20) Seven-day, two-year low flow—The lowest flow that has been known to occur for seven consecutive days during a two-year period as statistically determined from historical data. It is the flow used for determining the allowable discharge load to a stream.

(21) Shellfish water—Waters producing edible species of clams, oysters, or mussels.

(22) Standards—The designation of water bodies for desirable uses and the general and numerical criteria deemed necessary to protect those uses.

(23) Suspended solids—Total suspended matter in water which is equivalent to nonfiltrable residue, as defined in the 15th edition of *Standard Methods for the Examination of Water and Wastewater*.

(24) Water Quality Management (WQM) Program—The department's overall program for attaining and maintaining water quality consistent with state standards, as authorized under the Texas Water Code, the Texas Administration Code, and the Clean Water Act, §§106, 205(j), 208, 303(e), and 314 (33 United States Code 1251 *et seq*).

(b) Abbreviations.

- (1) AP—Aquifer protection.
- (2) AS—Agricultural water supply.
- (3) CFR—Code of Federal Regulations.
- (4) CR—Contact recreation.
- (5) CPP—Continuing planning process.
- (6) DO—Dissolved oxygen.
- (7) E—Exceptional quality aquatic habitat.
- (8) °F—Degree(s) Fahrenheit.
- (9) ft³/s—Cubic feet per second.
- (10) H—High quality aquatic habitat.
- (11) I—Intermediate quality aquatic habitat.
- (12) IS—Industrial water supply.
- (13) L—Limited quality aquatic habitat.
- (14) mg/l—Milligrams per liter.
- (15) ml—Milliliter.
- (16) N—Navigation.
- (17) NCR—Noncontact recreation.
- (18) NPDES—National Pollutant Discharge

Elimination System, as set out in the Clean Water Act, §402 (33 United States Code 1342).

- (19) PS—Public water supply.
- (20) 7Q2—Seven-day, two-year low flow.
- (21) S—Shellfish waters.
- (22) TDS—Total dissolved solids.
- (23) USC—United States Code.
- (24) USEPA—U.S. Environmental Protection

Agency.

- (25) USGS—U.S. Geological Survey.
- (26) WQM—Water quality management.

§333.16. *Application of Standards.*

(a) General criteria. General criteria set forth in §333.17 of this title (relating to General Criteria) apply to all surface waters of the state at all times and specifically apply to substances attributed to waste discharges or the activities of man. General criteria do not apply to those instances in which surface water, as a result of natural phenomena, occasionally exhibit characteristics beyond the limits established by §333.17 of this title (relating to General Criteria). Specific exemptions stated in this section or in a classified segment water quality standard supersede general criteria.

(b) Numerical criteria. Numerical criteria may apply to one or more water uses and are set forth in §333.18 of this title (relating to Numerical Criteria) and in §333.19 of this title (relating to Water Uses). The criteria apply to segments listed in Appendix A of §333.21 of this title (relating to Appendices A-C) and specifically apply to substances attributed to waste discharges or the activities of man. Numerical criteria do not apply to surface waters which, as a result of natural phenomena, occasionally exhibit characteristics beyond the limits estab-

lished by §333.18 of this title (relating to Numerical Criteria) and §333.19 of this title (relating to Water Uses).

(c) Flow criteria.

(1) Flow criteria in Appendix B of §333.21 of this title (relating to Appendices A-C) are solely for the purpose of defining the flow conditions under which water quality standards apply to a given water body. Low-flow criteria listed in Appendix B of §333.21 of this title (relating to Appendices A-C) are not for the purpose of regulating flows in water bodies in any manner or requiring that minimum flows be maintained in classified segments.

(2) Flow criteria defined in this section and listed in Appendix B of §333.21 of this title (relating to Appendices A-C) apply only to river basin and coastal basin waters. They do not apply to bay or gulf waters or reservoirs or estuaries.

(3) Seven-day, two-day low flows (7Q2) in Appendix B of §333.21 of this title (relating to Appendices A-C) were calculated from historic U.S. Geological Survey (USGS) daily streamflow records where available. Where a USGS flow station was not located at a department monitoring station, the low-flow condition was interpolated/extrapolated from the nearest comparable USGS stations. The low flow was set at 0.1 of one cubic foot per second (ft³/s) when the calculated 7Q2 was equal to or less than 0.1 of one ft³/s.

(4) Flow values will be periodically recomputed to reflect alterations in the hydrologic characteristics of a segment, including reservoir construction, climatological trends, and other phenomena.

(d) General and numerical criteria.

(1) Inorganic chemical parameters. Water quality standards for chloride, sulfate, and total dissolved solids represent average annual values from a single sampling point or multiple sampling points within a segment and shall apply when flow equals or exceeds the specified flow criterion.

(2) Dissolved oxygen and pH. Dissolved oxygen, which represents an absolute minimum value, and pH standards shall apply throughout the segment at all times that the daily flow equals or exceeds the specified flow criterion.

(3) Temperature. The temperature standard shall apply throughout the segment at all times that the daily flow equals or exceeds the specified flow criterion.

(4) Other parameters and general criteria. General criteria and numerical criteria not specifically discussed in this subsection shall apply throughout the segment at all times regardless of flow unless exempted under subsection (h) of this section.

(e) Mixing zones.

(1) Departmental determination of mixing zones shall be on a case-by-case basis, taking into account other nearby mixing zones. Applicable limits may include, but are not limited to, linear distances from the point of discharge, surface area involvement, and volume of receiving water. Consideration will be given to guidance contained in the USEPA's *Water Quality Standards Handbook* (1983) when determining mixing zones.

(2) Where a mixing zone is defined in a valid department or National Pollutant Discharge Elimination System (NPDES) waste discharge permit, the defined zone shall apply.

(3) A reasonable mixing zone shall be allowed when a specific mixing zone has not been defined in a valid permit. Mixing zones should normally be limited to no more than 25% of the cross-sectional area or volume of flow of a water body; 75% of the cross-sectional area or volume of flow should be maintained as a zone of passage unless otherwise specified in a discharge permit. The mixing zone shall not preclude passage of free-swimming or drifting aquatic organisms to the extent that aquatic life use is significantly affected.

(4) Toxic material concentrations within the mixing zone shall not exceed the 96 hour LC₅₀ for representative, sensitive, indigenous aquatic organisms.

(f) Temperature.

(1) Temperature criteria apply to classified freshwater streams, freshwater impoundments, and tidal river reaches and bay and gulf waters.

(2) Temperature differentials shall not apply where the temperature increase is due to the discharge of treated domestic (sanitary) sewage effluent.

(3) Temperature for classified segments shall not exceed the maximum criteria listed in Appendix A of §333.21 of this title (relating to Appendices A-C).

(g) Toxic materials. Toxic material concentrations represent levels that should not be exceeded at any time or place after mixing.

(h) Exceptions.

(1) Water quality standards do not apply to treated effluents.

(2) Numerical criteria established in §333.18 of this title (relating to Numerical Criteria) and §333.19 of this title (relating to Water Uses) and set forth in Appendix A of §333.21 of this title (relating to Appendices A-C) do not apply to:

(A) mixing zones defined in a valid department or NPDES waste discharge permit or according to subsection (e)(3) of this section;

(B) dead-end barge or ship channels constructed for navigation purposes unless specifically designated in Appendix A of §333.21 of this title (relating to Appendices A-C); or

(C) intermittent or effluent-dominated streams.

§333.17. General Criteria.

(a) Aesthetic parameters.

(1) Concentrations of taste- and odor-producing substances shall not interfere with the production of potable water by reasonable water treatment methods, impart unpalatable flavor to food fish including shellfish, result in offensive odors arising from the waters, or otherwise interfere with the reasonable use of the waters of the state.

(2) Surface waters shall be essentially free of floating debris and suspended solids that are conducive to producing:

(A) adverse responses in aquatic organisms; or

(B) putrescible sludge deposits or sediment layers which adversely affect benthic biota or any lawful uses.

(3) Surface waters shall be essentially free of settleable solids conducive to changes in flow characteristics of stream channels or the untimely filling of reservoirs, lakes, and bays.

(4) Surface waters shall be maintained in an aesthetically attractive condition:

(5) Turbidity and color shall not be substantially changed from ambient conditions due to waste discharges to the extent that use is adversely affected.

(6) There shall be no foaming or frothing of a persistent nature.

(7) Surface waters shall be maintained so that oil, grease, or related residue will not produce a visible film of oil or globules of grease on the surface or coat the banks or bottoms of the watercourse.

(b) Radiological parameters. Radioactive materials shall not be discharged in excess of the amount regulated by the Texas Regulations for Control of Radiation (25 TAC §289.1 *et seq.*)

(c) Toxic parameters. Surface waters will not be toxic to man or terrestrial or aquatic life

(d) Nutrient parameters. Generally applicable criteria for nitrogen, phosphorus, carbon, and trace elements cannot be established because sufficient information on nutrient cycling in Texas waters and cause-effect relationships between nutrient concentrations and water quality is not presently available. Case-by-case nutrient criteria, where appropriate, will be established as information becomes available and after public participation and proper hearing.

(e) Temperature. Consistent with the §333.11 of this title (relating to Policy Statement) and in accordance with state water rights permits, temperature in industrial cooling lake impoundments and all other surface waters of the state shall be maintained so as to not interfere with the reasonable use of such waters. Numerical temperature criteria have not been specifically established for industrial cooling lake impoundments, which in most areas of the state contribute to water conservation and water quality objectives.

(f) Salinity.

(1) Estuarine salinity criteria have not been established, despite the recognition that proper salinity gradient maintenance is important for the continuation of balanced and desirable populations of estuarine dependent marine life, because weather is the dominant factor influencing salinity gradients.

(2) Absence of numerical salinity criteria shall not preclude evaluations and regulatory actions based on estuarine salinity, and careful consideration will be given to all activities which may detrimentally affect salinity gradients in estuarine waters.

(g) Dissolved oxygen. A dissolved oxygen (DO) goal of not less than 3.0 mg/l shall apply to all water bodies not specifically listed in Appendix A of §333.21 of this title (relating to Appendices A-C). In unclassified waters where a DO value of less than 3.0 mg/l is justifiable, which will most often apply to intermittent and effluent-dominated streams and dead-end barge and ship canals, a DO level of 2.0 mg/l shall be recognized as a minimum water quality objective. Nothing in this subsection shall be construed to prevent the application of more stringent dissolved oxygen criteria for perennial and noneffluent dominated water bodies if the department determines that such action is necessary to protect existing water quality or desirable water uses.

(h) Bacteria. A fecal coliform goal of not more than 2,000 colonies per 100 ml shall apply to all water bodies not specifically listed in Appendix A of §333.21 of this title (relating to Appendices A-C.)

§333.18. Numerical Criteria.

(a) Numerical criteria specified in this section are for one or more water uses. Numerical criteria associated with individual water uses are enumerated in §333.19 of this title (relating to Water Uses).

(b) Chemical parameters. Criteria for chloride, sulfate, and total dissolved solids concentrations applicable to classified segments, except as qualified in §333.16 of this title (relating to Application of Standards), are listed in Appendix A of §333.21 of this title (relating to Appendices A-C).

(c) Dissolved oxygen. Minimum dissolved oxygen criteria for classified segments, except as qualified in §333.16 of this title (relating to Application of Standards), are listed in Appendix A of §333.21 of this title (relating to Appendices A-C).

(d) pH. Minimum and maximum pH range criteria for classified segments, except as qualified in §333.16 of this title (relating to Application of Standards), are listed in Appendix A of §333.21 of this title (relating to Appendices A-C).

(e) Temperature.

(1) Temperature criteria consist of a maximum temperature value and a maximum temperature differential attributable to heated effluents. Except as qualified in §333.16 of this title (relating to Application of Standards), temperature shall not exceed the maximum criteria in Table 1 in paragraph (2) of this subsection.

(2) Table 1. Temperature criteria for surface waters.

Surface Water Bodies	Temperature Criteria	
	Maximum Temperature	Maximum Temperature Differential (rise over ambient)
Freshwater streams	See Appendix A of §333.21 of this title (relating to Appendices A-C) for classified segment value	5°F
Freshwater impoundments	See Appendix A of §333.21 of this title (relating to Appendices A-C) for classified segment value	3°F
Tidal River Reaches, Bay and Gulf Waters		
Fall, Winter, Spring	95°F	4°F
Summer (June, July, August)	95°F	1.5°F

(f) Bacteriological criteria.

(1) Bacteriological criteria are for fecal coliform organisms and consist of a measure of general quality and a limit on variations from general quality.

(2) Criteria for recreational uses are established in §333.19 of this title (relating to Water Uses) and specifically listed for classified segments in Appendix A of §333.21 of this title (relating to Appendices A-C).

(3) Criteria for shellfish waters are established in §333.19 of this title (relating to Water Uses) and specifically listed for classified segments in Appendix A of §333.21 of this title (relating to Appendices A-C).

§333.19. Water Uses.

(a) The following list represents uses and supporting criteria deemed desirable by the department. The order of the following list does not denote priority of use.

(b) Recreation. Recreational use consists of two subcategories, contact recreation waters and noncontact recreation waters.

(1) Contact recreation waters.

(A) Fecal coliform content shall not exceed 200 colonies per 100 ml as a geometric mean based on a representative sampling of not less than five samples collected over not more than 30 days.

(B) Fecal coliform content shall not equal or exceed 400 colonies per ml in more than 10% of all samples, but based on at least five samples, taken during any 30-day period. If 10 or fewer samples collected within a 30-day period are analyzed, no more than one sample shall exceed 400 colonies per 100 ml.

(2) Noncontact recreation waters.

(A) Fecal coliform content shall not exceed 2,000 colonies per 100 ml as a geometric mean based on a representative sampling of not less than five samples collected over not more than 30 days.

(B) Fecal coliform content shall not equal or exceed 400 colonies per 100 ml in more than 10% of all samples, but based on at least five samples, taken during any 30-day period. If 10 or fewer samples collected within a 30-day period are analyzed, no more than one sample shall exceed 4,000 colonies per 100 ml.

(c) Domestic water supply.

(1) Use categories. Domestic water supply consists of two use subcategories, public water supply and aquifer protection.

(A) Public water supply. Segments designated for public water supply are those known to be used or exhibit characteristics that would allow them to be used as the supply source for community and noncommunity water supply systems, as defined by regulations promulgated pursuant to the Safe Drinking Water Act (42 United States Code 300f *et seq.*)

(B) Aquifer protection. Segments designated for aquifer protection are capable of recharging the Edwards Aquifer. In accordance with board rules, the principal purpose of this use designation is to protect the quality of water infiltrating into and recharging the aquifer.

(2) Use criteria. The following use criteria apply to both domestic water supply use subcategories.

(A) Radioactivity associated with dissolved minerals in the freshwater portions of river basin and coastal basin waters should not exceed levels established by regulations promulgated pursuant to the Safe Drinking Water Act unless the conditions are of natural origin.

(B) Surface waters utilized for domestic water supply shall not exceed toxic material concentrations that prevent them from being treated to meet regulatory requirements promulgated pursuant to the Safe Drinking Water Act.

(C) Chemical and microbiological quality of surface waters used for domestic water supply should conform to regulatory requirements promulgated pursuant to the Safe Drinking Water Act. Surface waters that do not meet drinking water standards but that are the only supply source may be designated for public water supply

where chemical and microbiological constituents do not pose a potential health hazard.

(d) Aquatic life.

(1) Aquatic life subcategories. The establishment of numerical criteria for aquatic life is highly dependent on desired use, sensitivities of usual aquatic communities, and local physical and chemical characteristics. Five subcategories of use are established. They include limited quality, intermediate quality, high quality, and exceptional quality aquatic habitat and shellfish waters. Aquatic life subcategories designated for segments listed in Appendix A of §333.21 of this title (relating to Appendices A-C) attempt to recognize the natural variability of aquatic community requirements and local environmental conditions.

(2) Limited, intermediate, high, and exceptional quality aquatic habitat.

(A) Limited quality aquatic habitat. Dissolved oxygen (DO) shall be maintained at not less than three mg/l for freshwater aquatic habitat.

(B) Intermediate quality aquatic habitat. Dissolved oxygen (DO) shall be maintained at not less than 4.0 mg/l for freshwater aquatic habitat and not less than 3.0 mg/l for saltwater aquatic habitat.

(C) High quality aquatic habitat. Dissolved oxygen (DO) shall be maintained at not less than 5.0 mg/l for freshwater aquatic habitat and not less than 4.0 mg/l for saltwater aquatic habitat.

(D) Exceptional quality aquatic habitat. Dissolved oxygen (DO) shall be maintained at not less than 6.0 mg/l for freshwater aquatic habitat and not less than 5.0 mg/l for saltwater aquatic habitat.

(3) Shellfish waters.

(A) A 1,000-foot buffer zone, measured from the shoreline at ordinary high tide, is established for all bay and gulf waters, except those contained in river or coastal basins as defined in §333.13 of this title (relating to Classification of Surface Waters). Fecal coliform content in buffer zones shall not exceed 200 colonies per 100 ml as a geometric mean of not less than five samples collected over not more than 30 days or equal or exceed 400 colonies per 100 ml in more than 10% of all samples taken during a 30-day period.

(B) Median fecal coliform concentration in bay and gulf waters, exclusive of buffer zones, shall not exceed 14 colonies per 100 ml, with not more than 10% of all samples exceeding 43 colonies per 100 ml.

(C) Shellfish waters should be maintained so that heavy metal and pesticide concentrations do not cause shellfish to exceed accepted guidelines for the protection of public health.

(D) Shellfish areas open to harvesting are identified by the Texas Department of Health in "Classification of Shellfish Harvesting Areas" maps.

(4) Toxic materials.

(A) Concentrations of nonpersistent toxic materials shall not exceed 0.1 of the 96-hour median lethal concentration (LC_{50}) for a representative indigenous aquatic organism.

(B) Concentrations of persistent toxic materials that do not bioaccumulate shall not exceed 0.05 of the 96-hour median lethal concentration (LC_{50}) for a representative indigenous aquatic organism.

(C) Concentrations of toxic materials that bioaccumulate shall not exceed 0.01 of the 96-hour median lethal concentration (LC_{50}) for a representative indigenous aquatic organism.

(e) Other uses. The quality of surface waters, other than intermittent streams and classified segments with specifically designated uses and numerical criteria, will be protected so that certain minimal uses such as navigation, agricultural water supply, and industrial water supply will be maintained.

§333.20. Determination of Standards Attainment.

(a) Sampling locations.

(1) Representative samples to determine standards attainment will be collected at locations approved by the department. To ensure comparability with past sampling data, samples will be collected at established monitoring stations. Monitoring stations may be established or discontinued by the department.

(2) Field investigation samples may be collected at points not established or approved as standards attainment sampling locations at the discretion of the department.

(b) Sample collection and preservation.

(1) To ensure that representative samples are collected and to minimize alterations prior to analysis, collection, and preservation of attainment determination samples will be in accordance with procedures set forth in the most recent edition of *Standard Methods for the Examination of Water and Wastewater*, the most recent version of the quality assurance program plan for the department, or other reliable procedures acceptable to the department.

(2) Depth collection procedures to determine standards attainment may vary depending on the water body being sampled.

(A) Nontidal flowing streams. In flowing streams, a profile should be obtained to determine if the water column is uniformly mixed. Samples shall be collected one foot below the water surface in streams exhibiting a vertically mixed water column. A depth-integrated sample shall be used to determine attainment in unmixed streams. Where depth is less than 1.5 feet, the collection depth shall be one-third of the water depth measured from the water surface.

(B) Impoundments. Representative samples shall be collected from the entire water column in the absence of thermal stratification. Collection of representative samples shall be confined to the epilimnion when an impoundment is thermally stratified.

(C) Bays. A depth-integrated (vertical composite) sample shall be collected from the surface to the natural bottom. Dredged areas shall not be considered part of the natural bottom.

(D) Tidal streams. A surface-to-bottom profile of DO, pH, conductivity, and temperature shall be obtained in all cases. Under conditions of density stratification, a composite sample collected from the mixed surface layer shall be used to determine standards attainment.

(c) Sample analysis.

(1) Numerical values in the water quality standards shall be determined by analytical procedures recommended in the most recent edition of *Standard Methods for the Examination of Water and Wastewater*, the Qual-

ity Assurance Program Plan for the department, or other reliable methods acceptable to the department.

(2) Radioactivity. Measurements will be made on filtered samples to determine radioactivity associated with dissolved minerals in nontidal waters.

(3) Toxicity. Bioassay techniques will be selected as testing situations dictate but will generally be conducted using representative organisms indigenous or native to the receiving waters being tested and water quality conditions which approximate those of the receiving waters. Consideration will be given to using USEPA bioassay procedures.

(4) Bacteria. Bacteriological levels shall be determined by either multiple-tube fermentation or membrane filter techniques.

(d) Interpretation of results.

(1) Chemical parameters. Standards attainment determinations shall be based on at least four measurements per segment and made by averaging results from all monitoring stations within the segment to allow for reasonable parametric gradients. TDS determinations may be based on conductivity observations.

(2) Radioactivity. The impact of radioactive discharges on the surface waters of Texas will be evaluated utilizing information developed by the Sanitary Engineering Research Laboratory at the University of Texas and presented in the June 30, 1960, report titled *Report on Radioactivity—Levels in Surface Waters—1958-1960*.

§333.21. *Appendices A-C*. The following appendices are integral components of the *Texas Surface Water Quality Standards* (Appendix A—Segment Standards, Appendix B—Low-Flow Criteria, Appendix C—Segment Descriptions).

Appendix A.

Segment standards (uses and criteria). The following tables identify the state's classified segments by number and a short title description. Each river and coastal basin is described in a separate table. Water uses and supporting numerical criteria are also listed by individual segment. Applicable low-flow values and complete segment boundary descriptions are provided in Appendix B and Appendix C, respectively, of this section.

CANADIAN RIVER BASIN		RECREATION	AQUATIC LIFE	DOMESTIC WATER SUPPLY	OTHER USES	CHLORIDE	SULFATE	TDS	DISSOLVED OXYGEN	PH RANGE	FECAL COLIFORM	TEMPERATURE
SEGMENT NUMBER AND NAME												
0101	Lower Canadian River	CR	H			1,300	625	2,940	5.0	6.5-9.0	200	95
0102	Lake Meredith	CR	E	PS		350	350	1,250	6.0	6.5-9.0	200	85
0103	Upper Canadian River	CR	H			900	500	2,500	5.0	6.5-9.0	200	95
0104	Wolf Creek	CR	H			300	100	1,000	5.0	6.5-9.0	200	93
0105	Rita Blanca Lake	CR	H	PS		50	40	300	5.0	6.5-9.0	200	85

RED RIVER BASIN		RECREATION	AQUATIC LIFE	DOMESTIC WATER SUPPLY	OTHER USES	CHLORIDE	SULFATE	TDS	DISSOLVED OXYGEN	PH RANGE	
SEGMENT NUMBER AND NAME											
0201	Red River	CR	H	PS		375	250	1,100	5.0	6.5-9.0	2
0202	Red River	CR	H	PS		375	250	1,100	5.0	6.5-9.0	2
0203	Lake Texoma	CR	H	PS		600	300	1,500	5.0	6.5-9.0	2
0204	Red River	CR	H			2,000	1,200	6,000	5.0	6.5-9.0	2
0205	Red River	CR	H			5,000	2,000	10,000	5.0	6.5-9.0	2
0206	Red River	CR	H			12,000	4,000	25,000	5.0	6.5-9.0	2
0207	Prairie Dog Town Fork Red River	CR	H			30,000	4,500	65,000	5.0	6.5-9.0	2
0208	Lake Crook	CR	H	PS		75	150	350	5.0	6.5-9.0	2
0209	Pat Mayse Lake	CR	H	PS		100	175	350	5.0	6.5-9.0	2
0210	Farmers Creek Reservoir	CR	H	PS		150	100	500	5.0	6.5-9.0	2
0211	Little Wichita River	CR	H	PS		250	50	500	5.0	6.5-9.0	2
0212	Lake Arrowhead	CR	H	PS		250	50	500	5.0	6.5-9.0	2
0213	Lake Kickapoo	CR	H	PS		100	50	400	5.0	6.5-9.0	2
0214	Wichita River	CR	H			1,800	800	5,000	5.0	6.5-9.0	2
0215	Diversion Lake	CR	H			1,800	800	5,000	5.0	6.5-9.0	2
0216	Wichita River	CR	H			1,800	800	5,000	5.0	6.5-9.0	2
0217	Lake Kemp*	CR	H			7,000	2,500	15,000	5.0	6.5-9.0	2

*It is anticipated that inorganic chemical quality should improve following completion and as a result of the operation of salinity control projects.

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RED RIVER BASIN

SECTENT NUMBER AND NAME

		RECREATION	AQUATIC LIFE	DOMESTIC WATER SUPPLY	OTHER USES	CHLORIDE	SULFATE	TDS	DISSOLVED OXYGEN	PH RANGE	FECAL COLIFORM	TEMPERATURE
0218	Wichita/North Fork Wichita River *	CR	H			7,500	2,800	16,250	5.0	6.5-9.0	200	93
0219	Lake Wichita	CR	H			1,000	400	1,800	5.0	6.5-9.0	200	90
0220	Pease/North Fork Pease River	CR	H			12,000	3,500	30,000	5.0	6.5-9.0	200	91
0221	Middle Fork Pease River	CR	H			740	1,200	3,300	5.0	6.5-9.0	200	91
0222	Salt Fork Red River	CR	H			400	1,400	3,000	5.0	6.5-9.0	200	93
0223	Greenbelt Lake	CR	H	PS		250	200	750	5.0	6.5-9.0	200	93
0224	North Fork Red River	CR	H			800	1,200	2,500	5.0	6.5-9.0	200	91
0225	McKinney Bayou	MCR	L	PS		60	90	400	3.0	6.0-8.5	2,000	93
0226	South Fork Wichita River *	CR	H			12,000	3,650	31,000	5.0	6.5-9.0	200	93
0227	South Fork Pease River	CR	H			75	150	450	5.0	6.5-9.0	200	91
0228	Mackenzie Reservoir	CR	H	PS		20	160	350	5.0	6.5-9.0	200	90

*It is anticipated that inorganic chemical quality should improve following completion and as a result of the operation of salinity control projects.

SULPHUR RIVER BASIN
SEWAGE NUMBER AND NAME

		RECREATION	AQUATIC LIFE	DOMESTIC WATER SUPPLY	OTHER USES	CHLORIDE	SULFATE	TDS	DISSOLVED OXYGEN	PH RANGE	FECAL COLEFORM	TEMPERATURE
0301	Sulphur River	CR	H			120	100	500	5.0	6.0-8.5	200	90
0302	Wright Patman Lake	CR	H	PS		75	75	400	5.0	6.0-8.5	200	90
0303	Sulphur/South Sulphur River	CR	H			60	150	600	5.0	6.0-8.5	200	93
0304	Days Creek	NCR	I			525	75	850	4.0	6.0-8.5	2,000	90
0305	North Sulphur River	CR	H			190	475	1,320	5.0	6.0-8.5	200	93

CYPRESS CREEK RIVER BASIN

SEGMENT NUMBER AND NAME

		RECREATION	AQUATIC LIFE	DOMESTIC WATER SUPPLY	OTHER USES	CHLORIDE	SULFATE	TDS	DISSOLVED OXYGEN	PH RANGE	FECAL COLIFORM	TEMPERATURE
0401	Caddo Lake	CR	H	PS		100	50	300	5.0	6.0-8.5	200	90
0402	Lower Big Cypress Creek	CR	H	PS		100	50	300	5.0	6.0-8.5	200	93
0403	Lake O' the Pines	CR	H	PS		80	50	300	5.0	6.0-8.5	200	93
0404	Upper Big Cypress Creek	NCR	I			100	100	500	4.0	6.0-8.5	2,000	90
0405	Lake Cypress Springs	CR	H	PS		100	100	500	5.0	6.0-8.5	200	93
0406	Black Bayou	NCR	I	PS		80	50	300	4.0	6.0-8.5	2,000	90
0407	James' Bayou	NCR	I	PS		100	50	300	4.0	6.0-8.5	2,000	90
0408	Lake Bob Sandlin	CR	H	PS		35	65	150	5.0	6.5-9.0	200	90

SABINE RIVER BASIN

SEGMENT NUMBER AND NAME

		RECREATION	AQUATIC LIFE	DOMESTIC WATER SUPPLY	OTHER USES	CHLORIDE	SULFATE	TDS	DISSOLVED OXYGEN	PH RANGE	FECAL COLIFORM	TEMPERATURE
0501	Sabine River Tidal	CR	H						4.0	6.0-8.5	200	95
0503	Sabine River	CR	H	PS		30	25	120	5.0	6.0-8.5	200	91
0504	Toledo Bend Reservoir	CR	H	PS		70	30	240	5.0	6.0-8.5	200	93
0505	Sabine River	NCR	H	PS		175	75	400	5.0	6.0-8.5	2,000	93
0506	Sabine River	CR	H	PS		200	100	500	5.0	6.0-8.5	200	90
0507	Lake Tawakoni	CR	H	PS		20	35	200	5.0	6.0-8.5	200	93
0508	Adams Bayou Tidal	NCR	H						4.0	6.0-8.5	2,000	95
0509	Murvaul Lake	CR	H	PS		150	75	500	5.0	6.5-9.0	200	92
0510	Lake Cherokee	CR	H	PS		75	50	250	5.0	6.0-8.5	200	95
0511	Cow Bayou Tidal	CR	H						4.0	6.0-8.5	200	95
0512	Lake Fork Reservoir	CR	H	PS		130	100	300	5.0	6.5-9.0	200	90

NECHES RIVER BASIN
SEGMENT NUMBER AND NAME

		RECREATION	AQUATIC LIFE	DOMESTIC WATER SUPPLY	OTHER USES	CHLORIDE	SULFATE	TDS	DISSOLVED OXYGEN	PH RANGE	FECAL COLIFORM	TEMPERATURE
0601	Neches River Tidal	NCR	I						3.0*	6.0-8.5	2,000	95
0602	Neches River	CR	H	PS		50	30	150	5.0	6.0-8.5	200	91
0603	B. A. Steinhagen Lake	CR	H	PS		50	30	150	5.0	6.0-8.5	200	93
0604	Neches River	CR	H	PS		50	30	150	5.0	6.0-8.5	200	91
0605	Lake Palestine	CR	H	PS		50	30	150	5.0	6.0-8.5	200	90
0606	Neches River	CR	L	PS		50	30	150	3.0**	6.0-8.5	200	95
0607	Pine Island Bayou	CR	H	PS		150	50	300	5.0	6.0-8.5	200	95
0608	Village Creek	CR	H	PS		150	75	300	5.0	6.0-8.5	200	90
0609	Lower Angelina River	CR	H	PS		70	40	250	5.0	6.0-8.5	200	90
0610	Sam Rayburn Reservoir	CR	H	PS		70	40	250	5.0	6.0-8.5	200	93
0611	Upper Angelina River	CR	H	PS		125	40	250	5.0	6.0-8.5	200	90
0612	Attoyac Bayou	CR	H	PS		75	50	150	5.0	6.0-8.5	200	90
0613	Lake Tyler and Lake Tyler East	CR	H	PS		100	50	250	5.0	6.5-9.0	200	93
0614	Lake Jacksonville	CR	H	PS		50	75	750	5.0	6.5-9.0	200	93

*Does not apply to flows of less than 1,000 ft³/s.

**Applies at or above headwater flow of 22.0 ft³/s.

NECHES-TRINITY COASTAL BASIN

SEGMENT NUMBER AND NAME		RECREATION	AQUATIC LIFE	DOMESTIC WATER SUPPLY	OTHER USES	CHLORIDE	SULFATE	TDS	DISSOLVED OXYGEN	PH RANGE	FECAL COLIFORM	TEMPERATURE
0701	Taylor Bayou Above Tidal	CR	I			100	75	600	4.0	6.5-9.0	200	95
0702	Intracoastal Waterway	NCR	H						4.0	6.5-9.0	2,000	95
0703	Sabine-Neches Canal	NCR	H						4.0	6.5-9.0	2,000	95

TRINITY RIVER BASIN		RECREATION	AQUATIC LIFE	DOMESTIC WATER SUPPLY	OTHER USES	CHLORIDE	SULFATE	TDS	DISSOLVED OXYGEN	PH RANGE	FECAL COLIFORM	TEMPERATURE
SEGMENT NUMBER AND NAME												
0801	Trinity River Tidal	CR	H						4.0	6.5-9.0	200	95
0802	Trinity River	CR	H	PS		125	100	600	5.0	6.5-9.0	200	93
0803	Lake Livingston	CR	H	PS		150	50	500	5.0	6.5-9.0	200	93
0804	Trinity River	NCR	H			150	150	600	5.0	6.5-9.0	2,000	93
0805	Trinity River/West Fork Trinity River	NCR	L			175	175	850	3.0*	6.5-9.0	2,000	95
0806	West Fork Trinity River	CR	H	PS		100	100	500	5.0	6.5-9.0	200	93
0807	Lake Worth	CR	H	PS		100	100	500	5.0	6.5-9.0	200	91
0808	West Fork Trinity River	CR	H	PS		100	100	500	5.0	6.5-9.0	200	91
0809	Eagle Mountain Reservoir	CR	H	PS		75	75	300	5.0	6.5-9.0	200	94
0810	West Fork Trinity River	CR	H	PS		100	100	500	5.0	6.5-9.0	200	90
0811	Bridgeport Reservoir	CR	H	PS		75	75	300	5.0	6.5-9.0	200	90
0812	West Fork Trinity River	CR	H	PS		100	100	500	5.0	6.5-9.0	200	90
0813	Houston County Lake	CR	H	PS		75	75	300	5.0	6.5-9.0	200	93
0814	Chambers Creek	CR	H	PS		65	110	500	5.0	6.5-9.0	200	90
0815	Bardwell Reservoir	CR	H	PS		50	50	300	5.0	6.5-9.0	200	91
0816	Lake Waxahachie	CR	H	PS		50	50	300	5.0	6.5-9.0	200	91
0817	Navarro Mills Lake	CR	H	PS		50	75	300	5.0	6.5-9.0	200	90

*When headwater flow at USGS gauge Station 0804800 (located at West Fork Trinity River at Ft. Worth, Texas) is less than 80.0 ft³/s, the DO criterion shall be 1.0 mg/l.

TRINITY RIVER BASIN		RECREATION	AQUATIC LIFE	DOMESTIC WATER SUPPLY	OTHER USES	CHLORIDE	SULFATE	TDS	DISSOLVED OXYGEN	PH RANGE	FECAL COLIFORM	TEMPERATURE
SEGMENT NUMBER AND NAME												
0818	Cedar Creek Reservoir	CR	H	PS		50	50	200	5.0	6.0-8.5	200	93
0819	East Fork Trinity River	NCR	I			75	50	400	4.0	6.5-9.0	2,000	91
0820	Lake Ray Hubbard	CR	H	PS		40	40	300	5.0	6.5-9.0	200	93
0821	Lavon Lake	CR	H	PS		40	40	300	5.0	6.5-9.0	200	93
0822	Lower Elm Fork Trinity River	CR	H	PS		80	60	500	5.0	6.5-9.0	200	90
0823	Lewisville Lake	CR	H	PS		80	60	500	5.0	6.5-9.0	200	90
0824	Upper Elm Fork Trinity River	CR	H	PS		80	60	500	5.0	6.5-9.0	200	90
0825	Denton Creek	CR	H	PS		80	60	500	5.0	6.5-9.0	200	90
0826	Grapevine Lake	CR	H	PS		80	60	500	5.0	6.5-9.0	200	93
0827	White Rock Lake	CR*	H			100	100	400	5.0	6.5-9.0	200	93
0828	Lake Arlington	CR	H	PS		100	100	300	5.0	6.5-9.0	200	95
0829	Clear Fork Trinity River	CR	H	PS		100	100	500	5.0	6.5-9.0	200	93
0830	Benbrook Lake	CR	H	PS		75	75	300	5.0	6.5-9.0	200	93
0831	Clear Fork Trinity River	CR	H	PS		100	100	500	5.0	6.5-9.0	200	90
0832	Lake Weatherford	CR	H	PS		100	100	500	5.0	6.5-9.0	200	93
0833	Clear Fork Trinity River	CR	H	PS		125	125	750	5.0	6.5-9.0	200	95
0834	Lake Amon G. Carter	CR	H	PS		150	150	400	5.0	6.5-9.0	200	93

*While Segment 0827 may exhibit quality characteristics which would make it suitable for contact recreation, the use is prohibited by local regulation for reasons unrelated to water quality.

TRINITY RIVER BASIN		RECREATION	AQUATIC LIFE	DOMESTIC WATER SUPPLY	OTHER USES	CHLORIDE	SULFATE	TDS	DISSOLVED OXYGEN	PH RANGE	FECAL COLIFORM	TEMPERATURE
SEGMENT NUMBER AND NAME												
0835	Richland Creek	CR	H	PS		75	150	570	5.0	6.5-9.0	200	90

TRINITY-SAN JACINTO COASTAL BASIN

SEGMENT NUMBER AND NAME

		RECREATION	AQUATIC LIFE	DOMESTIC WATER SUPPLY	OTHER USES	CHLORIDE	SULFATE	TDS	DISSOLVED OXYGEN	PH RANGE	FECAL COLIFORM	TEMPERATURE
0901	Cedar Bayou Tidal	CR	H						4.0	6.5-9.0	200	95
0902	Cedar Bayou Above Tidal	NCR	H	PS		200	100	400	5.0	6.5-9.0	2,000	90

SAN JACINTO RIVER BASIN

SEGMENT NUMBER AND NAME

		RECREATION	AQUATIC LIFE	DOMESTIC WATER SUPPLY	OTHER USES	CHLORIDE	SULFATE	TDS	DISSOLVED OXYGEN	pH RANGE	FECAL COLIFORM	TEMPERATURE
1001	San Jacinto River Tidal	CR	H						4.0	6.5-9.0	200	95
1002	Lake Houston	CR	H	PS		100	50	200	5.0	6.5-9.0	200	90
1003	East Fork San Jacinto River	CR	H	PS		80	40	400	5.0	6.0-8.5	200	91
1004	West Fork San Jacinto River	CR	H	PS		80	40	300	5.0	6.5-9.0	200	95
1005	Houston Ship Channel/San Jacinto River	NCR	H						4.0	6.5-9.0	2,000	95
1006	Houston Ship Channel				N/IS				2.0	6.5-9.0	2,000	95
1007	Houston Ship Channel/Buffalo Bayou				N/IS				1.0	6.5-9.0	2,000	95
1008	Spring Creek	NCR	H	PS		80	40	300	5.0	6.5-9.0	2,000	90
1009	Cypress Creek	NCR	H	PS		80	40	300	5.0	6.5-9.0	2,000	90
1010	Caney Creek	CR	H	PS		50	40	300	5.0	6.0-8.5	200	90
1011	Peach Creek	CR	H	PS		50	40	200	5.0	6.0-8.5	200	90
1012	Lake Conroe	CR	H	PS		50	40	200	3.0	6.5-9.0	200	90
1013	Buffalo Bayou Tidal	NCR							2.0	6.5-9.0	2,000	92
1014	Buffalo Bayou Above Tidal	NCR	L			110	65	600	3.0	6.5-9.0	2,000	92

SAN JACINTO-BRAZOS COASTAL BASIN

SEGMENT NUMBER AND NAME

		RECREATION	AQUATIC LIFE	DOMESTIC WATER SUPPLY	OTHER USES	CHLORIDE	SULFATE	TDS	DISSOLVED OXYGEN	PH RANGE	FECAL COLIFORM	TEMPERATURE
1101	Clear Creek Tidal	NCR	H						4.0	6.5-9.0	2,000	95
1102	Clear Creek Above Tidal	NCR	H			200	100	600	5.0	6.5-9.0	2,000	95
1103	Dickinson Bayou Tidal	CR	H						4.0	6.5-9.0	200	95
1104	Dickinson Bayou Above Tidal	NCR	H			200	100	600	5.0	6.5-9.0	2,000	90
1105	Bastrop Bayou Tidal	CF	H						4.0	6.5-9.0	200	95
1107	Chocolate Bayou Tidal	CR	H						4.0	6.5-9.0	200	95
1108	Chocolate Bayou Above Tidal	NCR	H			150	50	600	5.0	6.5-9.0	2,000	90
1109	Oyster Creek Tidal	NCR	H						4.0	6.5-9.0	2,000	95
1110	Oyster Creek Above Tidal	NCR	H	PS		300	150	750	5.0	6.5-9.0	2,000	90
1111	Old Brazos River Channel	CR	H						4.0	6.5-9.0	200	95
1113	Armand Bayou Tidal	CR	H						4.0	6.5-9.0	200	95

BRAZOS RIVER BASIN

SEGMENT NUMBER AND NAME

		RECREATION	AQUATIC LIFE	DOMESTIC WATER SUPPLY	OTHER USES	CHLORIDE	SULFATE	TDS	DISSOLVED OXYGEN	PH RANGE	FECAL COLIFORM	TEMPERATURE
1201	Brazos River Tidal	CR	H	PS					4.0	6.5-9.0	200	95
1202	Brazos River	CR	H	PS		300	200	750	5.0	6.5-9.0	200	95
1203	Whitney Lake	CR	H			600	300	1,500	5.0	6.5-9.0	200	93
1204	Brazos River	CR	H			600	300	1,600	5.0	6.5-9.0	200	91
1205	Lake Granbury	CR	H			1,000	600	2,500	5.0	6.5-9.0	200	93
1206	Brazos River	CR	E			600	300	1,600	6.0	6.5-9.0	200	90
1207	Possum Kingdom Lake	CR	H	PS		1,200	500	3,500	5.0	6.5-9.0	200	93
1208	Brazos River	CR	H			5,000	2,000	12,000	5.0	6.5-9.0	200	95
1209	Lower Navasota River	CR	H	PS		120	80	500	5.0	6.5-9.0	200	93
1210	Lake Mexia	CR	H	PS		100	50	400	5.0	6.5-9.0	200	90
1211	Yegua Creek	CR	H	PS		75	75	250	5.0	6.5-9.0	200	91
1212	Somerville Lake	CR	H	PS		75	75	250	5.0	6.5-9.0	200	93
1213	Little River	CR	H	PS		75	75	400	5.0	6.5-9.0	200	90
1214	San Gabriel River	CR	H	PS		45	40	375	5.0	6.5-9.0	200	91
1215	Lower Lampasas River	CR	H	PS		100	75	500	5.0	6.5-9.0	200	91
1216	Stillhouse Hollow Lake	CR	E	PS		100	75	500	6.0	6.5-9.0	200	93
1217	Upper Lampasas River	CR	H			200	100	700	5.0	6.5-9.0	200	91

BRAZOS RIVER BASIN

SEGMENT NUMBER AND NAME

		RECREATION	AQUATIC LIFE	DOMESTIC WATER SUPPLY	OTHER USES	CHLORIDE	SULFATE	TDS	DISSOLVED OXYGEN	PH RANGE	FECAL COLIFORM	TEMPERATURE
1218	Nolan Creek	NCR	H	PS		100	75	500	5.0	6.5-9.0	2,000	93
1219	Lower Leon River	CR	H	PS		150	75	500	5.0	6.5-9.0	200	91
1220	Belton Lake	CR	H	PS		100	75	500	5.0	6.5-9.0	200	93
1221	Mid Leon River	CR	H	PS		150	75	500	5.0	6.5-9.0	200	90
1222	Proctor Lake	CR	H	PS		200	75	500	5.0	6.5-9.0	200	93
1223	Upper Leon River	CR	H	PS		150	75	500	5.0	6.5-9.0	200	93
1224	Leon Reservoir	CR	H	PS		150	75	500	5.0	6.5-9.0	200	93
1225	Waco Lake	CR	H	PS		60	60	400	5.0	6.5-9.0	200	93
1226	North Bosque River	CR	H			75	60	540	5.0	6.5-9.0	200	91
1227	Nolan River	NCR	H			75	75	500	5.0	6.5-9.0	2,000	95
1228	Lake Pat Cleburne	CR	H	PS		100	100	300	5.0	6.5-9.0	200	93
1229	Paluxy River	CR	H	PS		35	65	400	5.0	6.5-9.0	200	91
1230	Lake Palo Pinto	CR	H	PS		100	100	450	5.0	6.5-9.0	200	93
1231	Lake Graham	CR	H	PS		200	75	500	5.0	6.5-9.0	200	95
1232	Clear Fork Brazos River	CR	H			1,030	1,700	4,050	5.0	6.5-9.0	200	93
1233	Hubbard Creek Reservoir	CR	H	PS		350	75	750	5.0	6.5-9.0	200	93
1234	Lake Cisco	CR	H	PS		75	75	350	5.0	6.5-9.0	200	93

BRAZOS RIVER BASIN
SEGMENT NUMBER AND NAME

		RECREATION	AQUATIC LIFE	DOMESTIC WATER SUPPLY	OTHER USES	CHLORIDE	SULFATE	TDS	DISSOLVED OXYGEN	PH RANGE	FECAL COLIFORM	TEMPERATURE
1235	Lake Stamford	CR	H	PS		425	350	1,100	5.0	6.5-9.0	200	93
1236	Fort Phantom Hill Reservoir	CR	H	PS		200	100	600	5.0	6.5-9.0	200	93
1237	Lake Sweetwater	CR	H	PS		175	225	500	5.0	6.5-9.0	200	93
1238	Salt Fork Brazos River	CR	H			23,000	4,000	40,000	5.0	6.5-9.0	200	93
1239	White River	CR	H	PS		100	100	500	5.0	6.5-9.0	200	92
1240	White River Lake	CR	H	PS		150	100	450	5.0	6.5-9.0	200	89
1241	Double Mountain Fork Brazos River	CR	H			2,100	1,900	5,500	5.0	6.5-9.0	200	95
1242	Brazos River	CR	H	PS		400	250	1,650	5.0	6.5-9.0	200	95
1243	Salado Creek	CR	H	PS		50	50	300	5.0	6.5-9.0	200	90
1244	Brushy Creek	CR	H	PS		125	150	600	5.0	6.5-9.0	200	91
1245	Upper Oyster Creek	CR	H	PS		140	75	1,070	5.0	6.5-9.0	200	95
1246	Middle Bosque/South Bosque River	CR	H			45	260	700	5.0	6.5-9.0	200	91
1247	Granger Lake	CR	H	PS		25	30	290	5.0	6.5-9.0	200	90
1248	San Gabriel/North Fork San Gabriel River	CR	H	PS		35	30	350	5.0	6.5-9.0	200	91
1249	Lake Georgetown	CR	H	PS		20	20	280	5.0	6.5-9.0	200	90
1250	South Fork San Gabriel River	CR	H	PS		30	35	330	5.0	6.5-9.0	200	91
1751	North Fork San Gabriel River	CR	H	PS		35	30	330	5.0	6.5-9.0	200	91

BRAZOS RIVER BASIN**SEGMENT NUMBER AND NAME**

		RECREATION	AQUATIC LIFE	DOMESTIC WATER SUPPLY	OTHER USES	CHLORIDE	SULFATE	TDS	DISSOLVED OXYGEN	PH RANGE	FECAL COLIFORM	TEMPERATURE
1252	Lake Limestone	CR	H	PS		30	20	200	5.0	6.5-9.0	200	90
1253	Upper Navasota River	CR	H	PS		440	150	1,350	5.0	6.5-9.0	200	93
1254	Aquilla Reservoir	CR	H	PS		110	310	600	5.0	6.5-9.0	200	90

BRAZOS-COLORADO COASTAL BASIN

SEGMENT NUMBER AND NAME

		RECREATION	AQUATIC LIFE	DOMESTIC WATER SUPPLY	OTHER USES	CHLORIDE	SULFATE	TDS	DISSOLVED OXYGEN	PH RANGE	FECAL COLIFORM	TEMPERATURE
1301	San Bernard River Tidal	CR	H						4.0	6.5-9.0	200	95
1302	San Bernard River Above Tidal	CR	H	F		100	50	500	5.0	6.5-9.0	200	90
1304	Caney Creek Tidal	CR	H						4.0	6.5-9.0	200	95
1305	Caney Creek Above Tidal	CR	H			200	75	1,000	5.0	6.5-9.0	2,000	90

COLORADO RIVER BASIN
SEGMENT NUMBER AND NAME

		RECREATION	AQUATIC LIFE	DOMESTIC WATER SUPPLY	OTHER USES	CHLORIDE	SULFATE	TDS	DISSOLVED OXYGEN	PH RANGE	FECAL COLIFORM	TEMPERATURE
1401	Colorado River Tidal	CR	H						4.0	6.5-9.0	200	95
1402	Colorado River	CR	H	PS		65	50	350	5.0	6.5-9.0	200	95
1403	Lake Austin	CR	H	PS		100	75	400	5.0	6.5-9.0	200	90
1404	Lake Travis	CR	E	PS		100	75	400	6.0	6.5-9.0	200	90
1405	Marble Falls Lake	CR	H	PS		100	75	400	5.0	6.5-9.0	200	96
1406	Lake Lyndon B. Johnson	CR	H	PS		100	75	400	5.0	6.5-9.0	200	94
1407	Inks Lake	CR	H	PS		100	75	400	5.0	6.5-9.0	200	90
1408	Lake Buchanan	CR	H	PS		100	75	400	5.0	6.5-9.0	200	90
1409	Colorado River	CR	H	PS		200	200	500	5.0	6.5-9.0	200	91
1410	Colorado River	CR	H	PS		450	450	1,500	5.0	6.5-9.0	200	91
1411	E. V. Spence Reservoir	CR	H	PS		950	450	1,500	5.0	6.5-9.0	200	93
1412	Colorado River	CR	H			11,000	2,500	20,000	5.0	6.5-9.0	200	93
1413	Lake J. B. Thomas	CR	H	PS		50	60	500	5.0	6.5-9.0	200	90
1414	Pedernales River	CR	H	PS		80	50	500	5.0	6.5-9.0	200	91
1415	Llano River	CR	H	PS		50	50	300	5.0	6.5-9.0	200	91
1416	San Saba River	CR	H	PS		80	50	500	5.0	6.5-9.0	200	90
1417	Lower Pecan Bayou	NCR	H			410	120	1,100	2.0	6.5-9.0	2,000	90

COLORADO RIVER BASIN		RECEPTION	AQUATIC LIFE	DOMESTIC WATER SUPPLY	OTHER USES	CHLORIDE	SULFATE	TDS	DISSOLVED OXYGEN	PH RANGE	FECAL COLIFORM	TEMPERATURE
SEGMENT NUMBER AND NAME												
1418	Lake Brownwood	CR	H	PS		150	100	500	5.0	6.5-9.0	200	90
1419	Lake Coleman	CR	H	PS		150	100	500	5.0	6.5-9.0	200	93
1420	Pecan Bayou Above Lake Brownwood	CR	H	PS		500	500	1,500	5.0	6.5-9.0	200	90
1421	Concho River	CR	H	PS		600	500	2,000	5.0	6.5-9.0	200	90
1422	Lake Nasworthy	CR	H	S		450	400	1,500	5.0	6.5-9.0	200	93
1423	Twin Buttes Reservoir	CR	H	PS		150	150	700	5.0	6.5-9.0	200	90
1424	Middle Concho/South Concho River	CR	H	PS		150	150	700	5.0	6.5-9.0	200	90
1425	O. C. Fisher Lake	CR	H	PS		150	150	700	5.0	6.5-9.0	200	90
1426	Colorado River	CR	H	PS		425	750	1,400	5.0	6.5-9.0	200	91
1427	Onion Creek	CR	H	PS		50	50	300	5.0	6.5-9.0	200	90
1428	Colorado River	CR	H	PS		105	55	425	5.0	6.5-9.0	200	95
1429	Town Lake	CR*	H	PS		70	50	410	5.0	6.5-9.0	200	90
1430	Barton Creek	CR	H			40	40	500	5.0	6.5-9.0	200	90
1431	Mid Pecan Bayou	NCR				410	120	1100	2.0	6.5-9.0	2000	90
1432	Upper Pecan Bayou	CR	H	PS		190	140	760	5.0	6.5-9.0	200	90

*While Segment 1429 may exhibit quality characteristics which would make it suitable for contact recreation, the use is prohibited by local regulation for reasons unrelated to water quality.

COLORADO-LAVACA COASTAL BASIN

SEGMENT NUMBER AND NAME	RECREATION	AQUATIC LIFE	DOMESTIC WATER SUPPLY	OTHER USES	CHLORIDE	SULFATE	TDS	DISSOLVED OXYGEN	PH RANGE	FECAL COLIFORM	TEMPERATURE
1501 Tres Palacios Creek Tidal	CR	E						5.0	6.5-9.0	200	95
1502 Tres Palacios Creek	CR	H			250	100	600	5.0	6.5-9.0	200	90

LAVACA RIVER BASIN												
SEGMENT NUMBER AND NAME		RECREATION	AQUATIC LIFE	DOMESTIC WATER SUPPLY	OTHER USES	CHLORIDE	SULFATE	TDS	DISSOLVED OXYGEN	PH RANGE	FECAL COLIFORM	TEMPERATURE
1601	Lavaca River Tidal	CR	H						4.0	6.5-9.0	200	95
1602	Lavaca River Above Tidal	CR	H	FS		150	75	500	5.0	6.5-9.0	200	91
1603	Lower Navidad River	CR	H	FS		80	25	450	5.0	6.5-9.0	200	91
1604	Lake Texana	CR	H	PS		80	25	450	5.0	6.5-9.0	200	93
1605	Upper Navidad River	CR	H	FS		100	30	550	5.0	6.5-9.0	200	91

LAVACA-GUADALUPE COASTAL BASIN

SEGMENT NUMBER AND NAME

	RECREATION	AQUATIC LIFE	DOMESTIC WATER SUPPLY	OTHER USES	CHLORIDE	SULFATE	TDS	DISSOLVED OXYGEN	PH RANGE	FECAL COLIFORM	TEMPERATURE
1701 Victoria Barge Canal	NCR	H						4.0	6.5-9.0	2,000	95

GUADALUPE RIVER BASIN
 SEGMENT NUMBER AND NAME

		RECREATION	AQUATIC LIFE	DOMESTIC WATER SUPPLY	OTHER USES	CHLORIDE	SULFATE	TDS	DISSOLVED OXYGEN	PH RANGE	FECAL COLIFORM	TEMPERATURE
1801	Guadalupe River Tidal	CR	E						5.0	6.5-9.0	200	95
1803	Guadalupe River	CR	H	PS		100	50	400	5.0	6.5-9.0	200	93
1804	Guadalupe River	CR	H	PS		80	50	400	5.0	6.5-9.0	200	90
1805	Canyon Lake	CR	E	PS/AP		40	40	400	6.0	6.5-9.0	200	90
1806	Guadalupe River	CR	H	PS		40	40	400	5.0	6.5-9.0	200	90
1807	Coleta Creek	CR	H	PS		250	100	500	5.0	6.5-9.0	200	93
1808	Lower San Marcos River	CR	H	PS		60	50	400	5.0	6.5-9.0	200	90
1809	Lower Blanco River	CR	H	PS		40	50	400	5.0	6.5-9.0	200	92
1810	Plum Creek	NCR	H			350	150	1,120	5.0	6.5-9.0	2,000	90
1811	Comal River	CR	H	PS		25	30	400	5.0	6.5-9.0	200	90
1812	Guadalupe River	CR	E	PS/AP		40	40	400	6.0	6.5-9.0	200	90
1813	Upper Blanco River	CR	H	PS/AP		25	30	400	5.0	6.5-9.0	200	92
1814	Upper San Marcos River	CR	E			25	25	380	6.0	6.5-9.0	200	80

SAN ANTONIO RIVER BASIN

SEGMENT NUMBER AND NAME

		RECREATION	AQUATIC LIFE	DOMESTIC WATER SUPPLY	OTHER USES	CHLORIDE	SULFATE	TDS	DISSOLVED OXYGEN	PH RANGE	FECAL COLIFORM	TEMPERATURE
1901	Lower San Antonio River	NCR	H			180	140	750	5.0	6.5-9.0	2,000*	90
1902	Lower Cibolo Creek	NCR	H			170	275	900	5.0	6.5-9.0	2,000*	90
1903	Medina River	CR	H	PS		120	120	700	5.0	6.5-9.0	200	90
1904	Medina Lake	CR	H	PS/AP		50	75	400	5.0	6.5-9.0	200	88
1905	Medina River	CR	H	PS		40	100	400	5.0	6.5-9.0	200	88
1906	Lower Leon Creek	CR	H	PS		120	120	700	5.0	6.5-9.0	200	95
1907	Upper Leon Creek	CR	H	PS/AP		40	75	400	5.0	6.5-9.0	200	95
1908	Upper Cibolo Creek	CR	H	PS/AP		40	75	400	5.0	6.5-9.0	200	90
1909	Medina Diversion Lake	CR	H	PS/AP		50	75	400	5.0	6.5-9.0	200	90
1910	Salado Creek	NCR	H	PS/AP		50	200	550	5.0	6.5-9.0	2,000	90
1911	Upper San Antonio River	NCR	H			95	95	620	5.0	6.5-9.0	2,000*	90
1912	Medio Creek	CR	I			100	125	550	4.0	6.5-9.0	200	95
1913	Mid Cibolo Creek	NCR	L			80	90	650	3.0	6.5-9.0	2,000*	90

*It is anticipated that quality should be enhanced following completion of wastewater facility improvements.

SAN ANTONIO-NUECES COASTAL BASIN

SEGMENT NUMBER AND NAME

		RECREATION	AQUATIC LIFE	DOMESTIC WATER SUPPLY	OTHER USES	CHLORIDE	SULFATE	TDS	DISSOLVED OXYGEN	PH RANGE	FECAL COLIFORM	TEMPERATURE
2001	Mission River Tidal	CR	H						4.0	6.5-9.0	200	95
2002	Mission River	CR	H			600	100	1,500	5.0	6.5-9.0	200	95
2003	Aransas River Tidal	CR	H						4.0	6.5-9.0	200	95
2004	Aransas River Above Tidal	CR	H			300	50	600	5.0	6.5-9.0	200	95

NUECES RIVER BASIN
SEGMENT NUMBER AND NAME

		RECREATION	AQUATIC LIFE	DOMESTIC WATER SUPPLY	OTHER USES	CHLORIDE	SULFATE	TDS	DISSOLVED OXYGEN	PH RANGE	FECAL COLIFORM	TEMPERATURE
2101	Nueces River Tidal	CR	E						5.0	6.5-9.0	200	95
2102	Nueces River	CR	H	PS		250	250	500	5.0	6.5-9.0	200	91
2103	Lake Corpus Christi	CR	H	PS		250	250	500	5.0	6.5-9.0	200	93
2104	Nueces River	CR	H			700	300	1,500	5.0	6.5-9.0	200	90
2105	Nueces River	CR	H	PS		200	200	900	5.0	6.5-9.0	200	90
2106	Lower Frio/Nueces River*	CR	H	PS		550	300	1,500	5.0	6.5-9.0	200	90
2107	Atascosa River	CR	H			600	500	1,500	5.0	6.5-9.0	200	90
2108	San Miguel Creek	CR	H			700	700	2,000	5.0	6.5-9.0	200	95
2109	Leona River	CR	H	AP		650	500	2,000	5.0	6.5-9.0	200	90
2110	Lower Sabinal River	CR	H	PS		200	75	700	5.0	6.5-9.0	200	90
2111	Upper Sabinal River	CR	H	PS/AP		40	75	500	5.0	6.5-9.0	200	90
2112	Nueces River	CR	H	PS/AP		40	40	300	5.0	6.5-9.0	200	90
2113	Upper Frio River	CR	H	PS/AP		25	30	300	5.0	6.5-9.0	200	90
2114	Hondo Creek	CR	H	PS/AP		50	50	270	5.0	6.5-9.0	200	90
2115	Seco Creek	CR	H	PS/AP		50	60	260	5.0	6.5-9.0	200	90
2116	Choke Canyon Reservoir	CR	H	PS		250	250	500	5.0	6.5-9.0	200	90
2117	Mid Frio River	CR	H	PS/AP		500	325	1,600	5.0	6.5-9.0	200	90

*Once Choke Canyon Reservoir becomes fully operational and a continuous sustained release of 33.0 ft³/s occurs, it is anticipated that chloride, sulfate, and total dissolved solids concentrations in Segment 2106 will attain 250 mg/l, 250 mg/l, and 500 mg/l, respectively.

MURCES-RIO GRANDE COASTAL BASIN

SEGMENT NUMBER AND NAME

		RECREATION	AQUATIC LIFE	DOMESTIC WATER SUPPLY	OTHER USES	CHLORIDE	SULFATE	TDS	DISSOLVED OXYGEN	PH RANGE	FECAL COLIFORM	TEMPERATURE
2201	Arroyo Colorado Tidal	NCR	H						4.0	6.5-9.0	2,000	95
2202	Arroyo Colorado Above Tidal	NCR	I			1,200	1,000	4,000	4.0	6.5-9.0	2,000	95

RIO GRANDE BASIN
SEGMENT NUMBER AND NAME

		RECREATION	AQUATIC LIFE	DOMESTIC WATER SUPPLY	OTHER USES	CHLORIDE	SULFATE	TDS	DISSOLVED OXYGEN	PH RANGE	FECAL COLIFORM	TEMPERATURE
2301	Rio Grande Tidal	NR	R						5.0	6.5-9.0	2,000	95
2302	Rio Grande	CR	H	PS		270	350	880	5.0	6.5-9.0	200	90
2303	International Falcon Reservoir	CR	H	PS		200	250	700	5.0	6.5-9.0	200	93
2304	Rio Grande	CR	H	PS		200	300	1,000	5.0	6.5-9.0	200	95
2305	International Amistad Reservoir	CR	H	PS		150	250	500	5.0	6.5-9.0	200	88
2306	Rio Grande	CR	H	PS		200	500	1,200	5.0	6.5-9.0	200	93
2307	Rio Grande	CR	H	PS		300	550	1,500	5.0	6.5-9.0	200	93
2308	Rio Grande				AS	250	450	1,400	2.0	6.5-9.0	2,000	95
2309	Devils River	CR	E	PS		20	20	300	6.0	6.5-9.0	200	90
2310	Lower Pecos River	CR	H	PS		1,000	500	3,000	5.0	6.5-9.0	200	92
2311	Upper Pecos River	CR	H			7,000	3,500	15,000	5.0	6.5-9.0	200	92
2312	Red Bluff Reservoir	CR	H			6,000	3,500	15,000	5.0	6.5-9.0	200	90
2313	San Felipe Creek	CR	H	PS		25	30	500	5.0	6.5-9.0	200	90
2314	Rio Grande	CR	H	PS		340	680	1,800	5.0	6.5-9.0	200	92

BAY WATERS		RECREATION	AQUATIC LIFE	DOMESTIC WATER SUPPLY	OTHER USES	CHLORIDE	SULFATE	TDS	DISSOLVED OXYGEN	PH RANGE	FECAL COLIFORM	TEMPERATURE
SECRET NUMBER	AND NAME											
2411	Sabine Pass	CR	E/S						5.0	6.5-9.0	14	95
2412	Sabine Lake	CR	H/S						4.0	6.5-9.0	14	95
2421	Upper Galveston Bay	CR	H/S						4.0	6.5-9.0	14	95
2422	Trinity Bay	CR	H/S						4.0	6.5-9.0	14	95
2423	East Bay	CR	H/S						4.0	6.5-9.0	14	95
2424	West Bay	CR	H/S						4.0	6.5-9.0	14	95
2425	Clear Lake	CR	H						4.0	6.5-9.0	200	95
2426	Tabbs Bay	CR	H						4.0	6.5-9.0	200	95
2427	San Jacinto Bay	CR	H						4.0	6.5-9.0	200	95
2428	Black Duck Bay	CR	H						4.0	6.5-9.0	200	95
2429	Scott Bay	CR	H						4.0	6.5-9.0	200	95
2430	Burnett Bay	CR	H						4.0	6.5-9.0	200	95
2431	Moses Lake	CR	H						4.0	6.5-9.0	200	95
2432	Chocolate Bay	CR	H/S						4.0	6.5-9.0	14	95
2433	Bastrop Bay	CR	H/S						4.0	6.5-9.0	14	95
2434	Christmas Bay	CR	H/S						4.0	6.5-9.0	14	95
2435	Drum Bay	CR	H/S						4.0	6.5-9.0	14	95

BAY WATERS

SEGMENT NUMBER AND NAME

		RECREATION	AQUATIC LIFE	DOMESTIC WATER SUPPLY	OTHER USES	CHLORIDE	SULFATE	TDS	DISSOLVED OXYGEN	PH RANGE	FECAL COLIFORM	TEMPERATURE
2436	Barbours Cut	CR	H						4.0	6.5-9.0	200	95
2437	Texas City Ship Channel	NCR	H						4.0	6.5-9.0	2,000	95
2438	Bayport Channel	NCR	H						4.0	6.5-9.0	2,000	95
2439	Lower Galveston Bay	CR	H/S						4.0	6.5-9.0	14	95
2441	East Matagorda Bay	CR	E/S						5.0	6.5-9.0	14	95
2442	Cedar Lakes	CR	H/S						4.0	6.5-9.0	14	95
2451	Matagorda Bay	CR	E/S						5.0	6.5-9.0	14	95
2452	Tres Palacios Bay	CR	E/S						5.0	6.5-9.0	14	95
2453	Lavaca Bay	CR	E/S						5.0	6.5-9.0	14	95
2454	Cox Bay	CR	E/S						5.0	6.5-9.0	14	95
2455	Keller Bay	CR	E/S						5.0	6.5-9.0	14	95
2456	Carancahua Bay	CR	E/S						5.0	6.5-9.0	14	95
2461	Espiritu Santo Bay	CR	E/S						5.0	6.5-9.0	14	95
2462	San Antonio, Hynes, and Guadalupe Bays	CR	E/S						5.0	6.5-9.0	14	95
2463	Mesquite Bay	CR	E/S						5.0	6.5-9.0	14	95
2471	Aransas Bay	CR	E/S						5.0	6.5-9.0	14	95
2472	Copano Bay including Port Bay	CR	E/S						5.0	6.5-9.0	14	95

BAY WATERS		RECREATION	AQUATIC LIFE	DOMESTIC WATER SUPPLY	OTHER USES	CHLORIDE	SULFATE	TDS	DISSOLVED OXYGEN	PH RANGE	FECAL COLIFORM	TEMPERATURE
SEGMENT NUMBER	AND NAME											
2473	St. Charles Bay	CR	E/S						5.0	6.5-9.0	14	95
2481	Corpus Christi Bay	CR	E/S						5.0	6.5-9.0	14	95
2482	Nueces Bay	CR	E/S						5.0	6.5-9.0	14	95
2483	Redfish Bay	CR	E/S						5.0	6.5-9.0	14	95
2484	Corpus Christi Inner Harbor	NCR	I						3.0	6.5-9.0	2,000	95
2485	Oso Bay	CR	E/S						5.0	6.5-9.0	14	95
2491	Laguna Madre	CR	E/S						5.0	6.5-9.0	14	95
2492	Baffin Bay	CR	H/S						4.0	6.5-9.0	14	95
2493	South Bay	CR	E/S						5.0	6.5-9.0	14	95
2494	Brownsville Ship Channel	NCR	E						5.0	6.5-9.0	2,000	95

GULF WATERS

SEGMENT NUMBER AND NAME

RECREATION

AQUATIC LIFE

**DOMESTIC
WATER SUPPLY**

OTHER USES

CHLORIDE

SULFATE

TDS

DISSOLVED OXYGEN

PH RANGE

FECAL COLIFORM

TEMPERATURE

2501 Gulf of Mexico

CR E/S

5.0

6.5-9.0

14

95

Appendix B.

Low-flow criteria. The flow value listed for each Texas Department of Water Resources Stream Monitoring Network (SMN) Station represents the statistically calculated seven-day, two-year flow (7Q2). The 7Q2 is the minimal seven-day average flow that could be expected to recur

once every two years. The calculated values are based on USGS period of record streamflow data for established gauging stations. Where USGS stream gauging stations are not present, low-flow values have been estimated by using data from nearby stations with similar hydrologic characteristics or from the best information available.

SEGMENT	SMN STATION	FLOW (ft³/s)
0101	0101.0100	0.2
	0101.0200	0.1
	0101.0300	0.1
	0101.0400	0.1
0103	0103.0100	2.3
	0103.0200	0.1
0104	0104.0100	0.3
0201	0201.0100	1865.9
	0201.0200	1460.4
0202	0202.0100	1300.3
	0202.0200	1066.4
	0202.0400	200.0
0204	0204.0100	211.7
	0204.0200	148.2
0205	0205.0100	58.5
0206	0206.0100	0.8
0207	0207.0100	0.4
	0207.0130	0.4
	0207.0300	0.1
0211	0211.0100	0.1
0214	0214.0100	48.0
	0214.0200	17.7
0216	0216.0100	2.5

SEGMENT	BMN STATION	FLOW (ft ³ /s)
0218	0218.0100	0.1
	0218.0210	4.4
	0218.0250	5.2
	0218.0300	0.1
0220	0220.0050	0.1
	0220.0100	0.1
	0220.0200	0.1
	0220.0300	0.2
0221	0221.0100	2.7
0222	0222.0100	2.7
0224	0224.0100	0.1
	0224.0200	0.1
0225	0225.0100	0.1
0226	0218.0300	0.1
0227	0218.0300	0.1
0301	0301.0100	6.9
0303	0303.0100	1.1
	0303.0200	0.7
	0303.0300	0.1
	0303.0500	0.1
0304	0304.0100	0.1
0305	0303.0400	1.1
0402	0402.0100	29.0
0404	0404.0100	3.8
0406	0406.0100	0.1
0407	0407.0100	0.1
0503	0503.0200	839.9
	0503.0100	839.9
	0503.0200	502.6
	0503.0300	206.1
	0503.0400	179.4

SEGMENT	SMN STATION	FLOW (ft ³ /s)
0505	0505.0100	86.5
	0505.0160	85.3
	0505.0200	74.0
	0505.0300	64.4
	0505.0400	56.0
	0505.0500	48.7
0506	0506.0100	37.6
	0506.0180	3.5
	0506.0200	2.4
	0506.0400	0.5
0602	0602.0100	432.0
	0602.0200	164.1
0604	0604.0100	85.3
	0604.0200	66.4
	0604.0300	50.7
	0604.0500	51.6
	0604.0520	47.6
	0604.0600	44.7
0606	0606.0200	16.0
0607	0607.0100	100.0
	0607.0300	2.3
0608	0608.0100	80.0
	0608.0200	61.0
0609	0609.0100	50.0
0611	0611.0100	45.3
	0611.0200	36.4
0612	0612.0100	24.0
0701	0701.0100	36.4
0802	0802.0100	781.4
	0802.0180	702.5
	0802.0200	480.0
0804	0804.0300	586.1
	0804.0400	448.6
	0804.0500	430.6
	0804.0600	408.7

SEGMENT	BMN STATION	FLOW (ft ³ /s)
0805	0805.0100	405.4
	0805.0200	395.2
	0805.0300	387.0
	0805.0400	171.6
	0805.0500	89.7
	0805.0600	31.4
	0805.0700	6.6
0806	0806.0100	4.5
	0806.0120	4.3
	0806.0200	3.0
0808	0808.0100	0.5
0810	0810.0100	4.3
0812	0812.0100	0.1
0814	0814.0100	0.2
	0814.0200	0.1
0819	0819.0100	26.6
0822	0822.0100	42.0
	0822.0200	25.0
0824	0824.0100	9.6
0825	0825.0100	9.5
0829	0829.0100	0.6
0831	0831.0100	0.1
0833	0833.0100	0.1
0835	0806.3500	0.1
0902	0902.0100	0.3
1003	1003.0100	11.6
1004	1004.0100	20.0
1008	1008.0025	9.8
	1008.0100	5.8
	1008.0750	7.2

SEGMENT	SMN STATION	FLOW (ft ³ /s)
1009	1009.0050	2.1
	1009.0100	1.6
	1009.0200	0.1
	1009.0300	0.1
	1009.0500	0.1
1010	1010.0100	12.6
1011	1011.0050	7.2
	1011.0100	6.9
1014	1014.2825	29.3
	1014.2850	37.3
	1014.2900	7.9
1102	1102.0050	1.8
	1102.0100	1.2
	1102.0200	0.7
	1102.0300	0.4
1104	1104.0100	1.5
1108	1108.0100	1.4
1110	1110.0100	29.1
1202	1202.0100	744.3
	1202.0133	714.3
1204	1204.0100	15.7
1206	1206.0050	32.0
	1206.0100	26.2
	1206.0300	23.2
1208	1208.0100	5.2
	1208.0130	4.6
	1208.0150	0.1
	1208.0200	0.1
	1208.0300	0.1
1209	1209.0100	2.1
	1209.0200	1.7
	1209.0250	1.6
	1209.0300	0.1
1211	1211.0100	0.1
	1211.0200	0.1

SEGMENT	SMN STATION	FLOW (ft ³ /s)
1213	1213.0100	75.1
	1213.0200	57.0
1214	1214.0050	28.1
	1214.0100	12.9
	1214.0200	0.3
	1214.0300	0.1
1215	1215.0100	4.3
1217	1217.0100	30.3
	1217.0200	11.4
1218	1218.0050	14.1
	1218.0100	7.5
	1218.0200	2.1
1219	1219.0075	2.5
	1219.0100	1.5
	1219.0200	0.5
1221	1221.0100	2.0
	1221.0200	0.6
1223	1223.0100	0.1
1226	1226.0100	4.8
	1226.0150	2.0
	1226.0200	1.1
	1226.0400	0.1
	1226.0500	0.1
1227	1227.0050	1.2
	1227.0100	0.1
1229	1229.0100	0.8
1232	1232.0100	0.1
	1232.0150	0.1
	1232.0200	0.1
	1232.0300	0.1
	1232.0400	0.2
	1232.0450	0.1
	1232.0600	0.1
1238	1238.0200	0.1
	1238.0300	0.1
	1238.0400	0.1

SEGMENT	SMN STATION	FLOW (ft ³ /s)
1239	1239.0100	0.1
1241	1241.0100	0.1
1242	1242.0125	408.3
	1242.0150	526.4
	1242.0200	430.6
	1242.0300	182.3
	1242.0400	162.5
	1242.0500	157.2
	1242.0600	152.7
	1242.0700	112.0
	1242.0800	37.7
1243	1243.0100	25.0
1244	1244.0100	5.1
	1244.0200	3.4
1245	1112.0100	29.1
1246	---	0.1
1248	1214.0100	12.9
1250	1214.0200	0.3
1251	---	0.1
1253	0811.0325	0.1
1302	1302.0100	12.4
1305	1305.0075	10.0
1402	1402.0100	391.4
	1402.0200	290.7
	1402.0300	285.9
	1402.0400	232.7
	1402.0500	184.3
	1402.0700	58.4
1409	1409.0100	38.4
1410	1410.0100	6.8
	1410.0120	5.6
	1410.0125	3.2
	1410.0150	0.2
	1410.0300	0.1

SEGMENT	SMN STATION	FLOW (ft ³ /s)
1412	1412.0100	0.1
	1412.0125	0.1
	1412.0150	0.1
	1412.0175	0.1
	1412.0200	0.1
	1412.0300	9.1
1414	1414.0100	3.9
	1414.0200	0.5
1415	1415.0100	39.7
	1415.0200	39.9
	1415.0300	64.9
1416	1416.0100	25.9
	1416.0200	1.6
	1416.0300	0.8
1417	1417.0050	0.4
1420	1420.0100	0.1
1421	1421.0100	0.1
	1421.0175	1.3
	1421.0400	0.1
	1421.0500	0.1
1424	1424.0100	9.1
	1424.0200	0.1
1426	1426.0100	0.3
	1426.0200	0.2
	1426.0400	0.1
1427	1427.0075	0.6
	1427.0100	0.3
1428	1402.0500	184.3
	1402.0600	139.3
	1402.0700	58.4
1430	1430.2020	0.1
	1430.2030	0.1
1431	1417.0100	0.4
1432	1417.0200	0.4

SEGMENT	SMN STATION	FLOW (ft³/s)
1502	1502.0100	50.0
	1502.0200	5.6
1602	1602.0100	21.6
	1602.0200	1.2
1603	1603.0100	19.0
1605	1603.0150	4.3
	1603.0200	4.3
1803	1802.0100	662.0
	1803.0100	651.4
	1803.0110	632.1
	1803.0150	586.9
	1803.0200	542.7
1804	1804.0100	385.1
1806	1806.0100	66.9
	1806.0200	48.3
	1806.0300	25.2
	1806.0550	15.2
1807	1807.0100	4.2
	1807.0200	2.9
1808	1808.0050	151.6
	1808.0100	148.9
	1808.0200	145.2
	1808.0300	123.4
1809	1809.0100	13.4
1810	1810.0060	2.0
	1810.0100	1.6
	1810.0200	0.1
1811	1811.0100	246.6
1812	1812.0100	97.3
	1812.0200	51.0
1813	1813.0200	32.0
1814	1806.0300	123.4

SEGMENT	SMN STATION	FLOW (ft³/s)
1901	1901.0100	180.3
	1901.0200	143.6
	1901.0300	152.7
	1901.0600	10.5
1902	1902.0100	11.7
	1902.0250	0.1
1903	1903.0100	54.6
	1903.0200	44.2
1905	1905.0100	24.7
	1905.0200	2.1
1906	1906.0100	10.0
	1906.0300	10.0
1907	1907.0100	0.1
	1907.0300	0.1
1908	1908.0100	0.7
1909	1909.0100	17.9
1910	1910.0100	8.9
	1910.0162	0.1
	1910.0170	0.1
1911	1901.0600	10.5
1912	1901.0600	10.5
1913	1902.0220	0.1
	1902.0260	0.1
	1902.0270	0.1
	1902.0300	0.1
2002	2002.0100	4.9
2004	2004.0100	5.0
	2004.0200	1.0
2102	2102.0100	48.4
	2102.0400	73.4
2104	2104.0200	0.1
	2104.0300	0.1

SEGMENT	SMN STATION	FLOW (ft ³ /s)
2105	2105.0050	0.1
	2105.0100	0.1
2106 *	2104.0050	2.4
	2104.0100	0.3
	2108.0025	0.1
2107	2107.0100	1.0
	2107.0200	0.1
2108	2108.0100	0.1
2109	2109.0100	0.1
	2109.0200	0.1
2110	2110.0100	0.5
2111	2111.0100	6.8
2112	2112.0100	18.3
	2112.0200	6.3
	2112.0300	38.9
2113	2113.0100	38.7
2114	2114.0100	2.2
2115	2115.0100	0.1
2117	2106.0100	3.6
	2106.0150	0.1
2202	2201.0400	0.1
2301	2301.0200	60.7
2302	2302.0100	---
	2302.0150	---
	2302.0200	---
	2302.0210	337.9
	2302.0250	---
	2302.0300	---

*Once fully operational, a continuous sustained release of 33.0 ft³/s is anticipated from Choke Canyon Reservoir.

SEGMENT	SMN STATION	FLOW (ft³/s)
2304	2304.0050	---
	2304.0075	---
	2304.0097	804.6
	2304.0100	---
	2304.0150	---
	2304.0200	---
	2304.0250	---
	2304.0300	---
2306	2306.0100	368.1
	2306.0130	257.7
	2306.0160	141.7
	2306.0250	97.8
	2306.0300	52.8
2307	2307.0050	0.1
2308	2308.0050	34.8
	2308.0100	0.1
	2308.0200	0.1
2309	2309.0100	116.0
2310	2310.0100	58.0
2311	2311.0100	39.3
	2311.0200	5.7
	2311.0300	4.8
2313	---	0.1
2314	---	0.1

Appendix C.

Segment descriptions. The following descriptions define the geographical extent of the state's classified segments. Boundaries of coastal and estuarine segments have not

yet been precisely defined; however, approximations are illustrated in the department publication, *Texas River and Coastal Basins. Segment Identification Maps*, LP-132, October 1980.

SEGMENT	DESCRIPTION
0101	<u>Lower Canadian River</u> - from the Oklahoma State Line to Sanford Dam
0102	<u>Lake Meredith</u> - from Sanford Dam to the confluence of Camp Creek, up to the normal pool elevation of 2936.5 feet (impounds Canadian River)
0103	<u>Upper Canadian River</u> - from the confluence of Camp Creek to the New Mexico State Line
0104	<u>Wolf Creek</u> - from the Oklahoma State Line to a point 2.0 kilometers (1.2 miles) upstream of FM 3045
0105	<u>Rita Blanca Lake</u> - from Rita Blanca Dam up to the normal pool elevation of 3880 feet (impounds Rita Blanca Creek)
0201	<u>Red River</u> - from the Arkansas State Line to the Arkansas-Oklahoma State Line
0202	<u>Red River</u> - from the Arkansas-Oklahoma State Line to Denison Dam
0203	<u>Lake Texoma</u> - from Denison Dam to the confluence of Sycamore Creek, up to the normal pool elevation of 617 feet (impounds Red River)
0204	<u>Red River</u> - from the confluence of Sycamore Creek to the confluence of the Wichita River
0205	<u>Red River</u> - from the confluence of the Wichita River to the confluence of the Pease River
0206	<u>Red River</u> - from the confluence of the Pease River to the confluence of Buck Creek
0207	<u>Prairie Dog Town Fork Red River</u> - from the confluence of Buck Creek to the confluence of Palo Duro Creek and Tierra Blanca Creek
0208	<u>Lake Crook</u> - from Lake Crook Dam up to the normal pool elevation of 476 feet (impounds Pine Creek)

SEGMENT	DESCRIPTION
0209	<u>Pat Mayse Lake</u> - from Pat Mayse Dam up to the normal pool elevation of 451 feet (impounds Sanders Creek)
0210	<u>Farmers Creek Reservoir</u> - from Farmers Creek Dam up to the normal pool elevation of 827 feet (impounds Farmers Creek)
0211	<u>Little Wichita River</u> - from the confluence with the Red River to Lake Arrowhead Dam
0212	<u>Lake Arrowhead</u> - from Lake Arrowhead Dam up to the normal pool elevation of 926 feet (impounds the Little Wichita River)
0213	<u>Lake Kickapoo</u> - from Kickapoo Dam up to the normal pool elevation of 1045 feet (impounds North Fork Little Wichita River)
0214	<u>Wichita River</u> - from the confluence with the Red River to Diversion Dam
0215	<u>Diversion Lake</u> - from Diversion Dam to a point 1.5 kilometers (0.9 miles) downstream of the confluence of Cottonwood Creek, up to the normal pool elevation of 1051 feet (impounds Wichita River)
0216	<u>Wichita River</u> - from a point 1.5 kilometers (0.9 miles) downstream of the confluence of Cottonwood Creek to Lake Kemp Dam
0217	<u>Lake Kemp</u> - from Lake Kemp Dam to a point 9.4 kilometers (5.8 miles) downstream of the confluence of Crooked Creek, up to the normal pool elevation of 1144 feet (impounds Wichita River)
0218	<u>Wichita/North Fork Wichita River</u> - from a point 9.4 kilometers (5.8 miles) downstream of the confluence of Crooked Creek to a point 8.5 kilometers (5.3 miles) downstream of the most upstream crossing of FM 193
0219	<u>Lake Wichita</u> - from Lake Wichita Dam up to the normal pool elevation of 980.5 feet (impounds Holiday Creek)
0220	<u>Pease/North Fork Pease River</u> - from the confluence with the Red River to 6.0 kilometers (3.7 miles) upstream of the confluence of Dick Moore Canyon
0221	<u>Middle Fork Pease River</u> - from the confluence with the North Fork Pease River to the confluence of Boggy Creek and Mott Creek

SEGMENT	DESCRIPTION
0222	<u>Salt Fork Red River</u> - from the Oklahoma State Line to Greenbelt Dam
0223	<u>Greenbelt Lake</u> - from Greenbelt Dam up to the normal pool elevation of 2664 feet (impounds Salt Fork Red River)
0224	<u>North Fork Red River</u> - from the Oklahoma State Line to a point 4.0 kilometers (2.5 miles) upstream of FM 2300
0225	<u>McKinney Bayou</u> - from the Arkansas State Line to FM 1397
0226	<u>South Fork Wichita River</u> - from the confluence with the North Fork Wichita River to a point 15.0 kilometers (9.3 miles) upstream of US 82
0227	<u>South Fork Pease River</u> - from the confluence with the Middle Fork Pease River to the confluence of Wolf Creek and Rustler Creek
0228	<u>Mackenzie Reservoir</u> - from Mackenzie Dam up to the normal pool elevation of 3100 feet (impounds Tule Creek)
0301	<u>Sulphur River</u> - from the Arkansas State Line to Lake Wright Patman Dam
0302	<u>Wright Patman Lake</u> - from Wright Patman Lake Dam to a point 1.5 kilometers (0.9 mile) downstream of Bassett Creek, up to the normal pool elevation of 220.5 feet (impounds the Sulphur River)
0303	<u>Sulphur/South Sulphur River</u> - from a point 1.5 kilometers (0.9 miles) downstream of Bassett Creek to SH 78
0304	<u>Days Creek</u> - from the Arkansas State Line to the confluence of Swampoodle Creek and Nix Creek
0305	<u>North Sulphur River</u> - from the confluence with the South Sulphur River to a point 6.7 kilometers (4.2 miles) upstream of FM 68
0401	<u>Caddo Lake</u> - from the Louisiana State Line to a point 12.3 kilometers (7.6 miles) downstream of SH 43, up to a normal pool elevation of 168.5 feet (impounds Big Cypress Creek)
0402	<u>Lower Big Cypress Creek</u> - from a point 12.3 kilometers (7.6 miles) downstream of SH 43 to Ferrell's Bridge Dam

SEGMENT	DESCRIPTION
0403	<u>Lake O' the Pines</u> - from Ferrell's Bridge Dam to a point 1.0 kilometer (0.6 mile) downstream of US 259, up to a normal pool elevation of 222.5 feet (impounds Big Cypress Creek)
0404	<u>Upper Big Cypress Creek</u> - from a point 1.0 kilometer (0.6 mile) downstream of US 259 to Fort Sherman Dam
0405	<u>Lake Cypress Springs</u> - from Franklin County Dam up to the normal pool elevation of 378 feet (impounds Big Cypress Creek)
0406	<u>Black Bayou</u> - from the Louisiana State Line to FM 96
0407	<u>James' Bayou</u> - from the Louisiana State Line to Club Lake Road northwest of Linden
0408	<u>Lake Bob Sandlin</u> - from Fort Sherman Dam to Franklin County Dam, up to the normal pool elevation of 337.5 feet (impounds Big Cypress Creek)
0501	<u>Sabine River Tidal</u> - from the confluence with Sabine Lake to Morgan Bluff
0503	<u>Sabine River</u> - from Morgan Bluff to Toledo Bend Dam
0504	<u>Toledo Bend Reservoir</u> - from Toledo Bend Dam to the confluence of Murvaul Creek, up to the normal pool elevation of 172 feet (impounds Sabine River)
0505	<u>Sabine River</u> - from the confluence of Murvaul Creek to a point 100 meters (110 yards) downstream of US 271
0506	<u>Sabine River</u> - from a point 100 meters (110 yards) downstream of US 271 to Iron Bridge Dam
0507	<u>Lake Tawakoni</u> - from Iron Bridge Dam up to the normal pool elevation of 437.5 feet (impounds Sabine River)
0508	<u>Adams Bayou Tidal</u> - from the confluence with the Sabine River to a point 1.1 kilometers (0.7 mile) upstream of IH 10
0509	<u>Murvaul Lake</u> - from Murvaul Dam up to the normal pool elevation of 285.3 feet (impounds Murvaul Bayou)
0510	<u>Lake Cherokee</u> - from Cherokee Dam up to the normal pool elevation of 280 feet (impounds Cherokee Bayou)
0511	<u>Cow Bayou Tidal</u> - from the confluence with the Sabine River to IH 10

SEGMENT	DESCRIPTION
0612	<u>Lake Fork Reservoir</u> - from Lake Fork Dam up to the normal pool elevation of 403 feet (impounds Lake Fork Creek)
0601	<u>Neches River Tidal</u> - from the confluence with Sabine Lake to a point 11.3 kilometers (7.0 miles) upstream of IH 10
0602	<u>Neches River</u> - from a point 11.3 kilometers (7.0 miles) upstream of IH 10 to Town Bluff Dam
0603	<u>B. A. Steinhagen Lake</u> - from Town Bluff Dam to the confluence of Hopson Mill Creek on the Neches River Arm and to the confluence of Indian Creek on the Angelina River Arm, up to the normal pool elevation of 83 feet (impounds Neches River)
0604	<u>Neches River</u> - from the confluence of Hopson Mill Creek to Blackburn Crossing Dam
0605	<u>Lake Palestine</u> - from Blackburn Crossing Dam to a point 6.7 kilometers (4.2 miles) downstream of FM 279, up to the normal pool elevation of 345 feet (impounds Neches River)
0606	<u>Neches River</u> - from a point 6.7 kilometers (4.2 miles) downstream of FM 279 to Rhines Lake Dam
0607	<u>Pine Island Bayou</u> - from the confluence with the Neches River to FM 787
0608	<u>Village Creek</u> - from the confluence with the Neches River to Lake Kimble Dam
0609	<u>Lower Angelina River</u> - from the confluence of Indian Creek to Sam Rayburn Dam
0610	<u>Sam Rayburn Reservoir</u> - from Sam Rayburn Dam to the confluence of Paper Mill Creek on the Angelina River Arm and to a point 3.9 kilometers (2.4 miles) downstream of Curry Creek on the Attoyac Bayou Arm, up to the normal pool elevation of 164 feet (impounds Angelina River)
0611	<u>Upper Angelina River</u> - from the confluence of Paper Mill Creek to the confluence of Shawnee Creek
0612	<u>Attoyac Bayou</u> - from a point 3.9 kilometers (2.4 miles) downstream of Curry Creek to FM 95
0613	<u>Lake Tyler and Lake Tyler East</u> - from Whitehouse Dam and Mud Creek Dam up to the normal pool elevation of 375.38 feet (impounds Prairie Creek and Mud Creek)

SEGMENT	DESCRIPTION
0614	<u>Lake Jacksonville</u> - from Buckner Dam up to the normal pool elevation of 422 feet (impounds Gum Creek)
0701	<u>Taylor Bayou Above Tidal</u> - from the salt water lock 2.7 kilometers (1.7 miles) upstream of SH 87 to the Lower Neches Valley Authority Canal
0702	<u>Intracoastal Waterway</u> - from the confluence with Galveston Bay at Port Bolivar to the confluence with the Sabine-Neches/Port Arthur Canal
0703	<u>Sabine-Neches Canal</u> - from the confluence with Sabine Pass at the southern tip of Pleasure Island to the Sabine Lake seawall at the northern tip of Pleasure Island
0801	<u>Trinity River Tidal</u> - from the confluence with Anahuac Channel to a point 3.1 kilometers (1.9 miles) downstream of US 90
0802	<u>Trinity River</u> - from a point 3.1 kilometers (1.9 miles) downstream of US 90 to Livingston Dam
0803	<u>Lake Livingston</u> - from Livingston Dam to a point 1.8 kilometers (1.1 miles) upstream of Boggy Creek, up to the normal pool elevation of 131 feet (impounds Trinity River)
0804	<u>Trinity River</u> - from a point 1.8 kilometers (1.1 miles) upstream of Boggy Creek to a point 100 meters (100 yards) upstream of SH 31
0805	<u>Trinity River/West Fork Trinity River</u> - from a point 100 meters (110 yards) upstream of SH 31 to a point 100 meters (110 yards) upstream of Beach Street in Fort Worth
0806	<u>West Fork Trinity River</u> - from a point 190 meters (110 yards) upstream of Beach Street in Fort Worth to Lake Worth Dam
0807	<u>Lake Worth</u> - from Lake Worth Dam to a point 4.0 kilometers (2.5 miles) downstream of Eagle Mountain Dam, up to the normal pool elevation of 594.3 feet (impounds West Fork Trinity River)
0808	<u>West Fork Trinity River</u> - from a point 4.0 kilometers (2.5 miles) downstream of Eagle Mountain Dam to Eagle Mountain Dam
0809	<u>Eagle Mountain Reservoir</u> - from Eagle Mountain Dam to a point 0.4 kilometer (0.6 mile) downstream of the confluence of Oates Branch, up to the normal pool elevation of 649.1 feet (impounds West Fork Trinity River)

SEGMENT	DESCRIPTION
0810	<u>West Fork Trinity River</u> - from a point 0.4 kilometer (0.6 mile) downstream of the confluence of Oates Branch to Bridgeport Dam
0811	<u>Bridgeport Reservoir</u> - from Bridgeport Dam to the confluence of Bear Hollow, up to the normal pool elevation of 836 feet (impounds West Fork Trinity River)
0812	<u>West Fork Trinity River</u> - from the confluence of Bear Hollow to SH 79
0813	<u>Houston County Lake</u> - from Houston County Dam up to the normal pool elevation of 266 feet (impounds Little Elkhart Creek)
0814	<u>Chambers Creek</u> - from the confluence with Richland Creek to the confluence of North Fork Chambers Creek and South Fork Chambers Creek
0815	<u>Bardwell Reservoir</u> - from Bardwell Dam up to the normal pool elevation of 421 feet (impounds Waxahachie Creek)
0816	<u>Lake Waxahachie</u> - from South Prong Dam up to the normal pool elevation of 531.5 feet (impounds South Prong Creek)
0817	<u>Navarro Mills Lake</u> - from Navarro Mills Dam up to the normal pool elevation of 424.5 feet (impounds Richland Creek)
0818	<u>Cedar Creek Reservoir</u> - from Joe B. Hoggsett Dam up to the normal pool elevation of 322 feet (impounds Cedar Creek)
0819	<u>East Fork Trinity River</u> - from the confluence with the Trinity River to Rockwall-Forney Dam
0820	<u>Lake Ray P'ubbard</u> - from Rockwall-Forney Dam to Lavon Dam, up to the normal pool elevation of 435.5 feet (impounds East Fork Trinity River)
0821	<u>Lavon Lake</u> - from Lavon Dam up to the normal pool elevation of 492 feet (impounds East Fork Trinity River)
0822	<u>Lower Elm Fork Trinity River</u> - from the confluence with the West Fork Trinity River to Lewisville Dam
0823	<u>Lewisville Lake</u> - from Lewisville Dam to US 380, up to the normal pool elevation of 515 feet (impounds Elm Fork Trinity River)
0824	<u>Upper Elm Fork Trinity River</u> - from US 380 to US 82

SEGMENT	DESCRIPTION
0025	<u>Denton Creek</u> - from the confluence with the Elm Fork Trinity River to Grapevine Dam
0026	<u>Grapevine Lake</u> - from Grapevine Dam up to the normal pool elevation of 535 feet (impounds Denton Creek)
0027	<u>White Rock Lake</u> - from White Rock Dam up to the normal pool elevation of 458 feet (impounds White Rock Creek)
0028	<u>Lake Arlington</u> - from Arlington Dam up to the normal pool elevation of 550 feet (impounds Village Creek)
0029	<u>Clear Fork Trinity River</u> - from the confluence with the West Fork Trinity River to Benbrook Dam
0030	<u>Benbrook Lake</u> - from Benbrook Dam to a point 0.2 kilometer (0.1 mile) downstream of US 337, up to the normal pool elevation of 694 feet (impounds Clear Fork Trinity River)
0031	<u>Clear Fork Trinity River</u> - from a point 0.2 kilometer (0.1 mile) downstream of US 337 to Weatherford Dam
0032	<u>Lake Weatherford</u> - from Weatherford Dam to a point 3.1 kilometers (1.9 miles) upstream of FM 1707, up to the normal pool elevation of 696 feet (impounds Clear Fork Trinity River)
0033	<u>Clear Fork Trinity River</u> - from a point 3.1 kilometers (1.9 miles) upstream of FM 1707 to FM 3107
0034	<u>Lake Amon G. Carter</u> - from Amon G. Carter Dam up to the normal pool elevation of 920 feet (impounds Big Sandy Creek)
0035	<u>Richland Creek</u> - from the confluence with the Trinity River to the Navarro Mills Dam
0001	<u>Cedar Bayou Tidal</u> - from the confluence with Galveston Bay 1.0 kilometer (0.6 mile) downstream of Tri-City Beach Road to a point 2.2 kilometers (1.4 miles) upstream of IH 10
0002	<u>Cedar Bayou Above Tidal</u> - from a point 2.2 kilometers (1.4 miles) upstream of IH 10 to a point 7.4 kilometers (4.6 miles) upstream of FM 1960
1001	<u>San Jacinto River Tidal</u> - from a point 100 meters (110 yards) downstream of IH 10 to Lake Houston Dam

SEGMENT	DESCRIPTION
1002	<u>Lake Houston</u> - from Lake Houston Dam to the confluence of <u>Spring Creek</u> on the West Fork San Jacinto Arm and to the confluence of <u>Caney Creek</u> on the East Fork San Jacinto Arm, up to the normal pool elevation of 44.5 feet (impounds San Jacinto River)
1003	<u>East Fork San Jacinto River</u> - from the confluence of <u>Caney Creek</u> to US 190
1004	<u>West Fork San Jacinto River</u> - from the confluence of <u>Spring Creek</u> to Conroe Dam
1005	<u>Houston Ship Channel/San Jacinto River</u> - from the confluence with <u>Galvestor. Bay</u> at <u>Morgan's Point</u> to a point 100 meters (110 yards) downstream of IH 10
1006	<u>Houston Ship Channel</u> - from the confluence with the <u>San Jacinto River</u> to a point 100 meters (110 yards) upstream of <u>Greens Bayou</u> , including tidal portions of tributaries
1007	<u>Houston Ship Channel/Buffalo Bayou</u> - from a point 100 meters (110 yards) upstream of <u>Greens Bayou</u> to US 59, including tidal portions of tributaries
1008	<u>Spring Creek</u> - from the confluence with the <u>West Fork San Jacinto River</u> to the most upstream crossing of FM 1736
1009	<u>Cypress Creek</u> - from the confluence with <u>Spring Creek</u> to the confluence of <u>Snake Creek</u> and <u>Mound Creek</u>
1010	<u>Caney Creek</u> - from the confluence with the <u>East Fork San Jacinto River</u> to SH 150
1011	<u>Peach Creek</u> - from the confluence with <u>Caney Creek</u> to SH 150
1012	<u>Lake Conroe</u> - from <u>Conroe Dam</u> up to the normal pool elevation of 201 feet (impounds <u>West Fork San Jacinto River</u>)
1013	<u>Buffalo Bayou Tidal</u> - from US 59 to a point 100 meters (110 yards) downstream of <u>Shepherd Drive</u>
1014	<u>Buffalo Bayou Above Tidal</u> - from a point 100 meters (110 yards) downstream of <u>Shepherd Drive</u> to SH 6
1101	<u>Clear Creek Tidal</u> - from the confluence with <u>Clear Lake</u> to a point 100 meters (110 yards) upstream of FM 528
1102	<u>Clear Creek Above Tidal</u> - from a point 100 meters (110 yards) upstream of FM 528 to <u>Rouen Road</u> in Fort Bend County

SEGMENT	DESCRIPTION
1103	<u>Dickinson Bayou Tidal</u> - from the confluence with Dickinson Bay 2.1 kilometers (1.3 miles) downstream of SH 146 to a point 1.9 kilometers (1.2 miles) downstream of SH 517
1104	<u>Dickinson Bayou Above Tidal</u> - from a point 1.9 kilometers (1.2 miles) downstream of SH 517 to FM 528
1105	<u>Bastrop Bayou Tidal</u> - from the confluence with Bastrop Bay 1.1 kilometers (0.7 mile) downstream of the Intercoastal Waterway to Old Clute Road in Lake Jackson
1107	<u>Chocolate Bayou Tidal</u> - from the confluence with Chocolate Bay 1.4 kilometers (0.9 mile) downstream of FM 2004 to a point 4.2 kilometers (2.6 miles) downstream of SH 35
1108	<u>Chocolate Bayou Above Tidal</u> - from a point 4.2 kilometers (2.6 miles) downstream of SH 35 to SH 6
1109	<u>Oyster Creek Tidal</u> - from the confluence with the Intercoastal Waterway to a point 100 meters (110 yards) upstream of FM 2004
1110	<u>Oyster Creek Above Tidal</u> - from a point 100 meters (110 yards) upstream of FM 2004 to the Brazos River Authority diversion dam 1.8 kilometers (1.1 miles) upstream of SH 6
1111	<u>Old Brazos River Channel</u> - from the confluence with the Intercoastal Waterway to SH 288
1113	<u>Armand Bayou Tidal</u> - from the confluence with Clear Lake to a point 0.8 kilometer (0.5 mile) downstream of Genoa-Red Bluff Road in Pasadena
1201	<u>Brazos River Tidal</u> - from the confluence with the Gulf of Mexico to SH 332
1202	<u>Brazos River</u> - from SH 332 to the confluence of the Navasota River
1203	<u>Whitney Lake</u> - from Whitney Dam to the confluence of Camp Creek on the Brazos River Arm and to the confluence of Rock Creek on the Nolan River Arm, up to the normal pool elevation of 533 feet (impounds Brazos River)
1204	<u>Brazos River</u> - from the confluence of Camp Creek to DeCordova Bend Dam
1205	<u>Lake Granbury</u> - from DeCordova Bend Dam to FM 2580, up to the normal pool elevation of 693 feet (impounds Brazos River)

SEGMENT	DESCRIPTION
1206	<u>Brazos River</u> - from FM 2580 to Morris Sheppard Dam
1207	<u>Possum Kingdom Lake</u> - from Morris Sheppard Dam to the confluence of Cove Creek at Salem Bend, up to the normal pool elevation of 1000 feet (impounds Brazos River)
1208	<u>Brazos River</u> - from the confluence of Cove Creek at Salem Bend to the confluence of the Double Mountain Fork Brazos River and the Salt Fork Brazos River
1209	<u>Lower Navasota River</u> - from the confluence with the Brazos River to Sterling C. Robertson Dam
1210	<u>Lake Mexia</u> - from Bistone Dam up to the normal pool elevation of 448.3 feet (impounds Navasota River)
1211	<u>Yegua Creek</u> - from the confluence with the Brazos River to Somerville Dam
1212	<u>Somerville Lake</u> - from Somerville Dam up to the normal pool elevation of 238 feet (impounds Yegua Creek)
1213	<u>Little River</u> - from the confluence with the Brazos River to the confluence of the Leon River and the Lampasas River
1214	<u>San Gabriel River</u> - from the confluence with the Little River to Granger Lake Dam
1215	<u>Lower Lampasas River</u> - from the confluence with the Leon River to Stillhouse Hollow Dam
1216	<u>Stillhouse Hollow Lake</u> - from Stillhouse Hollow Dam to the confluence of Rock Creek, up to the normal pool elevation of 622 feet (impounds Lampasas River)
1217	<u>Upper Lampasas River</u> - from the confluence of Rock Creek to FM 2005
1218	<u>Nolan Creek</u> - from the confluence with the Leon River to a point 100 meters (110 yards) upstream of the most upstream crossing of US 190 near the intersection of US 190 and Loop 172
1219	<u>Lower Leon River</u> - from the confluence with the Lampasas River to Belton Dam
1220	<u>Belton Lake</u> - from Belton Dam to FM 236, up to the normal pool elevation of 594 feet (impounds Leon River)
1221	<u>Mid Leon River</u> - from FM 236 to Proctor Dam

SEGMENT	DESCRIPTION
1222	<u>Proctor Lake</u> - from Proctor Dam to the confluence of Mill Branch, up to the normal pool elevation of 1162 feet (impounds Leon River)
1223	<u>Upper Leon River</u> - from the confluence of Mill Branch to Leon Dam
1224	<u>Leon Reservoir</u> - from Leon Dam up to the normal pool elevation of 1375 feet (impounds Leon River)
1225	<u>Waco Lake</u> - from Waco Lake Dam to a point 100 meters (110 yards) upstream of FM 185 on the North Bosque River Arm and to the confluence of the Middle Bosque River on the South Bosque River Arm, up to the normal pool elevation of 455 feet (impounds the Bosque River)
1226	<u>North Bosque River</u> - from a point 100 meters (110 yards) upstream of FM 185 to the confluence of the North Fork North Bosque River and the South Fork North Bosque River
1227	<u>Nolan River</u> - from the confluence of Rock Creek to Cleburne Dam
1228	<u>Lake Pat Cleburne</u> - from Cleburne Dam up to the normal pool elevation of 733.5 feet (impounds Nolan River)
1229	<u>Paluxy River</u> - from the confluence with the Brazos River to the confluence of Rough Creek
1230	<u>Lake Palo Pinto</u> - from Palo Pinto Creek Dam up to the normal pool elevation of 867 feet (impounds Palo Pinto Creek)
1231	<u>Lake Graham</u> - from Graham Dam and Eddieman Dam up to the normal pool elevation of 1076.3 feet (impounds Salt Creek and Flint Creek)
1232	<u>Clear Fork Brazos River</u> - from the confluence with the Brazos River to a point 100 meters (110 yards) upstream of the most upstream crossing of US 180
1233	<u>Hubbard Creek Reservoir</u> - from Hubbard Creek Dam up to the normal pool elevation of 1183 feet (impounds Hubbard Creek)
1234	<u>Lake Cisco</u> - from Williamson Dam up to the normal pool elevation of 1496 feet (impounds Sandy Creek)
1235	<u>Lake Stamford</u> - from Stamford Dam up to the normal pool elevation of 1416.8 feet (impounds Paint Creek)

SEGMENT	DESCRIPTION
1236	<u>Fort Phantom Hill Reservoir</u> - from Fort Phantom Hill Dam up to the normal pool elevation of 1636 feet (impounds Elm Creek)
1237	<u>Lake Sweetwater</u> - from Sweetwater Dam up to the normal pool elevation of 2116.5 feet (impounds Bitter Creek)
1238	<u>Salt Fork Brazos River</u> - from the confluence of the Double Mountain Fork Brazos River to the most upstream crossing of SH 207
1239	<u>White River</u> - from the confluence with the Salt Fork Brazos River to White River Dam
1240	<u>White River Lake</u> - from White River Dam up to the normal pool elevation of 2369 feet (impounds White River)
1241	<u>Double Mountain Fork Brazos River</u> - from the confluence with the Salt Fork Brazos River to the confluence of the North Fork Double Mountain Fork Brazos River
1242	<u>Brazos River</u> - from the confluence of the Navasota River to Whitney Dam
1243	<u>Salado Creek</u> - from the confluence with the Lampasas River to the confluence of North Salado Creek and South Salado Creek
1244	<u>Brushy Creek</u> - from the confluence with the San Gabriel River to the confluence of North Fork Brushy Creek and South Fork Brushy Creek
1245	<u>Upper Oyster Creek</u> - from the Brazos River Authority Diversion Dam to Jones Creek
1246	<u>Middle Bosque/South Bosque River</u> - from the confluence with the South Bosque River to the confluence of Cave Creek and Middle Bosque Creek on the Middle Bosque River and from the confluence of the Middle Bosque River to FM 2671 on the South Bosque River
1247	<u>Granger Lake</u> - from Granger Dam to a point 1.9 kilometers (1.2 miles) downstream of SH 95, up to the normal pool elevation of 504 feet (impounds San Gabriel River)
1248	<u>San Gabriel/North Fork San Gabriel River</u> - from a point 1.9 kilometers (1.2 miles) downstream of SH 95 to North San Gabriel Dam

SEGMENT	DESCRIPTION
1249	<u>Lake Georgetown</u> - from North San Gabriel Dam to a point 6.6 kilometers (4.1 miles) downstream of US 183, up to the normal pool elevation of 791 feet (impounds North Fork San Gabriel River)
1250	<u>South Fork San Gabriel River</u> - from the confluence with the North Fork San Gabriel River to the most upstream crossing of SH 29
1251	<u>North Fork San Gabriel River</u> - from a point 6.6 kilometers (4.1 miles) downstream of US 183 to FM 2340
1252	<u>Lake Limestone</u> - from Sterling C. Robertson Dam to a point 2.3 kilometers (1.4 miles) downstream of SH 164, up to the normal pool elevation of 363 feet (impounds Navasota River)
1253	<u>Upper Navasota River</u> - from a point 2.3 kilometers (1.4 miles) downstream of SH 164 to Bistone Dam
1254	<u>Aquilla Reservoir</u> - from Aquilla Dam up to the normal pool elevation of 537.5 feet (impounds Aquilla Creek)
1301	<u>San Bernard River Tidal</u> - from the confluence with the Intercoastal Waterway to a point 3.2 kilometers (2.0 miles) upstream of SH 35
1302	<u>San Bernard River Above Tidal</u> - from a point 3.2 kilometers (2.0 miles) upstream of SH 35 to the county road southeast of New Ulm
1304	<u>Caney Creek Tidal</u> - from the confluence with the Intercoastal Waterway to a point 12.2 kilometers (7.6 miles) downstream of the confluence of Linnville Bayou
1305	<u>Caney Creek Above Tidal</u> - from a point 12.2 kilometers (7.6 miles) downstream of the confluence of Linnville Bayou to the most upstream crossing of FM 102
1401	<u>Colorado River Tidal</u> - from the confluence with the Gulf of Mexico to a point 2.1 kilometers (1.3 miles) downstream of the Missouri-Pacific Railroad in Matagorda County
1402	<u>Colorado River</u> - from a point 2.1 kilometers (1.3 miles) downstream of the Missouri-Pacific Railroad in Matagorda County to a point 100 meters (110 yards) downstream of US 71 at Smithville
1403	<u>Lake Austin</u> - from Tom Miller Dam to Mansfield Dam, up to the normal pool elevation of 492.8 feet (impounds Colorado River)

SEGMENT	DESCRIPTION
1404	<u>Lake Travis</u> - from Mansfield Dam to Max Starcke Dam on the Colorado River Arm and to the confluence of Fall Creek on the Pedernales River Arm, up to the normal pool elevation of 681 feet (impounds Colorado River)
1405	<u>Marble Falls Lake</u> - from Max Starcke Dam to Alvin Wirtz Dam, up to the normal pool elevation of 738 feet (impounds Colorado River)
1406	<u>Lake Lyndon B. Johnson</u> - from Alvin Wirtz Dam to Roy Inks Dam on the Colorado River Arm and to the confluence of Honey Creek on the Llano River Arm, up to the normal pool elevation of 825 feet (impounds Colorado River)
1407	<u>Inks Lake</u> - from Roy Inks Dam to Buchanan Dam, up to normal pool elevation of 888 feet (impounds Colorado River)
1408	<u>Lake Buchanan</u> - from Buchanan Dam to the confluence of Yancey Creek, up to the normal pool elevation of 1020 feet (impounds Colorado River)
1409	<u>Colorado River</u> - from the confluence of Yancey Creek to the confluence of the San Saba River
1410	<u>Colorado River</u> - from the confluence of the San Saba River to the confluence of the Concho River
1411	<u>E. V. Spence Reservoir</u> - from Robert Lee Dam to the confluence of Little Silver Creek, up to the normal pool elevation of 1898 feet (impounds Colorado River)
1412	<u>Colorado River</u> - from the confluence of Little Silver Creek to Colorado River Dam
1413	<u>Lake J. B. Thomas</u> - from Colorado River Dam up to the normal pool elevation of 2258 feet (impounds Colorado River)
1414	<u>Pedernales River</u> - from the confluence of Fall Creek to FM 385
1415	<u>Llano River</u> - from the confluence of Honey Creek to FM 864 on the North Llano River and to SH 55 on the South Llano River
1416	<u>San Saba River</u> - from the confluence with the Colorado River to the confluence of the North Valley Prong and the Middle Valley Prong
1417	<u>Lower Pecan Bayou</u> - from the confluence with the Colorado River to the confluence of Mackinnally Creek

SEGMENT	DESCRIPTION
1418	<u>Lake Brownwood</u> - from Lake Brownwood Dam to FM 2559, up to the normal pool elevation of 1424.6 feet (impounds Pecan Bayou)
1419	<u>Lake Coleman</u> - from Coleman Dam up to the normal pool elevation of 1717.5 feet (impounds Jim Ned Creek)
1420	<u>Pecan Bayou Above Lake Brownwood</u> - from FM 2559 to the confluence of the North Prong Pecan Bayou and the South Prong Pecan Bayou
1421	<u>Concho River</u> - from the confluence with the Colorado River to San Angelo Dam on the North Concho River and to Nasworthy Dam on the South Concho River
1422	<u>Lake Nasworthy</u> - from Nasworthy Dam to Twin Buttes Dam, up to the normal pool elevation of 1872.2 feet (impounds South Concho River)
1423	<u>Twin Buttes Reservoir</u> - from Twin Buttes Dam to US 67 on the Middle Concho River Arm and to a point 4.0 kilometers (2.5 miles) downstream of FM 2335 on the South Concho River Arm, up to a normal pool elevation of 1940.2 feet (impounds the Middle Concho River and the South Concho River)
1424	<u>Middle Concho/South Concho River</u> - from a point 4.0 kilometers (2.5 miles) downstream of FM 2335 to a point 100 meters (110 yards) upstream of US 277 on the South Concho River and from US 67 to the confluence of Three Bluff Draw and Indian Creek on the Middle Concho River
1425	<u>O. C. Fisher Lake</u> - from San Angelo Dam up to the normal pool elevation of 1908 feet (impounds North Concho River)
1426	<u>Colorado River</u> - from the confluence of the Concho River to Robert Lee Dam
1427	<u>Onion Creek</u> - from the confluence with the Colorado River to the most upstream crossing of FM 165
1428	<u>Colorado River</u> - from a point 100 meters (110 yards) downstream of US 71 at Smithville to Longhorn Dam
1429	<u>Town Lake</u> - from Longhorn Dam to Tom Miller Dam, up to normal pool elevation of 429 feet (impounds Colorado River)
1430	<u>Barton Creek</u> - from the confluence with Town Lake to FM 12
1431	<u>Mid Pecan Bayou</u> - from the confluence of Mackinally Creek to a point 100 meters (110 yards) upstream of Willis Creek

SEGMENT	DESCRIPTION
1432	<u>Upper Pecan Bayou</u> - from a point 100 meters (110 yards) upstream of the confluence of Willis Creek to Lake Brownwood Dam
1501	<u>Tres Palacios Creek Tidal</u> - from the confluence with Tres Palacios Bay to a point 0.6 kilometer (1.0 mile) upstream of the confluence of Wilson Creek
1502	<u>Tres Palacios Creek</u> - from a point 0.6 kilometer (1.0 mile) upstream of the confluence of Wilson Creek to US 59
1601	<u>Lavaca River Tidal</u> - from the confluence with Lavaca Bay to the confluence of the Navidad River
1602	<u>Lavaca River Above Tidal</u> - from the confluence of the Navidad River to a point 5.5 kilometers (3.4 miles) upstream of SH 95
1603	<u>Lower Navidad River</u> - from the confluence with the Lavaca River to Palmetto Bend Dam.
1604	<u>Lake Texana</u> - from Palmetto Bend Dam to a point 100 meters (110 yards) downstream of FM 530, up to a normal pool elevation of 44 feet (impounds Navidad River)
1605	<u>Upper Navidad River</u> - from a point 100 meters (110 yards) downstream of FM 530 to the confluence of the East Navidad River and the West Navidad River
1701	<u>Victoria Barge Canal</u> - from the confluence with San Antonio Bay to Victoria Turning Basin
1801	<u>Guadalupe River Tidal</u> - from the confluence with Guadalupe Bay to the Guadalupe-Blanco River Authority Salt Water Barrier 0.7 kilometer (0.4 mile) downstream of the confluence of the San Antonio River
1803	<u>Guadalupe River</u> - from the Guadalupe-Blanco River Authority Salt Water Barrier 0.7 kilometer (0.4 mile) downstream of the confluence of the San Antonio River to the confluence of the San Marcos River
1804	<u>Guadalupe River</u> - from the confluence of the San Marcos River to the confluence of the Comal River
1805	<u>Canyon Lake</u> - from Canyon Dam to a point 2.7 kilometers (1.7 miles) downstream of Rebecca Creek Road, up to a normal pool elevation of 909 feet (impounds Guadalupe River)

SEGMENT	DESCRIPTION
1806	<u>Guadalupe River</u> - from a point 2.7 kilometers (1.7 miles) downstream of Rebecca Creek Road to the confluence of the North Fork Guadalupe River and the South Fork Guadalupe River
1807	<u>Coleta Creek</u> - from the confluence with the Guadalupe River to the confluence of Fifteenmile Creek and Twelvemile Creek, including Coleta Creek Reservoir
1808	<u>Lower San Marcos River</u> - from the confluence with the Guadalupe River to a point 1.2 kilometers (0.7 mile) downstream of IH 35
1809	<u>Lower Blanco River</u> - from the confluence with the San Marcos River to a point 0.3 kilometer (0.2 mile) upstream of Limekiln Road
1810	<u>Plum Creek</u> - from the confluence with the San Marcos River to FM 2770
1811	<u>Comal River</u> - from the confluence with the Guadalupe River to Klingemann Street in New Braunfels
1812	<u>Guadalupe River</u> - from the confluence of the Comal River to Canyon Dam
1813	<u>Upper Blanco River</u> - from a point 0.3 kilometer (0.2 mile) upstream of Limekiln Road to the confluence of Meier Creek
1814	<u>Upper San Marcos River</u> - from a point 1.2 kilometers (0.7 mile) downstream of IH 35 to a point 0.7 kilometer (0.4 mile) upstream of Loop 82 in San Marcos
1901	<u>Lower San Antonio River</u> - from the confluence with the Guadalupe River to Mays Crossing near Falls City
1902	<u>Lower Cibolo Creek</u> - from the confluence with the San Antonio River to a point 100 meters (110 yards) downstream of IH 10
1903	<u>Medina River</u> - from the confluence with the San Antonio River to Medina Diversion Dam
1904	<u>Medina Lake</u> - from Medina Lake Dam to the confluence of Red Bluff Creek, up to the normal pool elevation of 1064.2 feet (impounds Medina River)
1905	<u>Medina River</u> - from the confluence of Red Bluff Creek to the confluence of the North Prong Medina River and the West Prong Medina River

SEGMENT	DESCRIPTION
1906	<u>Lower Leon Creek</u> - from the confluence with the Medina River to a point 100 meters (110 yards) upstream of SH 16
1907	<u>Upper Leon Creek</u> - from a point 100 meters (110 yards) upstream of SH 16 to a point 9.0 kilometers (5.6 miles) upstream of Scenic Loop Road, North of Helotes
1908	<u>Upper Cibolo Creek</u> - from the Missouri-Pacific Railroad bridge west of Bracken to a point 1.5 kilometers (0.9 mile) upstream of the confluence of Champee Springs
1909	<u>Medina Diversion Lake</u> - from Medina Diversion Dam to Medina Lake Dam, up to the normal pool elevation of 926.5 feet (impounds Medina River)
1910	<u>Salado Creek</u> - from the confluence with the San Antonio River to Rocking Horse Lane west of Camp Bullis
1911	<u>Upper San Antonio River</u> - from Mays Crossing near Falls City to a point 100 meters (110 yards) upstream of Hildebrand Avenue in San Antonio
1912	<u>Medio Creek</u> - from the confluence with the Medina River to a point 1.0 kilometer (0.6 mile) upstream of IH 35 in southwest San Antonio
1913	<u>Mid Cibolo Creek</u> - from a point 100 meters (110 yards) downstream of IH 10 to the Missouri-Pacific Railroad bridge west of Bracken
2001	<u>Mission River Tidal</u> - from the confluence with Mission Bay to a point 7.4 kilometers (4.6 miles) downstream of US 77
2002	<u>Mission River</u> - from a point 7.4 kilometers (4.6 miles) downstream of US 77 to the confluence of Blanco Creek and Medio Creek
2003	<u>Aransas River Tidal</u> - from the confluence with Copano Bay to a point 5.3 kilometers (3.3 miles) upstream of Chiltipin Creek
2004	<u>Aransas River Above Tidal</u> - from a point 5.3 kilometers (3.3 miles) upstream of Chiltipin Creek to the confluence of Poesta Creek and Aransas Creek
2101	<u>Nueces River Tidal</u> - from the confluence with Nueces Bay to Calallen Dam 1.7 kilometers (1.1 miles) upstream of US 77/IH 37
2102	<u>Nueces River</u> - from Calallen Dam 1.7 kilometers (1.1 miles) upstream of US 77/IH 37 to Wesley E. Seale Dam

SEGMENT	DESCRIPTION
2103	<u>Lake Corpus Christi</u> - from Wesley E. Soale Dam to US 59, up to the normal pool elevation of 93.8 feet (impounds Nueces River)
2104	<u>Nueces River</u> - from the confluence with the Frio River to Holland Dam
2105	<u>Nueces River</u> - from Holland Dam to FM 1025
2106	<u>Lower Frio/Nueces River</u> - from US 59 to Choke Canyon Dam
2107	<u>Atascosa River</u> - from the confluence with the Frio River to the confluence of the West Prong Atascosa River and the North Prong Atascosa River
2108	<u>San Miguel Creek</u> - from the confluence of Mustang Branch to the confluence of San Francisco Perez Creek and Chacon Creek
2109	<u>Leona River</u> - from the confluence with the Frio River to US 83
2110	<u>Lower Sabinal River</u> - from the confluence with the Frio River to SH 127
2111	<u>Upper Sabinal River</u> - from SH 127 to the most upstream crossing of FM 187
2112	<u>Nueces River</u> - from FM 1025 to the confluence of the East Prong Nueces River and Hackberry Creek
2113	<u>Upper Frio River</u> - from US 90 to the confluence of the West Frio River and the East Frio River
2114	<u>Hondo Creek</u> - from the confluence with the Frio River to FM 470
2115	<u>Seco Creek</u> - from the confluence with Hondo Creek to the confluence of West Seco Creek
2116	<u>Choke Canyon Reservoir</u> - from Choke Canyon Dam to a point 4.2 kilometers (2.6 miles) downstream of SH 16 on the Frio River Arm and to the confluence of Mustang Branch on the San Miguel Creek Arm, up to the normal pool elevation of 220.5 feet (impounds Frio River)
2117	<u>Mid Frio River</u> - from a point 4.2 kilometers (2.6 miles) downstream of SH 16 to US 90

SEGMENT	DESCRIPTION
2201	<u>Arroyo Colorado Tidal</u> - from the confluence with Laguna Madre to a point 100 meters (110 yards) downstream of Cemetery Road south of Port Harlingen
2202	<u>Arroyo Colorado Above Tidal</u> - from a point 100 meters (110 yards) downstream of Cemetery Road south of Port Harlingen to FM 2062
2301	<u>Rio Grande Tidal</u> - from the confluence with the Gulf of Mexico to a point 10.8 kilometers (6.7 miles) downstream of the International Bridge
2302	<u>Rio Grande</u> - from a point 10.8 kilometers (6.7 miles) downstream of the International Bridge to Falcon Dam
2303	<u>International Falcon Reservoir</u> - from Falcon Dam to the confluence of the Arroyo Salado (Mexico), up to the normal pool elevation of 301.1 feet (impounds Rio Grande)
2304	<u>Rio Grande</u> - from the confluence of the Arroyo Salado (Mexico) to Amistad Dam
2305	<u>International Amistad Reservoir</u> - from Amistad Dam to a point 1.8 kilometers (1.1 miles) downstream of the confluence of Ramsey Canyon on the Rio Grande Arm and to a point 0.7 kilometer (0.4 mile) downstream of the confluence of Painted Canyon on the Pecos River Arm and to a point 0.6 kilometer (0.4 mile) downstream of the confluence of Little Satan Creek on the Devils River Arm, up to the normal pool elevation of 1117 feet (impounds Rio Grande)
2306	<u>Rio Grande</u> - from a point 1.8 kilometers (1.1 miles) downstream of the confluence of Ramsey Canyon to the confluence of the Rio Conchos (Mexico)
2307	<u>Rio Grande</u> - from the confluence of the Rio Conchos (Mexico) to Riverside Diversion Dam
2308	<u>Rio Grande</u> - from Riverside Diversion Dam to International Dam
2309	<u>Devils River</u> - from a point 0.6 kilometer (0.4 mile) downstream of the confluence of Little Satan Creek to the confluence of Dry Devils River
2310	<u>Lower Pecos River</u> - from a point 0.7 kilometer (0.4 mile) downstream of the confluence of Painted Canyon to the low water crossing 0.3 kilometer (0.2 mile) downstream of the confluence of Big Fielder Draw

SEGMENT	DESCRIPTION
2311	<u>Upper Pecos River</u> - from the low water crossing 0.3 kilometer (0.2 mile) downstream of the confluence of Big Fielder Draw to Red Bluff Dam
2312	<u>Red Bluff Reservoir</u> - from Red Bluff Dam to the New Mexico State Line, up to the normal pool elevation of 2842 feet (impounds Pecos River)
2313	<u>San Felipe Creek</u> - from the confluence with the Rio Grande to a point 4.0 kilometers (2.5 miles) upstream of US 90
2314	<u>Rio Grande</u> - from International Dam to the New Mexico State Line
2411	<u>Sabine Pass</u>
2412	<u>Sabine Lake</u>
2421	<u>Upper Galveston Bay</u>
2422	<u>Trinity Bay</u>
2423	<u>East Bay</u>
2424	<u>West Bay</u>
2425	<u>Clear Lake</u>
2426	<u>Tabbs Bay</u>
2427	<u>San Jacinto Bay</u>
2428	<u>Black Duck Bay</u>
2429	<u>Scott Bay</u>
2430	<u>Burnett Bay</u>
2431	<u>Moses Lake</u>
2432	<u>Chocolate Bay</u>
2433	<u>Bastrop Bay</u>
2434	<u>Christmas Bay</u>
2435	<u>Drum Bay</u>
2436	<u>Barbours Cut</u>

SEGMENT	DESCRIPTION
2437	<u>Texas City Ship Channel</u>
2438	<u>Bayport Channel</u>
2439	<u>Lower Galveston Bay</u>
2441	<u>East Matagorda Bay</u>
2442	<u>Cedar Lakes</u>
2451	<u>Matagorda Bay</u>
2452	<u>Tres Palacios Bay</u>
2453	<u>Lavaca Bay</u>
2454	<u>Cox Bay</u>
2455	<u>Keller Bay</u>
2456	<u>Carancahua Bay</u>
2461	<u>Espiritu Santo Bay</u>
2462	<u>San Antonio, Hynes, and Guadalupe Bays</u>
2463	<u>Mesquite Bay</u>
2471	<u>Aransas Bay</u>
2472	<u>Copano Bay including Port Bay</u>
2473	<u>St. Charles Bay</u>
2481	<u>Corpus Christi Bay</u>
2482	<u>Nueces Bay</u>
2483	<u>Redfish Bay</u>
2484	<u>Corpus Christi Inner Harbor</u>
2485	<u>Oso Bay</u>
2491	<u>Laguna Madre</u>
2492	<u>Baffin Bay</u>
2493	<u>South Bay</u>

SEGMENT	DESCRIPTION
2494	<u>Brownsville Ship Channel</u>
2501	<u>Gulf of Mexico</u>

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 30, 1984.

TRD-8410926 Susan Plettman
General Counsel
Texas Department of Water
Resources

Earliest possible date of adoption:
December 7, 1984

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

TITLE 34. PUBLIC FINANCE
Part I. Comptroller of Public
Accounts
Chapter 3. Tax Administration
Subchapter (1). State Sales and Use Tax
34 TAC §3.327

The Comptroller of Public Accounts proposes amendments to §3.327, concerning retailer's bond or other security. The amendments delete the bond requirement for most newly permitted businesses. The comptroller has determined that the interests of the state will be adequately protected without requiring new taxpayers with average monthly tax liabilities of less than \$1,500 to post a bond. The amendments accomplish this objective by waiving the requirement for a bond from new applicants for sales or use tax permits if the bond required under the statute is less than \$3,000. This requirement will not be waived for itinerant vendors unless the bond would be less than \$100. If a person holding a permit under this subchapter currently is or has been delinquent in the payment of any amount due, the person may be required to post a bond of not less than \$100 or more than \$50,000.

Billy Hamilton, revenue estimating director, has determined that for the first five-year period the rule will be in effect the anticipated fiscal implications for state or local government as a result of enforcing or administering the rule are negligible. This rule is promulgated under the Tax Code, Title 2, and no fiscal implications for small businesses are required.

Mr. Hamilton also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is that new sales taxpayers would not have to put up a security if it is calculated to be

less than \$3,000. There is no anticipated cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to D. Carolyn Busch, P.O. Box 13528, Austin, Texas 78711.

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

§3.327. Taxpayer's [Retailer's] Bond or Other Security.

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

(c) The amount of bond or security required of persons applying for a tax permit.

(1) Each applicant must [Monthly filers: A retailer reporting on a monthly basis shall] post bond or security in an amount equal to two times the amount of the [retailer's] average monthly tax liability.

[(2) Quarterly and yearly filers: A retailer reporting on a quarterly or yearly basis shall post bond or security in an amount equal to three times the amount of the retailer's average monthly tax liability.]

(2) [(3)] If a bond amount for a person other than an itinerant vendor is calculated to be less than \$3,000 [\$100], an initial bond will not be required.

(3) If a bond amount for an itinerant vendor is calculated to be less than \$100, an initial bond will not be required. For the purposes of this paragraph, an itinerant vendor is a person who does not operate any place of business as defined in §3.286 of this title (relating to Seller's Responsibilities).

[(4) If it is determined at any time that the amount of bond on file is inadequate or that a retailer is delinquent in the payment of any amount due, the comptroller may redetermine the amount of security and require new or additional bond to be posted. Under no circumstances, however, will the amount required exceed \$50,000 or be less than \$100.]

(d) The amount of bond or security required of a person who currently is or has been delinquent in payment of any amount due.

(1) Monthly filers. A retailer reporting on a monthly basis must post bond or security in an amount equal to two times the amount of the retailer's average monthly tax liability.

(2) Quarterly and yearly filers. A person reporting on a quarterly or yearly basis must post bond or security in an amount equal to three times the amount of the person's average monthly tax liability.

(3) If a bond amount is calculated to be less than \$100, bond will not be required.

(e) If it is determined at any time that the amount of bond on file is inadequate or that a person is delinquent in the payment of any amount due, the comptroller may recalculate the amount of security and require new

or additional bond to be posted. Under no circumstances, however, will the amount required exceed \$50,000 or be less than \$100.

(f)(d) Types of security.

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

(g)(e) Assignments. An assignment of either a savings account or a certificate of deposit in an institution insured by an agency of the U.S. government must be irrevocable and must be executed on an assignment form approved by the comptroller.

(h)(f) Surety bonds. A surety bond must be executed on a form approved by the comptroller and can be issued only by a surety company chartered or authorized to do business in the State of Texas. The bond shall constitute a new and separate obligation in the penal sum named therein for each calendar year or a portion thereof while the bond is in force. The bond must be executed by an attorney-in-fact appointed by the surety. The appointing instrument must be properly notarized and physically attached to the bond.

(i)(g) Forfeiture. In the event of forfeiture, the comptroller will notify the person holding the security and demand payment. The comptroller will also notify the retailer and demand that another or additional bond or security be furnished within 10 days of the date of such notice. The amount of bond or security specified in the notice shall be fixed by the comptroller subject only to the limitations stated in subsection (e)(c)(4) of this section. This notice shall become final at the expiration of 10 days. Failure to comply with the requirements of the notice within the 10-day period will result in the suspension of the retailer's tax permit.

(j)(h) Retailer's bond or security when ownership is changed.

(1)-(4) (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 25, 1984

TRD-8410835 Bob Bullock
Comptroller of Public Accounts

Earliest possible date of adoption.

December 7, 1984

For further information, please call (512) 475-1913.

Subchapter V. Bingo Regulation and Tax 34 TAC §3.550

The Comptroller of Public Accounts proposes amendments to §3.550, concerning returns and reports. The amendments change the reporting of gross receipts tax and information relating to the conduct of bingo games from monthly to quarterly.

Billy Hamilton, revenue estimating director, has determined that gains and losses for the first five-year period the rule will be in effect come in two separate areas. Local taxing jurisdictions will gain revenue when the report period is changed from monthly to quarterly, since the tax exemption is calculated with regard to each report period. A small amount of interest income

to the state would be lost because the tax returns would come in less frequently. Presently, the tax comes in monthly and is held by the comptroller until remitted to the local jurisdictions. Under the proposed amendments, the tax would be held longer by the bingo operators, being sent to the comptroller quarterly. The new effect on state and local revenues in gain in bingo tax revenue to local taxpaying jurisdictions will be \$93,500 in 1985; \$196,000 in 1986; \$206,000 in 1987; \$216,000 in 1988; \$227,000 in 1989, and \$239,000 in 1990. The loss in state interest income would be negligible. There are no anticipated fiscal implications for small businesses resulting from this change.

Mr. Hamilton also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is decreased costs to bingo taxpayers through less frequent filing. Less frequent filing would also lower the cost of administering the bingo tax, and the public-at-large would benefit to the extent that these cost savings are passed on to Texas taxpayers.

Comments on the proposal may be submitted to D. Carolyn Busch, Director, Tax Administration, P.O. Box 13528, Austin, Texas 78711

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

§3.550. *Bingo [Returns and] Reports*.

(a) Quarterly reports for gross receipts tax and for information relating to the conduct of bingo games. [Monthly returns.]

(1) [Monthly gross receipts tax returns.] An authorized organization holding an annual license, temporary license, or a temporary authorization to conduct bingo in an area in which the bingo gross receipts tax has been imposed must file [a tax return each month] on a form provided by the comptroller a quarterly report for gross receipts taxes and statistical information relating to the conduct of bingo games. The report [return] must be accompanied by any tax due and must be filed on or before the 15th day of the month following the end of the calendar quarter [each monthly reporting period] even if there were no gross receipts or gross receipts subject to tax for that quarter [month].

(2) The first \$2,500 of gross receipts each report period [month] is exempt from tax.

(3) The report [return] must be signed by the member designated as responsible for the filing of reports [returns].

(4) Organizations holding an annual license, temporary license, or temporary authorization to conduct bingo in an area in which the bingo gross receipts tax has not been imposed must file a quarterly report containing statistical information relating to the conduct of bingo on a form provided by the comptroller. The report must be filed on or before the 15th day of the month following the end of the calendar quarter and be signed by the member designated as responsible for the filing of reports.

(b)(2) Penalties and interest.

(1)(A) If a licensee fails to file a report [return] as required or fails to pay the comptroller any taxes imposed under the Act when the report [return] or payment is due, the licensee will forfeit 5.0% of the amount due as a penalty, and after the first 30 days, an additional 5.0%.

(2)(B) Delinquent taxes draw interest at the rate of 10% per year, beginning 60 days after the due date.

(c)(b) Failure to receive forms. The failure of licensees conducting bingo games to receive forms from the comptroller does not relieve them from the requirement of filing reports and remitting bingo gross receipts taxes on a timely basis. [Quarterly reports.

(1) Licensed organization. A licensed organization which has been issued an annual or temporary license or a temporary authorization to conduct bingo must file an informational report each quarter on a form provided by the comptroller. The report will be sent to each licensee and must be filed by the due date and must contain all the information required by the report.]

(d) Records required. Each licensee shall maintain records to substantiate the contents of each report.

(e)(2) Commercial lessor. A licensed commercial lessor must file an informational report at any time it is requested by the comptroller.

(f)(3) Delinquent reports. If a licensee fails to file a report within the time required or if the report is not fully, accurately, and truthfully completed, the comptroller may refuse to renew a license or may suspend or revoke a license.

(g) The effective date of this section is January 1, 1985.

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 26, 1984.

TRD-8410831 Bob Bullock
Comptroller of Public Accounts

Earliest possible date of adoption
December 7, 1984

For further information, please call (512) 476-1913.

TITLE 37. PUBLIC SAFETY AND CORRECTIONS

Part II. Texas Department of Corrections

Chapter 61. Administrative Remedy of Complaints Initiated by Inmates of the Texas Department of Corrections

The Texas Department of Corrections proposes the repeal of §561.101-61.106 and new §561.101-61.110, concerning the procedures for the internal processing of inmate grievances.

On September 10, 1984, the Texas Board of Corrections approved the repeal of Chapter 61 and approved its replacement with a new Chapter 61. The new procedure was adopted by the board as an emergency measure and will not become final until the first board meeting more than 30 days after publication in the *Texas Register*.

James Lynaugh, deputy director for finance, has determined that for the first five-year period the repeal will be in effect the fiscal implications of implementing the new procedure cannot be assessed. The procedure is completely internal to the Texas Department of Corrections, so no cost for state or local government or small businesses as a result of the repeal is anticipated. There is no anticipated economic cost to individuals as a result of the repeal. The new procedure reallocates work already being performed in the face of a continuously increasing use of the grievance procedure by inmates, so costs are impossible to assess accurately.

It is believed that the new procedures will expedite the processing of inmate grievances and will provide controls to ensure proper use of the grievance procedure. Ultimately, it is hoped that the new procedure will reduce inmate litigation and staff effort dedicated to grievance resolution and litigation, but those benefits are impossible to quantify.

The new procedure changes no substantive rights; the changes are only procedural. Among the salient changes are providing clarified definitions of the matters grievable and the remedies available and for separate and confidential filing and management of inmate grievance records; adding a new level of appeal and setting shorter time limits for response than its predecessor; including explicit controls for abuse of the grievance procedure; limiting each grievance to one matter; and containing explicit requirements for continuous monitoring and evaluation.

Comments on the proposal may be submitted to Randolph McVey, Departmental Grievance Coordinator, Texas Department of Corrections, P.O. Box 99, Huntsville, Texas 77340. The department will receive comments for 30 days following publication, and the Board of Corrections will take final action on the grievance procedure at the first regular meeting following the 30-day period.

37 TAC §561.101-61.106

(Editor's note: The text of the following rules proposed for repeal will not be published. The rules may be examined in the offices of the Texas Department of Corrections, 815 11th Street, Huntsville, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The repeal is proposed under Texas Civil Statutes, Article 6166j, which provide the director and the board with authority to manage the affairs of the Texas Department of Corrections.

§61.101. Purpose.

§61.102. Discussion.

§61.103. Action.

- §61.104. *Procedures.*
- §61.105. *Use of Complaint Form.*
- §61.106. *Exceptions.*

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 Huntsville, Texas, on October 18, 1984.

TRD-8410832 Leonard W. Peck, Jr.
Legal Counsel
Texas Department of Corrections

Earliest possible date of adoption:
December 7, 1984

For further information, please call (409) 295-6371,
ext. 700.

Chapter 61. Inmate Grievances

37 TAC §§61.101-61.110

The new sections are proposed under Texas Civil Statutes, Article 6166j, which provide the director and the board with the authority to manage the affairs of the Texas Department of Corrections.

§61.101. *Authority.* This policy is established pursuant to the management authority vested in the director of the department by Texas Civil Statutes, Article 6166j.

§61.102. *Purpose.* The purpose of this policy statement is to:

- (1) establish administrative procedures by which an inmate may seek formal review of complaints;
- (2) provide a vehicle for internal unit solutions at the level having most direct contact with the inmate; and
- (3) to provide a means for management review of unit decisions and policies.

§61.103. *Applicability.* The grievance procedure may be used by any inmate in the custody of the Texas Department of Corrections.

(1) The following matters shall be grievable by inmates:

- (A) the interpretation and application of policies, rules, and procedures;
- (B) individual employee and inmate actions, including any denial of access to the grievance procedure;
- (C) reprisals against inmates for filing an appeal under the inmate grievance procedure; and
- (D) any other matter relating to conditions of care or supervision within the authority of the Texas Department of Corrections, except as noted herein.

(2) The following matters are not grievable by inmates through these grievance procedures:

- (A) state and federal court decisions;
- (B) state and federal laws and regulations;
- (C) parole board decisions;
- (D) director's review committee decisions—the director's review committee decisions are final; and
- (E) other matters beyond the control of the Texas Department of Corrections.

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

Emergency grievance—A procedure for responding to matters which, if handled according to regular time limits, would subject an inmate to a substantial risk of personal injury.

Exhaustion of administrative remedies—The grievance process terminates when a final decision is made by the deputy director of operations of the Texas Department of Corrections.

Grievance—A formal written complaint by an inmate limited to matters affecting the complaining inmate.

Grievance mail box—A locked receptacle for receiving grievances from all inmates and located next to the regular mail box. Only the unit grievance coordinator or alternate shall have access to the grievance mail box.

Regional administrator—A person designated by the director to respond to inmate grievances appealed beyond the unit level.

Unit grievance coordinator—A person at each unit designated by the warden to receive grievances from inmates, investigate, resolve, and/or recommend disposition. In the absence of the unit grievance officer, an alternate shall be designated to process grievances.

Regional grievance coordinator—The grievance officer from the central office who processes appeals made to the regional administrator.

Departmental grievance coordinator—The grievance officer from the central office who processes appeals made to the deputy director of operations.

Working days—Monday through Friday, excluding holidays recognized by the State of Texas.

§61.105. *Policy.*

(a) Many grievances can be resolved by inmates through direct contact with staff responsible for the particular problem area. As such, it is the policy of the department to encourage resolution of grievances at the lowest possible level and to require that all grievances pass through the steps identified in the procedure statement.

(b) The following elements are the foundation of the department's inmate grievance procedure.

(1) **Accessibility.** Each inmate shall be entitled to invoke the grievance procedure regardless of any disciplinary, classification, or other administrative decision to which the inmate may be subject. The grievance procedure shall be accessible to intellectually impaired and handicapped inmates. While an inmate may not submit a grievance on behalf of another inmate, assistance from a staff member or inmate may be provided when necessary to communicate the problem on the grievance form. Inmates shall not be subject to retaliation, reprisal, harassment, or discipline for use of this grievance procedure nor shall employees and inmates participating in the resolution of grievances. Any allegations of this nature will be thoroughly investigated.

(2) **Responsibility.** In order to ensure the proper handling of inmate grievances, each warden shall designate an individual to be the unit grievance coordinator at the level of lieutenant. An alternate shall be designated by the warden to process grievances in the absence of the unit grievance coordinator. These individuals will be responsible for carrying out the duties outlined herein. The director of the Texas Department of Corrections will

assign an individual to be the regional grievance coordinator. This individual will be responsible for the duties outlined herein.

(3) Written responses with reasons. Responses to grievances will always be written and will state clearly the result of the review. When a grievance response specifies that an action is to be taken, it will include a date for completing the action. When a grievance is denied, the reason for the denial is stated in the response.

(4) Time constraints. It is the intent of this policy to process grievances in a timely and meaningful way. Unless unusual circumstances are present, no more than 90 calendar days will pass from the filing of a grievance by an inmate to the final appeal decision by the deputy director of operations. Upon notice to the grievant, the time limitations provided for at any stage of this procedure may be extended for a like period of time for purposes of allowing for a more complete investigation of the claims contained in the grievance. Justification for the extension must be provided. Barring extraordinary circumstances, a grievance shall be considered settled if the decision at any step is not appealed by the inmate within the given time limit. Grievances which are prematurely appealed to the next step will be returned without review. Likewise, other correspondence containing grievable issues which should have been submitted through the grievance procedures will be returned to the inmate without review.

(5) Exceptions. Nothing herein shall contravene the procedures established for reporting violations of the stipulated modification of §II.D. and §II.A. of the Amended Decree (i.e., SSI Stipulation). Such reports of violations shall be forwarded in sealed envelopes without interception by unit staff to the director of the department. Allegations of excessive use of force submitted through the grievance procedures described herein and appealed beyond the unit level shall be forwarded by the regional administrator and the deputy director to the Internal Affairs Division for disposition.

(6) Abuse of grievance procedures.

(A) The following abuses of the grievance procedures by inmates may result in special administrative procedures, including referral to appropriate disciplinary authorities:

- (i) excessive, frivolous, vexatious, and malicious use of the procedures;
- (ii) obscene or contemptuous language; and
- (iii) scandalous, scurrilous, impertinent, or defamatory allegations when found unrelated to a claim or when found to be made falsely or in bad faith.

(B) When a unit warden and the regional administrator concur that an inmate has abused the grievance procedures as described in paragraph (1) of this subsection, that inmate shall be informed that his/her grievances will be reviewed but will not be entitled to an investigation or a written response. Nothing herein, however, shall prevent the processing of any grievance posing a life-threatening problem. Upon a showing by the abusing inmate that recourse to the special administrative procedures will no longer be necessary, the processing of grievances shall revert to those procedures described herein.

(7) Distribution and training. A written copy of this procedure will be provided to each inmate and to each

staff member of each unit. A presentation will be made to all arriving inmates at the reception and diagnostic units. If there is difficulty in understanding the procedure, every effort will be made to explain the policy on an individual basis. All new staff will receive a presentation of this procedure and will receive a copy of this policy during pre-service training.

§61.106. *Remedies.* The grievance procedure shall afford a successful grievant a meaningful remedy. Remedies may include the following.

- (1) Restitution—restoration of property by substituting an item will normally be ordered before monetary reimbursement is given.
- (2) Monetary—A fair value will be given for items lost or destroyed when the department is proven to be liable.
- (3) Change of procedures or practices.
- (4) Correction of records.
- (5) Other remedies, as appropriate.

§61.107. *Emergency Grievance Procedure.*

(a) A grievance which documents that an inmate is being subjected to substantial risk of personal injury may be given priority in order to ensure an immediate and meaningful solution. It is the responsibility of the inmate to demonstrate the factors creating the risk of serious harm. It is the responsibility of the unit grievance coordinator or alternate to determine if a substantial risk of serious harm is present. Once it is determined that the grievance is an emergency grievance, it shall be forwarded without substantive review immediately to an official at a level capable of correcting the situation.

(b) Emergency grievances shall receive substantive action at the unit level within eight hours. A written response shall follow within 72 hours of receipt of the emergency grievance. Emergency grievances requiring a substantive response beyond the unit level must be acted upon within five working days. A written response must follow within 10 working days of receipt from the unit.

(c) If a grievance submitted as an emergency is ruled at any step not to be an emergency, it shall be returned to the grievant specifying that fact with reasons. The response shall indicate that the grievance may be re-submitted as a regular grievance.

§61.108. *Grievance Procedure.*

(a) Step 1: inmate files grievance.

(1) Prior informal resolution. Prior to initiating a formal written grievance, an inmate is expected to attempt to resolve the grievance informally through contact and discussion of the issue with the individual primarily responsible for the action causing the grievance. If this effort fails, the inmate may file a formal grievance with the unit grievance coordinator. The inmate shall specify how and when an attempt was made to resolve the problem informally. The inmate must file the grievance within seven working days of the alleged incident or from the date of the last attempt at an informal resolution not to exceed 15 working days from the date of the incident. These time limits as specified may also begin from the date the problem or incident became known to the inmate.

(2) Grievance forms. In filing a formal complaint, the inmate must fill out the inmate grievance form and submit it to the unit grievance coordinator. Inmate

grievance forms shall be readily available to all inmates at all times in prominent locations within the unit. The forms shall be available at least in the law library, school library, and in each cell block picket. The inmate grievance form shall be readily available daily to inmates in any form of segregation. The unit grievance coordinator shall check all segregation areas twice daily to accept grievances filed by inmates and to ensure accessibility of forms. The form is used to briefly summarize the complaint. Additional information, however, may be attached and given to the unit grievance coordinator. Only one issue is to be presented on each form.

(3) **Grievance correspondence.** Grievances are considered special correspondence. Sealed letters will not be opened for inspection if the letter is labeled "Grievance" and addressed to the unit grievance coordinator. Nothing herein, however, shall prevent the alternate grievance coordinator from processing and investigating grievances in the absence of the unit grievance coordinator.

(4) **Release prior to resolution.** If a grievance is submitted on a unit for review and the grievant is released from custody, efforts to resolve the grievance will normally terminate. If the grievant wishes to pursue grievance resolution (as in property losses), it is the grievant's responsibility to notify the unit grievance coordinator of that intention and to provide an address and any other pertinent information.

(5) **Staff assistance.** If an inmate needs assistance in completing the inmate grievance form, assistance from a staff member or inmate will be provided.

(6) **Unit grievance coordinator's review.**

(A) The unit grievance coordinator will assign a number to all grievances received. A grievance mail box shall be located where readily accessible to most inmates for filing grievances at all levels of appeal. The grievance mail box shall be checked daily by the unit grievance coordinator or his/her alternate on those days when the unit grievance coordinator is unavailable.

(B) The investigation report and recommendation by the unit grievance coordinator shall be completed and submitted to the warden.

(C) In cases where the unit grievance coordinator has resolved the matter to the inmate's satisfaction, he/she will so note and have the inmate sign the report in the space provided. Such agreement is subject to approval of the warden.

(7) **Warden's decision.**

(A) The warden will review the grievance and the unit grievance coordinator's report and make a decision regarding the grievance. The grievance review process at Step 1 shall be completed by the unit grievance coordinator and the warden within 15 working days of receipt of the grievance from the inmate.

(B) The inmate will be informed of the warden's decision on the grievance and the reason for the decision. The unit grievance coordinator will return the completed grievance to the inmate.

(b) **Step 2: appeals to the regional administrator.**

(1) If an inmate is not satisfied with the decision of the warden, the inmate may appeal to the regional administrator. The inmate may appeal by completing "Request for Regional Administrator Review" on the grievance form and submitting this form to the unit grievance

coordinator within three working days of receiving the decision from the warden

(2) The unit grievance coordinator will attach copies of all relevant materials to this appeal and send it to the regional grievance coordinator within three working days of the date of receipt from the inmate.

(3) The regional grievance coordinator will immediately confirm receipt of the appeal with the unit grievance coordinator, conduct any further investigation necessary, and present it to the regional administrator within 10 working days of receipt.

(4) The regional administrator will render a decision on the grievance within 10 working days of receipt from the regional grievance coordinator. The regional administrator's decision will be returned by the regional grievance coordinator to the inmate. A copy of the completed grievance will be returned to the unit grievance coordinator.

(c) **Step 3: appeals to the deputy director of operations.**

(1) If an inmate is not satisfied with the decision of the warden and the regional administrator, the inmate may appeal to the deputy director of operations for a final review of the grievance. The inmate may appeal by completing the "Request for Deputy Director Review" on the grievance form and submitting this form to the unit grievance coordinator within three days of receiving the decision from the regional administrator.

(2) The unit grievance coordinator will send the grievance to the departmental grievance coordinator within three working days of the date of receipt.

(3) The departmental grievance coordinator will confirm receipt of the appeal with the unit grievance coordinator, conduct any further investigation necessary, and present it to the deputy director.

(4) The deputy director will render the final decision on the grievance within 20 working days of receipt from the unit grievance coordinator. The deputy director's decision on the grievance will be returned to the inmate. A copy of the completed grievance will be returned to the unit grievance coordinator and the regional grievance coordinator.

§61.109. Records.

(a) **Nature.** Records regarding the filing and disposition of grievances shall be collected and maintained systematically by the unit grievance coordinator, the regional grievance coordinator, and the departmental grievance coordinator. These records may be maintained in either hard copy or in computerized form and shall include a log showing the grievance number, dates of receipt, name and number of grievant, subject of grievance, levels of appeal, disposition date, disposition code, and brief description of the disposition. This log shall be forwarded to the departmental grievance coordinator on a monthly basis.

(b) **Record retention.** Copies of each completed grievance shall be maintained by the unit grievance coordinator for a minimum of three years, or until such time as the inmate leaves the unit. If the inmate leaves the unit, the grievance records shall be forwarded to the departmental grievance coordinator.

(c) **Record location.** No copies of grievances shall be placed in an inmate's official unit or central file, ex-

cept as requested in writing by the inmate filing the grievance.

(d) Confidentiality. Records regarding the participation of an individual in the grievance procedures shall not be available to employees or inmates, except for clerical processing of records by the department. Employees participating in the disposition of a grievance shall have access to records essential to the resolution of the grievance.

§61.110. Monitoring and Evaluation.

(a) Unit grievance procedures shall be monitored regularly by the departmental grievance coordinator through personal visits, review of records, and computer printouts and use of questionnaires.

(b) An annual evaluation of the grievance procedure shall be conducted by the Management Services Division.

(c) Each unit shall conduct internal evaluations of its grievance procedure prior to the annual evaluation.

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 18, 1984.

TRD-8410746 Leonard W. Peck, Jr.
Legal Counsel
Texas Department of Corrections

Earliest possible date of adoption:
December 7, 1984

For further information, please call (409) 295-6371,
ext. 700.



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

Chapter 231. Practice and Procedure

37 TAC §§231.6, 231.22, 231.27, 231.32,
231.35, 231.41

The Commission on Fire Protection Personnel Standards and Education proposes the repeal of and new §§231.6, 231.22, 231.27, 231.32, 231.35, and 231.41, concerning practice and procedures utilized by the commission for administrative proceedings. The repeal and new sections address agreements to be in writing, contested proceedings, motions for postponement-continuance-withdrawal, or dismissal of applications or other matters before the agency, reporters and transcripts, and rules of evidence and depositions. The commission proposes the repeal of these sections and their replacement with new sections to comply with current wording in the Administrative Procedure and Texas Register Act (APTRA).

Ray L. Goad, executive director, has determined that for the first five-year period the repeal and new rules will be in effect there will be no fiscal implications for state or local government or small businesses as a result of the repeal or of enforcing or administering the new sections. The sections apply only to fire departments and fire fighters.

Mr. Goad also has determined that for each year of the first five years the repeal and new sections are in effect the public benefit anticipated as a result of the repeal and new sections is uniformity with the APTRA and more efficiency in obtaining compliance with the Fire Fighter Training and Certification Act, Texas Civil Statutes, Article 4413(35). There is no anticipated economic cost to individuals as a result of the repeal or new sections.

Comments on the proposal may be submitted to Ray L. Goad, Executive Director, Commission on Fire Protection Personnel Standards and Education, 510 South Congress Avenue, Suite 406, Austin, Texas 78704, (512) 474-8066.

(Editor's note: The text of the following rules proposed for repeal will not be published. The rules may be examined in the offices of the Commission on Fire Protection Personnel Standards and Education, Suite 406, 510 South Congress Avenue, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The repeal is proposed under Texas Civil Statutes, Article 4413(35), §2(1) and (14), which provide the Commission on Fire Protection Personnel Standards and Education with the authority to promulgate rules and regulations for the administration of this Act, and adopt and amend rules and regulations, consistent with state law, for its internal management and control.

§231.6. *Agreements to be in Writing.*

§231.22. *Contested Proceedings.*

§231.27. *Motions for Postponement, Continuance, Withdrawal, or Dismissal of Applications or Other Matters Before the Agency.*

§231.32. *Reporters and Transcript.*

§231.35. *Rules of Evidence.*

§231.41. *Depositions.*

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 25, 1984.

TRD-8410802 Ray L. Goad
Executive Director
Commission on Fire Protection
Personnel Standards and
Education

Earliest possible date of adoption:
December 7, 1984

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

The new sections are proposed under Texas Civil Statutes, Article 4413(35), §2-(1) and (14), which pro-

vide the Commission on Fire Protection Personnel Standards and Education with the authority to promulgate rules and regulations for the administration of this Act, and adopt and amend rules and regulations, consistent with state law, for its internal management and control.

§231.6. Agreements to be in Writing.

(a) Unless precluded by law, informal disposition may be made of any contested case by stipulation, agreed settlement, consent order, or default.

(b) No stipulation or agreement between the parties, their attorneys or representatives, with regard to any matter involved in any proceeding before the agency, shall be enforced unless it shall have been reduced to writing and signed by the parties or their authorized representatives, or unless it shall have been dictated into the record by them during the course of a hearing, or incorporated in an order bearing their written approval. This rule does not limit a party's ability to waive, modify, or stipulate any right or privilege afforded by these rules, unless precluded by law.

§231.22. Contested Proceedings.

(a) When a notice of protest is filed with the director within 15 days after the publication notice, as provided in §231.8 of this title (relating to Service in Nonrule-Making Proceedings) and §231.20 of this title (relating to Publication of Notice in Nonrule-Making Proceedings), the director shall assign such case to the contest docket, notify the commission of the necessity to hear the case, and appoint an examiner. In a contested case, all parties must be afforded an opportunity for hearing after reasonable notice of not less than 10 days.

(b) The notice must include:

(1) a statement of time, place, and nature of hearing;

(2) a statement of the legal authority and jurisdiction under which the hearing is to be held;

(3) a reference to the particular sections of the statutes and rules involved;

(4) a short and plain statement of the matters asserted.

(c) If the agency or other party is unable to state the matters in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved. Thereafter, on timely written application, a more definite and detailed statement must be furnished not less than three days prior to the date set for the hearing.

§231.27. Motions for Postponement, Continuance Withdrawal, or Dismissal of Applications or Other Matters Before the Agency.

(a) Motions for postponement, continuance, withdrawal, or dismissal of applications or other matters which have been duly set for hearing shall be in writing, shall be filed with the director, and distributed to all interested parties, under a certificate of service, not less than five days prior to the designated date that the matter is to be heard. Such motion shall set forth, under oath, the specific grounds upon which the moving party seeks such action and shall make reference to all prior motions of the same nature filed in the same proceeding. Failure to comply with the aforementioned, except for good cause shown, may be construed as lack of diligence on the part

of the moving party, and at the discretion of the director, may result in the dismissal of the application or other matter in issue, with prejudice to refiling. Once an application has actually proceeded to hearing, pursuant to the notice issued thereon, no postponement or continuance shall be granted by the examiner without the consent of all parties involved, unless the agency shall have ordered such postponement or continuance.

(b) The agency may continue a hearing from time to time and from place to place. The notice of the hearing must indicate the times and places at which the hearing may be continued. If a hearing is not concluded on the day it commences, the agency shall, to the extent possible, proceed with the conduct of the hearing on each subsequent working day until the hearing is concluded.

§231.32. Reporters and Transcript.

(a) Proceedings, or any part of them, must be transcribed on written request of any party. This rule does not limit an agency to a stenographic record of proceedings.

(b) The original transcript shall be delivered to the director not more than 14 working days after the close of the hearing. A stenographic reporter first submits a written request to the director containing the following:

(1) the full name and address of the party requesting the copy;

(2) the number of pages in the transcript;

(3) the costs of the copy to the party.

(c) Upon approval of the request by the director, the stenographic reporter shall furnish a copy to the requesting party at not more than \$.30 per page plus the cost of the postage, if any. The director or agency may exclude a stenographic reporter for late delivery or poor workmanship in previous hearings.

(d) Suggested corrections to the transcript of the record may be offered within 10 days after the transcript is filed in the proceeding, unless the examiner or the agency shall permit suggested corrections to be ordered thereafter. Suggested corrections shall be served in writing upon each part of the record, the official reporter, and the examiner. If suggested corrections are not objected to, the examiner will direct the corrections to be made and the manner of making them. In case the parties disagree on suggested corrections, they may be heard by the examiner, who shall then determine the manner in which the record shall be changed if at all.

§231.35. Rules of Evidence. In all contested cases, irrelevant, immaterial, or unduly repetitious evidence shall be excluded. The rules of evidence as applied in nonjury civil cases in the district courts of this state shall be followed. When necessary to ascertain facts not reasonably susceptible of proof under those rules, evidence not admissible thereunder may be admitted, except where precluded by statute, if it is of a type commonly relied upon by reasonably prudent men in the conduct of their affairs. The agency shall give effect to the rules of privilege recognized by law. Objections to evidentiary offers may be made and shall be noted in the record. Subject to these requirements, if a hearing will be expedited and the interest of the parties will not be prejudiced substantially, any part of the evidence may be received in written form.

§231.41. Depositions. The taking and use of depositions in any proceeding shall be governed by the Adminis-

trative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, §14(d)-(1).

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 25, 1984.

TRD-8410803 Ray L. Goad
Executive Director
Commission on Fire Protection
Personnel Standards and
Education

Earliest possible date of adoption:
December 7, 1984

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

37 TAC §§231.43, 231.46, 231.48-231.50

The Commission on Fire Protection Personnel Standards and Education proposes the repeal of and new §§231.43, 231.46, and 231.48-231.50, concerning practice and procedures utilized by the commission for administrative proceedings. The repeal addresses proposals for decision, oral argument, administrative finality, motions for rehearing, and rendering of final decision or order. The commission proposes the repeal of these sections and their replacement with new sections to comply with current wording in the Administrative Procedure and Texas Register Act.

Ray L. Goad, executive director, has determined that for the first five-year period the repeal and new rules will be in effect there will be no fiscal implications for state or local government or small businesses as a result of the repeal or of enforcing or administering the rules. The repeal applies only to fire departments and fire fighters.

Mr. Goad also has determined that for each year of the first five years the repeal and new rules are in effect the public benefit anticipated as a result of the repeal and new rules is uniformity with the Administrative Procedure and Texas Register Act and more efficiency in obtaining compliance with the Fire Fighter Training and Certification Act, Texas Civil Statutes, Article 4413(35). There is no anticipated economic cost to individuals as a result of the repeal or new rules.

Comments on the proposal may be submitted to Ray L. Goad, Executive Director, Commission on Fire Protection Personnel Standards and Education, 510 South Congress Avenue, Suite 406, Austin, Texas 78704, (512) 474-8066.

(Editor's note: The text of the following rules proposed for repeal will not be published. The rules may be examined in the offices of the Commission on Fire Protection Personnel Standards and Education, Suite 406, 510 South Congress Avenue, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The repeal is proposed under Texas Civil Statutes, Article 4413(35), §2-(1) and (14), which provide the Commission on Fire Protection Personnel Standards and Education with the authority to promulgate rules and regulations for the administration of this Act, and adopt and amend rules and regulations, consistent with state law, for its internal management and control.

§231.43. *Proposals for Decision.*

§231.46. *Oral Argument.*

§231.48. *Administrative Finality.*

§231.49. *Motions for Rehearing.*

§231.50. *Rendering of Final Decision or Order.*

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 25, 1984.

TRD-8410804 Ray L. Goad
Executive Director
Commission on Fire Protection
Personnel Standards and
Education

Earliest possible date of adoption:
December 7, 1984

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

The new sections are proposed under Texas Civil Statutes, Article 4413(35), §2-(1) and (14), which provide the Commission on Fire Protection Personnel Standards and Education with the authority to promulgate rules and regulations for the administration of this Act, and adopt and amend rules and regulations, consistent with state law, for its internal management and control.

§231.43. *Proposals for Decision.*

(a) If in a contested case a majority of the officials of the agency who are to render the final decision have not heard the case or read the record, the decision, if adverse to a party to the proceeding other than the agency itself, may not be made until a proposal for decision is served on the parties, and an opportunity is afforded to each party adversely affected to file exceptions and present briefs to the officials who are to render the decision. If any party files exceptions or presents briefs, an opportunity must be afforded to all other parties to file replies to the exceptions or briefs. The proposal for decision must contain a statement of the reasons for the proposed decision and of each finding of fact and conclusion of law necessary to the proposed decision, prepared by the person who conducted the hearing or by one who has read the record. The proposal for decision may be amended pursuant to exceptions, replies, or briefs submitted by the parties without again being served on the parties. The parties, by written stipulation, may waive compliance with this section.

(b) When a proposal for decision is prepared, a copy of the proposal shall be served forthwith by the director on each party and his attorney of record. Upon the expiration of the 20th day following the time provided

for the filing of exceptions and briefs in §231.44 of this title (relating to filing of Exceptions, Briefs, and Replies), the proposal for decision may be adopted by written order of the agency, unless exceptions and briefs shall have been filed in the manner required in §231.44 of this title (relating to Filing of Exceptions, Briefs, and Replies). If deemed warranted by the director, the assigned examiner may direct a party to draft and submit a proposal for decision which shall include proposed findings of fact and a concise and explicit statement of the underlying facts supporting such proposed findings developed from the record.

§231.46. Oral Argument.

(a) Opportunity must be afforded all parties to respond and present evidence and argument on all issues involved.

(b) Any party may request oral argument prior to the final determination of any proceeding. A request for oral argument may be incorporated in exceptions, briefs, replies to exceptions, motions for rehearing, or in separate pleadings.

§231.48. Administrative Finality.

(a) A decision is final, in the absence of a timely motion for rehearing, on the expiration of the period for filing a motion for rehearing, and is final and appealable on the date of rendition of the order overruling the motion for rehearing, or on the date the motion is overruled by operation of law. If the agency board includes a member who receives no salary for his work as a board member and resides outside Travis County, the board may rule on a motion for rehearing at a meeting or by mail, telephone, telegraph, or other suitable means of communication.

(b) If the agency finds that an imminent peril to the public health, safety, or welfare requires immediate effect of a final decision or order in a contested case, it shall recite the finding in the decision or order as well as the fact that the decision or order is final and effective on the date rendered, in which event the decision or order is final and appealable on the date rendered and no motion for rehearing is required as a prerequisite for appeal.

§231.49. Motions for Rehearing. Except as provided in §231.48(b) of this title (relating to Administrative Finality), a motion for rehearing is a prerequisite to an appeal. A motion for rehearing must be filed within 15 days after the date of rendition of a final decision or order. Replies to a motion for rehearing must be filed with the agency within 25 days after the date of rendition of the final decision or order, and agency action on the motion must be taken within 45 days after the date of rendition of the final decision or order. If agency action is not taken within the 45-day period, the motion for rehearing is overruled by operation of law 45 days after the date of rendition of the final decision or order. The agency may by written order extend the period of time for filing the motions and replies and taking agency action, except that an extension may not extend the period for agency action beyond 90 days after the date of rendition of the final decision or order. In the event of an extension, the motion for a rehearing is overruled by operation of law on the date fixed by the order, or, in the absence of a fixed date, 90 days after the date of the final decision or order. The

parties may by agreement with the approval of the agency provide for a modification of the times provided in this section.

§231.50. Rendering of Final Decision or Order. Unless required for the disposition of *ex parte* matters authorized by law, members or employees of an agency assigned to render a decision or to make findings of fact and conclusions of law in a contested case may not communicate, directly or indirectly, in connection with any issue of fact, or law with any agency, person, party, or their representatives, except on notice and opportunity for all parties to participate. A board member may communicate *ex parte* with other members of the board, and pursuant to the authority provided in §231.36(b) of this title (relating to Documentary Evidence and Official Notice), members or employees of an agency assigned to render a decision or to make findings of fact and conclusions of law in a contested case may communicate *ex parte* with employees of the agency who have not participated in any hearing in the case for the purpose of utilizing the special skills or knowledge of the agency and its staff in evaluating the evidence.

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 25, 1984

TRD-8410805 Ray L. Goad
Executive Director
Commission on Fire Protection
Personnel Standard and
Education

Earliest possible date of adoption:
December 7, 1984

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

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Resources

Chapter 29. Purchased Health Services

Subchapter P. Hearing Aid Services

40 TAC §§29.1501-1504

The Texas Department of Human Resources proposes new §§29.1501-29.1504 in a new subchapter concerning hearing aid services in Chapter 29, relating to purchased health services. The department is simultaneously proposing the repeal of its existing sections in Chapter 37, concerning the Hearing Aid Program, in this issue of the *Register*.

In proposing new §§29.1501-29.1504, the department is including hearing aid benefits as purchased health services rather than services provided under a separate medical program. The policies are more appropriately located in the agency's rules on purchased

health services since the department's health insuring agent reimburses providers of hearing aid services. Purchased health services are provided to eligible recipients under the Texas Medical Assistance (Medicaid) Program.

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

Mr. Hawes also has determined that for each year of the first five years the rules as proposed are in effect the anticipated public benefit is a better understanding of the benefits and limitations applicable to hearing aid services. There are no anticipated economic costs to individuals required to comply with the rules.

Comments on the proposal may be submitted to Cathy Rossberg, Administrator, Policy Development Support Division—545, Texas Department of Human Resources, P O Box 2960, Austin, Texas 78769, within 30 days of publication in this *Register*.

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

§29.1501. Benefits and Limitations.

(a) Benefits Hearing aid services available through the Texas Medical Assistance (Medicaid) Program are provided in accordance with federal regulations found at 42 Code of Federal Regulations §430.0, Subchapter C, medical assistance programs, state-legislated appropriations, and the provisions and procedures found elsewhere in this chapter as cited at §29.1502(b) of this title (relating to Requirements for Hearing Aid Services). The following hearing aid services are available through the Texas Medicaid Program:

- (1) physician examination to determine the medical necessity for a hearing aid;
- (2) hearing aid evaluations, including home visit hearing evaluations;
- (3) hearing aid;
- (4) initial fitting, dispensing, and post-fitting check of hearing aid;
- (5) first and second revisits to assess the recipients adaptation to the hearing aid and the functioning of the instrument;
- (6) repair of hearing aid;
- (7) replacement of lost or destroyed hearing aid;
- and
- (8) replacement of an inappropriate hearing aid.

(b) Limitations and exclusions. Hearing aid providers and examining physicians must comply with the following conditions and limitations established by the department or its designee.

- (1) Hearing aid services are available only to eligible Medicaid recipients age 21 or older.
- (2) Recipients are limited to one hearing aid every five years (60 months) from the dispensing month of the present instrument, except in cases of loss or destruction. If the hearing aid is inappropriate for the recipient's hearing needs, the hearing aid can be replaced provided there is no evidence of abuse or neglect.

(3) An individual using a hearing aid before becoming eligible for Medicaid benefits may have a hearing aid evaluation conducted by an approved hearing aid services provider after he becomes eligible for Medicaid. Medicaid payment for a new hearing aid, however, is denied if the provider concludes, based upon the evaluation findings, that the recipient's present hearing aid adequately compensates for his degree of hearing loss.

(4) Providers may not submit a hearing aid evaluation claim to the department or its designee unless the Medicaid recipient meets the eligibility criteria in §29.1502(b)(1)(B) of this title (relating to Requirements for Hearing Aid Services).

(5) The department or its designee does not pay for:

- (A) evaluations, repairs, or hearing aids for recipients under 21 years old;
- (B) repairs for hearing aids purchased by the Texas Rehabilitation Commission if the recipient is still eligible for services under that program;
- (C) replacement of batteries or cords;
- (D) repairs during the warranty period or when a protection plan is in force; or
- (E) a hearing aid if the recipient or a third party has made a deposit or any payments toward its purchase.

(6) Binaural fittings are not available except for legally blind, hearing-impaired recipients who can document that they have no other available resources.

(7) Providers must dispense U.S. manufactured hearing aids if the purchase price and quality are comparable to those of foreign manufacturers.

(8) Recipients may receive home visit hearing aid evaluations and hearing aid fittings only on the written recommendation of a physician.

(9) Hearing aid services do not include auditory training, speech reading, or other types of habilitative or rehabilitative services.

§29.1502. Requirements for Hearing Aid Services.

(a) Prior authorization. Prior authorization for hearing aid services may be granted only by the department or its designee. Instructions for requesting prior authorization are found in Part 2, §4, "prior authorization," of the *Texas Medicaid Provider Procedures Manual*. The department or its designee issues the manual to each participating provider upon his enrollment in the Texas Medicaid Program.

(1) The provider must obtain prior authorization before providing any hearing aid service, except replacement ear molds and first and second revisits. Written prior authorization must be obtained for all hearing aid services, except evaluations and repairs. A physician's examination to determine medical necessity for a hearing aid is considered to be a "physician service," as cited at §29.1504(b)(3)(B) of this title (relating to Reimbursement for Hearing Aid Services), and does not require prior authorization.

(2) Prior authorization to dispense a hearing aid is not granted for recipients who do not meet the criteria for a hearing aid evaluation established at subsection (b)(1)(B) of this section

(3) Prior authorization is not granted for recipients who have a third-party resource available for

the purchase of a hearing aid, nor for recipients who can receive a hearing aid from another agency.

(b) Hearing aid evaluations. Providers of hearing aid evaluations must comply with all applicable federal and state laws and regulations, recognized professional standards, and the provisions cited at Subchapter A, Medicaid Procedures for Providers, and at Subchapter L, General Administration, of this chapter, in addition to the following conditions, specifications, and limitations established by the department or its designee:

(1) Hearing aid evaluations must be recommended by a physician based upon his examination of the recipient. The recipient must have a medical necessity for a hearing aid and have no medical contraindications to his ability to use and/or wear a hearing aid.

(A) A physician who recommends a hearing aid evaluation must be licensed to practice medicine in the state where and when the evaluation is conducted.

(B) The provider of the hearing aid evaluation must determine that the recipient meets the eligibility criteria for an evaluation. Medicaid reimbursement for hearing aid evaluations is limited to eligible recipients whose air conduction puretone average in the better ear is 45dB or greater (ANSI 1969 PTA for 500, 1000, 2000 HZ).

(C) Each recipient receiving a hearing aid through the Texas Medicaid Program must receive a hearing aid evaluation using the procedures specified under the provisions paragraph (2)(A)-(G) and paragraph (3)(A)-(C) of this subsection and subsection (c) of this section.

(D) Providers must conduct all authorized hearing aid evaluations within 90 days of their authorization, contingent upon the recipient's eligibility for Medicaid benefits at the time of service.

(E) Providers may conduct home visit hearing aid evaluations only if the recipient's physician has documented that the recipient's medical condition prohibits his traveling to the provider's place of business.

(F) Only those providers having the necessary mobile testing equipment and sound levelmeter may conduct home visit hearing aid evaluations.

(2) Providers must include in the hearing aid evaluation an audiometric assessment and a sound field test.

(A) Masking for air-conduction, bone-conduction, speech discrimination testing, and speech audiometry must be conducted in accordance with the 45dB hearing loss evidenced by the recipient.

(B) Providers must ensure that the testing environment does not have an ambient noise level exceeding 50dBA or 60dBC.

(C) Audiometers must be equipped with air and bone conduction circuitry, masking and sound field capabilities, with calibrated speech circuit and VU meter.

(D) Audiometers must be calibrated annually to meet ANSI 1969 standards.

(E) Semi-annual audiometer calibration and sound level readings are required for equipment used for home visit hearing aid evaluations.

(F) If conventional sound field speech discrimination testing cannot be done, providers may use aided versus unaided lipreading scores on appropriate standardized tests.

(G) If the recipient has no language or speech skills, providers may use the results from an aided versus unaided warbled-puretone or narrow band audiogram.

(3) Providers of hearing aid evaluations must report their findings to the department or its designee in a hearing aid evaluation report. Providers must include in the report audiometric test data, sound field test data for at least two arrangements of amplification, and a recommended hearing aid for the ear requiring amplification supported by sound field test data.

(A) If appropriate, providers must include test data cited in paragraph (2)(F) and (G) of this subsection in the hearing aid evaluation report.

(B) If any of the criteria cited in this section cannot be met, providers must specify in the evaluation report the factors influencing or preventing assessments, and justify the recommendation for a hearing aid.

(C) Recommendations including poor ear fittings resulting in problems with speech discrimination ability must be accompanied by supporting rationale.

(c) Hearing aids. Providers must offer each recipient eligible for a hearing aid a new instrument that meets his hearing need and that is within the allowable fee paid by the Texas Medicaid Program.

(1) Hearing aids above the maximum allowable fee. The DHR may authorize hearing aids for recipients who meet the requirements cited at §29.1504(b)(2) of this title (relating to Reimbursement for Hearing Aid Services).

(2) Warranty. Providers must ensure that each hearing aid purchased through the Texas Medicaid Program is a new and current model which meets the performance specifications of the manufacturer and the hearing needs of the recipient. Providers must also ensure that:

(A) each hearing aid is covered by a full 12-month manufacturer's warranty, effective from the dispensing date; and

(B) repairs on new hearing aids have a six-month warranty and that repairs to instruments four years old or older have a 90-day warranty.

(3) Required package. Providers must dispense each hearing aid purchased through the Texas Medicaid Program with a receiver or oscillator, if needed; all necessary tubing, cords, and connectors; instructions for care and use; and a one-month supply of batteries.

(4) Repairs. Hearing aid repairs are available for eligible recipients without restrictions on the source of purchase, providing the repair is not covered by an effective warranty, protection plan, or other third-party resource. Providers must obtain either written or verbal prior authorization for repairs as cited in subsection (a) of this section.

(5) Replacement of lost or destroyed hearing aids. Providers must document the circumstances surrounding lost or destroyed hearing aids for a replacement to be authorized. Authorization for a replacement is not granted for documented cases of neglect or abuse.

(6) Replacement of inappropriate hearing aids. An inappropriate hearing aid is one that no longer provides adequate amplification to meet the recipient's need, resulting in a significant decrease in hearing acuity. To replace inappropriate hearing aids, providers must document necessity and obtain prior authorization.

(7) Thirty-day trial period. Providers must allow each eligible recipient 30 days to determine his satisfaction with a hearing aid purchased through the Texas Medicaid Program. The trial period consists of 30 consecutive days from the dispensing date. Provider's must inform recipients of the trial period and of the beginning and ending dates.

(A) Providers may dispense a second hearing aid to a recipient during the trial period; providers must obtain prior authorization for each instrument. A new trial period begins with the dispensing date of the hearing aid. If the recipient requires a third hearing aid, providers must submit a physician's evaluation of the recipient's ability to use the hearing aid before the department approves dispensing of the hearing aid.

(B) Providers may charge a rental fee for hearing aids returned during the trial period.

(i) If a rental fee is charged, providers must assess the rental fee according to the rules and regulations established by the Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids.

(ii) If there is no signed agreement between the recipient and the provider specifying a greater amount, the maximum rental fee for eligible Medicaid recipients is \$2 per day. This fee is not a covered benefit of the Texas Medicaid Program. Recipients are responsible for paying any rental fee assessed them for instruments returned during the 30-day trial period. Providers must submit to the department or its designee the recipient's signed certification acknowledging his responsibility to pay hearing aid rental fees.

(iii) Providers must comply with all procedures and directions provided by the department or its designee regarding forms and certifications required during the 30-day trial period. Providers must allow 30 days to elapse from the hearing aid dispensing date before submitting a signed and dated 30-day trial period certification statement to the department or its designee.

(8) Post-fitting checks. The fitter and dispenser must perform a post-fitting check of the hearing aid within five weeks of the initial fitting. The post-fitting check is part of the dispensing procedure.

(9) First revisit. The first revisit includes a hearing aid check and/or counseling and is conducted as needed within six months of the post-fitting check.

(10) Second revisit. The second revisit is conducted as needed. The purpose of the second revisit is to assess hearing acuity and includes an aided sound field test according to the hearing aid evaluation guidelines established by the department or its designee.

§29.1503. Requirements for Provider Participation.

(a) Provider enrollment. Each physician, audiologist, or fitter and dispenser of hearing aids claiming reimbursement for hearing aid services provided as a Title XIX benefit to an eligible Medicaid recipient must be enrolled in the Texas Medicaid Program and must be enrolled as a Medicaid provider in the state where and when he provides services.

(1) To be eligible for reimbursement of Title XIX benefits for hearing aid services covered by the Texas Medicaid Program, each provider of medical care and services must enter into a written agreement with the department.

(2) Participating providers must comply with all federal and state laws and regulations governing the Texas Medicaid Program. Providers must also comply with the provisions, conditions, certifications, and limitations as described in this subchapter.

(b) Provider licensure and certification. To be eligible for participation as a provider of hearing aid services under the Texas Medicaid Program, physicians, audiologists, and fitters and dispensers must meet applicable federal and state licensing and/or certification laws and rules for the services they provide. The following requirements are applicable to Medicaid providers of hearing aid services practicing in the State of Texas:

(1) Physicians (M.D. or D.O.) must be currently licensed to practice medicine by the State Board of Medical Examiners.

(2) Audiologists must be currently licensed by the State Commission of Examiners for Speech-Language Pathology and Audiology and be certified by the American Speech-Language-Hearing Association (ASHA) or meet ASHA equivalency requirements. Audiologists providing fitting and dispensing services must be licensed by the Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids.

(3) Fitters and dispensers must be currently licensed by the Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids.

§29.1504. Reimbursement for Hearing Aid Services.

(a) The Texas Department of Human Resources or its designee makes direct vendor payments to providers of hearing aid services participating in the Texas Medical Assistance (Medicaid) Program. Participating providers are reimbursed within the limits defined by the maximum allowable fee schedule for hearing aid services established by the Texas Board of Human Resources.

(b) Reimbursement for hearing aid services is based on the lowest of the invoice cost of the hearing aid, the acquisition cost of the hearing aid, or the department's maximum allowable fee.

(1) Providers must submit to the department or its designee claims for authorized hearing aid services within 90 days of the date of service. (An additional five days is allowed for mail time.) Providers must include on the claim form the model number, serial number, and warranty date of the hearing aid.

(2) The department may authorize reimbursement for a hearing aid that exceeds the maximum allowable fee under the following conditions:

(A) the recipient must certify in writing his preference for a specific hearing aid, and

(B) the recipient must acknowledge in the certification his responsibility to pay the difference between the acquisition cost of the preferred instrument and the department's maximum allowable fee.

(3) The department or its designee establishes a fee schedule to set the upper limits of reimbursement for authorized hearing aid services. The fee schedule includes costs for hearing aids, evaluation, fitting and dispensing, and follow-up visits.

(A) The maximum allowable fee schedule is subject to periodic review by the department or its designee to determine if adjustment to the fee schedule is necessary. Adjustment is based upon the comparison of the Health Care Financing Administration's (HCFA) cumula-

tive economic index used in updating physician/supplier profiles and current fees after the index factor has been applied to them. The index is applied for reasonable charge determinations in accordance with federal regulations cited at 42 Code of Federal Regulations §405.502. The indexed fees are compared to the aggregate of providers' billed charges and invoice costs to determine the necessity for and extent of adjustment. Fees for services may be adjusted to levels greater or less than the index. The fee schedule's overall adjustment, however, approximates the level indicated by the index factor. Any adjustment to the fee schedule is subject to the availability of legislatively appropriated funds. The department or its designee informs participating providers of changes to the fee schedule through the *Texas Medicaid Bulletin*, which is distributed to all providers enrolled in the Texas Medicaid Program.

(B) Reimbursement for a physician's examination to determine the need for a hearing aid is not subject to the fee schedule. The department considers the examinations a "physician service" and reimburses physicians according to a determination of reasonable charge as described in §29.1104 of this title (relating to Reasonable Charges).

(4) The department or its designee does not reimburse institutions or hospitals for hearing aid services and supplies as separate items of service if these supplies and services are included in their reimbursement formula.

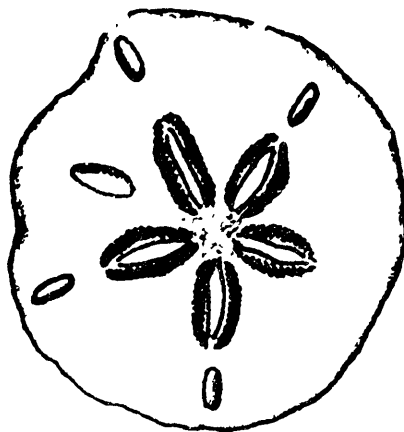
This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on October 31, 1984

TRD-8410923 Marlin W. Johnston
 Commissioner
 Texas Department of Human
 Resources

Earliest possible date of adoption
December 7, 1984

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



Chapter 37. Hearing Aid Program

(Editor's note: The text of the following rules proposed for repeal will not be published. The rules may be ex-

amined 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 Texas Department of Human Resources proposes the repeal of §§37.1006-37.1008, 37.1107, 37.1201-37.1208, 37.1301-37.1303, 37.1401-37.1405, 37.1501, 37.1502, 37.1601, 37.1701, 37.2001, 37.2101-37.2103, 37.2401, 37.2402, 37.2501-37.2505, 37.3001-37.3003, 37.3301-37.3308, 37.3401-37.3406, and 37.9801-37.9809, concerning the Hearing Aid Program. The department is proposing to add policies on hearing aid benefits to Chapter 29, concerning purchased health services. The policies are more appropriately located in the agency's rules on purchased health services since the department's health insuring agent reimburses providers of hearing aid services. The proposal, which is new Subchapter P, concerning hearing aid services (§§29.1501-29.1504), appears in this issue of the *Register*.

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

Mr. Hawes also has determined that for each year of the first five years the repeal is in effect the anticipated public benefit is a better understanding of the benefits and limitations applicable to hearing aid services. There is no anticipated economic cost to individuals required to comply with the repeal.

Comments on the proposal may be submitted to Cathy Rossberg, Administrator, Policy Development Support Division—545, Texas Department of Human Resources, P.O. Box 2960, Austin, Texas 78769, within 30 days of publication in this *Register*.

Subchapter K. Eligibility

37 TAC §§37.1006-37.1008

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

§37.1006. *Eligibility Criteria.*

§37.1007. *Hearing Loss Criteria*

§37.1008. *Physician's Examination.*

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

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 Commissioner
 Texas Department of Human
 Resources

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December 7, 1984

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

**Subchapter L. Hearing Aid Program
Services**

40 TAC §37.1107

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

§37.1107. Hearing Aid Program Services.

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

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TRD-8410930 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

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

Subchapter M. Prior Authorization

40 TAC §§37.1201-37.1208

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

- §37.1201. Services Requiring Prior Authorization.**
- §37.1202. Hearing Aid Evaluation.**
- §37.1203. Home Visit Hearing Aid Evaluation.**
- §37.1204. Hearing Aid.**
- §37.1205. Hearing Aids Above DHR Maximum Allowable Cost.**
- §37.1206. Replacement of Lost or Destroyed Hearing Aids.**
- §37.1207. Replacement of Inappropriate Hearing Aids.**
- §37.1208. Repairs.**

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

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TRD-8410931 Marlin W. Johnston
Commissioner
Texas Department of Human
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For further information, please call (512) 450-3766.

**Subchapter N. Services Not Requiring
Prior Authorization**

40 TAC §§37.1301-37.1303

The repeal is proposed under the Human Resources Code, Title 2, Chapter 22 and Chapter 32, which au-

thorizes the department to administer public and medical assistance programs.

- §37.1301. Post-Fitting Check.**
- §37.1302. First Revisit.**
- §37.1303. Second Revisit.**

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

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Commissioner
Texas Department of Human
Resource

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

**Subchapter O. Standards for Hearing
Evaluations**

40 TAC §§37.1401-37.1405

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

- §37.1401. Testing Environment.**
- §37.1402. Audiometers.**
- §37.1403. Masking.**
- §37.1404. Hearing Aid Evaluation Definition.**
- §37.1405. Hearing Aid Evaluation Guidelines.**

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 31, 1984.

TRD-8410933 Marlin W. Johnston
Commissioner
Texas Department of Human
Resource

Earliest possible date of adoption:
December 7, 1984

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

**Subchapter P. Standards for Hearing
Aids**

40 TAC §37.1501, §37.1502

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

- §37.1501. Warranty.**
- §37.1502. Required Package.**

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 31, 1984.

TRD-8410934 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Earliest possible date of adoption.

December 7, 1984

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

Subchapter Q. Reimbursement

40 TAC §37.1601

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

§37.1601. *Reimbursement*

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 31, 1984

TRD-8410935 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Earliest possible date of adoption

December 7, 1984

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

Subchapter R. Limitations

40 TAC §37.1701

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

§37.1701 *Limitations*

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 31, 1984

TRD-8410936 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Earliest possible date of adoption

December 7, 1984

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

Subchapter U. Provider Qualifications

40 TAC §37.2001

The repeal is proposed under the Human Resources Code, Title 2, Chapter 22 and Chapter 32, which au-

thorizes the department to administer public and medical assistance programs.

§37.2001. *Provider Qualifications.*

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 31, 1984

TRD-8410937 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Earliest possible date of adoption

December 7, 1984

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

Subchapter V. Contracts

40 TAC §§37.2101-37.2103

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

§37.2101. *Contracting Procedures*

§37.2102. *Right to Reject or Terminate Contract.*

§37.2103. *Contract Appeal*

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 31, 1984

TRD-8410938 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Earliest possible date of adoption

December 7, 1984

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

Subchapter Y. Retention of Records

40 TAC §37.2401, §37.2402

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

§37.2401. *Retention Period.*

§37.2402. *Availability of Records.*

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 31, 1984

TRD-8410939 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Earliest possible date of adoption

December 7, 1984

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

Subchapter Z. Provider Policies

40 TAC §§37.2501-37.2505

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

- §37.2501. *Nondiscrimination Compliance.*
- §37.2502. *Freedom of Choice.*
- §37.2503. *Advertising Policy*
- §37.2504. *Solicitation Policy.*
- §37.2505. *Thirty-Day Trial Period.*

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 31, 1984

TRD-841840 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Earliest possible date of adoption:
December 7, 1984

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

Subchapter EE. Reimbursement Policies

40 TAC §§37.3001-37.3003

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

- §37.3001. *Coordination of Benefits.*
- §37.3002. *Payments by Recipients and Third Parties.*
- §37.3003. *Fees.*

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

Issued in Austin, Texas, on October 31, 1984

TRD-8410941 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Earliest possible date of adoption:
December 7, 1984

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

Subchapter HH. Claims Payment Procedures

40 TAC §§37.3301-37.3308

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

- §37.3301. *Procedures.*
- §37.3302. *Payment for Hearing Aid Evaluations.*
- §37.3303. *Payment for Home Visit Hearing Aid Evaluations.*

- §37.3304. *Payment for Hearing Aids.*
- §37.3305. *Payment for Hearing Aids Above DHR Maximum Allowable Cost.*
- §37.3306. *Payment for First Revisit.*
- §37.3307. *Payment for Second Revisit.*
- §37.3308. *Payment for Repairs.*

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 31, 1984.

TRD-8410942 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Earliest possible date of adoption:
December 7, 1984

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

Subchapter II. Utilization Review

40 TAC §§37.3401-37.3406

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

- §37.3401. *Overview.*
- §37.3402. *Recipient Review.*
- §37.3403. *Provider Review.*
- §37.3404. *Prepayment Level of Provider Review.*
- §37.3405. *Postpayment Level of Provider Review.*
- §37.3406. *Actions in Misutilization Cases.*

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 31, 1984.

TRD-8410943 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Earliest possible date of adoption:
December 7, 1984

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

Subchapter UUUU. Support Documents

40 TAC §§37.9801-37.9809

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

- §37.9801. *Fee for Hearing Aid Evaluation.*
- §37.9802. *Fee for Ear Mold.*
- §37.9803. *Fee for Hearing Aid Instrument.*
- §37.9804. *Fee for Fitting and Dispensing.*
- §37.9805. *Fees for Revisits.*
- §37.9806. *Fees for Repairs.*
- §37.9807. *Contract—Physician's Responsibilities.*

§37.9808. *Contract—Fitter's Responsibility.*

§37.9809. *Contractual Agreement with Audiologist.*

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 31, 1984

TRD-8410944 Marlin W. Johnston
Commissioner
Texas Department of Human
Resource

Earliest possible date of adoption

December 7, 1984

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



Chapter 48. CCAD Contracting for CCAD Services

40 TAC §48.5908

The Texas Department of Human Resources proposes new §48.5908, concerning supervised living and emergency care rates, in its community care for aged and disabled (CCAD) chapter. The new section specifies the increased rates of reimbursement to agencies providing supervised living and emergency care. The proposed rates were approved by the Texas Board of Human Resources on September 25, 1984. The rates will apply to services provided in November 1984 and following months.

David Hawes, programs budget and statistics director, has determined that there will be fiscal implications as a result of enforcing or administering the rule. The additional cost to the state is estimated to be \$315,875 in fiscal year 1985; \$494,491 in fiscal year 1986; \$680,243 in fiscal year 1987; \$738,658 in fiscal year 1988; and \$788,415 in fiscal year 1989. There is no estimated loss or increase in revenue. There are no fiscal implications for units of local government or small businesses.

Mr. Hawes also has determined that for each year of the first five years the rule as proposed is in effect the anticipated public benefit is continued provision of supervised living and emergency care to needy clients. There are no anticipated economic costs for individuals required to comply with the rule as proposed.

Comments on the proposal may be submitted to Cathy Rossberg, Administrator, Policy Development Support Division—670, Texas Department of Human Resources 153-E, P.O. Box 2960, Austin, Texas 78769, within 30 days of publication in this *Register*.

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

§48.5908. *Supervised Living and Emergency Care Rates.*

(a) For November 1984 and following months, the daily rates for supervised living/emergency care are as follows:

(1) \$19.53—Apartment setting, not providing meals.

(2) \$21.99—Apartment setting, providing meals.

(3) \$17—Other setting, not providing meals.

(4) \$19.46—Other setting, providing meals.

(b) The rates include the amount paid by the department and any client co-payments; emergency care clients, however, are not required to contribute to the cost of care. In no case may reimbursement exceed the rate specified for each type of setting.

(c) Adult protective time-limited services, provided as emergency care, are reimbursed at the emergency care rate.

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 29, 1984

TRD-8410849 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Earliest possible date of adoption

December 7, 1984

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

Chapter 50. Day Activity and Health Services

Provider Eligibility

40 TAC §50.2902

The Texas Department of Human Resources proposes amendments to §50.2902, concerning rates, in its day activity and health services (DAHS) chapter. The amendments increase the rate of reimbursement to DAHS provider agencies from \$8.61 to \$9.70 per half-day unit of service. The proposed rate increase was approved by the Texas Board of Human Resources on September 25, 1984. The increased rate will apply to services provided in December 1984 and following months.

David Hawes, programs budget and statistics director, has determined that for the first five-year period the rule will be in effect there will be fiscal implications as a result of enforcing or administering the rule. The additional cost to the state is estimated to be \$59,745 in fiscal year 1985; \$79,375 in fiscal year 1986; \$92,075 in fiscal year 1987; \$98,946 in fiscal year 1988; and \$105,816 in fiscal year 1989. There is no estimated loss or increase in revenue. There are no anticipated fiscal implications for units of local government or small businesses.

Mr. Hawes also has determined that for each year of the first five years the amendment as proposed is in

effect the public benefit is possible expansion of the provider base resulting in additional service availability. There are no anticipated economic costs for individuals required to comply with the rule as proposed.

Comments on the proposal may be submitted to Cathy Rossberg, Administrator, Policy Development Support Division—670, Texas Department of Human Resources 153-E, P.O. Box 2960, Austin, Texas 78769, within 30 days of publication in this *Register*.

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

§50.2902. Rates. Provider agencies receive reimbursement monthly. The rate of reimbursement is determined by the Texas Board of Human Resources and for Decem-

ber 1984 and following months is \$9.70 [\$8.61] per half-day unit of service. The provider agency may claim reimbursement for one unit of service if three [or more] hours or more of service are provided. The provider agency must agree to accept the fee as full payment for units of service it provides.

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 29, 1984.

TRD-8410850 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Earliest possible date of adoption:

December 7, 1984

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

Withdrawn Rules

An agency may withdraw proposed action or the remaining effectiveness of emergency action on a rule by filing a notice of withdrawal with the *Texas Register*. The notice is generally effective immediately upon filing.

If a proposal is not adopted or withdrawn within six months after the date of publication in the *Register*, it will automatically be withdrawn by the *Texas Register* office. Notice of the withdrawal will appear in the next regularly scheduled issue of the *Register*. The effective date of the automatic withdrawal will appear immediately following the published notice.

No further action may be taken on a proposal which has been automatically withdrawn. However, this does not preclude a new proposal of an identical or similar rule following normal rulemaking procedures.

TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part X. Texas Water Development Board

Chapter 333. Area Water Quality Management

Surface Water Quality Standards

31 TAC §§333.11-333.21

The Texas Water Development Board has withdrawn from consideration for permanent adoption proposed new §§333.11-333.21, concerning the area water quality management. The text of the new sections as proposed appeared in the October 16, 1984, issue of the *Texas Register* (9 TexReg 5295).

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

TRD-8410927 Susan Plettman
General Counsel
Texas Water Development Board

Filed: October 31, 1984
For further information, please call (512) 475-7845

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Resources

Chapter 9. Food Stamps

Subchapter AA. PA Application

40 TAC §9.2616

The Texas Department of Human Resources has withdrawn from consideration for permanent adoption proposed amendments to §9.2616, concerning food stamps. The text of the amended section as proposed

appeared in the August 28, 1984, issue of the *Texas Register* (9 TexReg 4625).

Issued in Austin, Texas, on October 26, 1984.

TRD-8410899 Cathy Rossberg
Administrator
Policy Development Support
Division
Texas Department of Human
Resources

Filed: October 30, 1984
For further information, please call (512) 450-3766.

Definition of Income

40 TAC §§9.4001, 9.4030, 9.4031

The Texas Department of Human Resources has withdrawn from consideration for permanent adoption proposed amendments to §§9.4001, 9.4030, and 9.4031, concerning food stamps. The text of the amended sections as proposed appeared in the July 13, 1984, issue of the *Texas Register* (9 TexReg 3808).

Issued in Austin, Texas, on October 26, 1984

TRD-8410898 Cathy Rossberg
Administrator
Policy Development Support
Division
Texas Department of Human
Resources

Filed: October 30, 1984
For further information, please call (512) 450-3766.

Replacement Procedures

40 TAC §9.7301

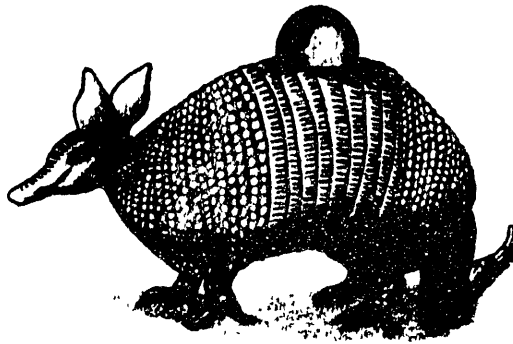
The Texas Department of Human Resources has withdrawn from consideration for permanent adoption proposed amendments to §9.7301, concerning food stamps. The text of the amended section as proposed

appeared in the July 13, 1984, issue of the *Texas Register* (9 TexReg 3809).

Issued in Austin, Texas, on October 26, 1984.

TRD-8410900 Cathy Rossberg
Administrator
Policy Development Support
Division
Texas Department of Human
Resources

Filed: October 30, 1984
For further information, please call (512) 450-3766.

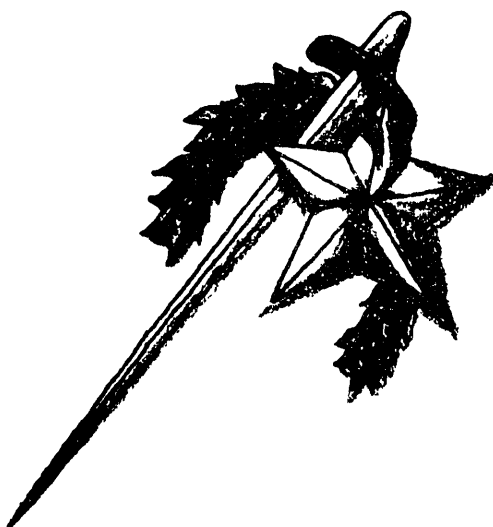


Adopted Rules

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 1. ADMINISTRATION Part I. Office of the Governor Chapter 3. Criminal Justice Division Subchapter A. Criminal Justice

The Criminal Justice Division of the Office of the Governor adopts amendments to §§3.41, 3.42, and 3.80, without changes to the proposed text published in the September 28, 1984, issue of the *Texas Register* (9 TexReg 5033).

These amendments are adopted at the request of the Texas Association of Regional Councils on behalf of the 24 regional councils of government and apply to grant proposals submitted for funding in the 1986 fis-

cal year, as well as to grants now being funded by the Criminal Justice Division.

No comments were received regarding adoption of the amendments.

Eligible Applicants and Application Processing

1 TAC §3.41, §3.42

The amendments are adopted under Texas Civil Statutes, Article 4413(32a), §6(a)(11), which provides the Criminal Justice Division with the authority to adopt such rules, regulations, and procedures as may be necessary.

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 30, 1984.

TRD-8410902 Gilbert J. Pena
Executive Director
Criminal Justice Division
Office of the Governor

Effective date: November 20, 1984
Proposal publication date: September 28, 1984
For further information, please call (512) 476-3001.

Implementation and Operation of Projects

1 TAC §3.80

The amendments are adopted under Texas Civil Statutes, Article 4413(32a), §6(a)(11), which provide the

Criminal Justice Division with the authority to adopt such rules, regulations, and procedures as may be necessary.

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 30, 1984.

TRD-8410903 Gilbert J. Pena
Executive Director
Criminal Justice Division
Office of the Governor

Effective date: November 20, 1984
Proposal publication date: September 28, 1984
For further information, please call (512) 475-3001.

**TITLE 10. COMMUNITY
DEVELOPMENT
Part I. Texas Department of
Community Affairs
Chapter 9. Texas Community
Development Program
Subchapter A. Allocation of Program
Funds
10 TAC §9.1, §9.4**

The Texas Department of Community Affairs (TDCA) adopts amendments to §9.1, with changes to the proposed text published in the September 21, 1984, issue of the *Texas Register* (9 TexReg 4951). Section 9.4 is adopted without changes and will not be republished.

The amendments govern procedures concerning the allocation of community development block grant (CDBG) nonentitlement area funds under the Texas Community Development Program, clarify notice requirements for appeals, and change the second semi-annual application deadline for the planning/capacity building fund.

No comments were received regarding adoption of the amendments. The TDCA has made changes to the proposed text of §9.1(f) to provide additional clarification.

The amendments are adopted under Texas Civil Statutes, Article 4413(201), 54A, which provide the Texas Department of Community Affairs with the authority to allocate CDBG nonentitlement area funds to eligible counties and municipalities in accordance with rules and regulations adopted by the Texas Department of Community Affairs.

§9.1. General Provisions.

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

(f) Appeals. An applicant for funding under the Texas Community Development Program may appeal the disposition of its application in accordance with this subsection.

(1) (No change.)

(2) The appeal must be submitted in writing to the Texas Community Development Program/TDCA no later than 30 days after the date the announcement of contract awards is published in the *Texas Register*. In addition, timely appeals not submitted in writing at least five working days prior to the next regularly scheduled meeting of the State Review Committee will be heard at the subsequent meeting of the State Review Committee. The TDCA staff will evaluate the appeal and may either concur with the appeal and make an appropriate adjustment to the applicant's scores, or disagree with the appeal and prepare an appeal file for consideration by the State Review Committee at its next regularly scheduled meeting. The State Review Committee will make a final recommendation to the executive director of the TDCA. The decision of the executive director of the TDCA is final.

(3) (No change.)

(g)-(k) (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 24, 1984.

TRD-8410754 Douglas C. Brown
General Counsel
Texas Department of Community
Affairs

Effective date: November 15, 1984
Proposal publication date: September 21, 1984
For further information, please call (512) 443-4100,
ext. 210.

**TITLE 22. EXAMINING BOARDS
Part VI. Texas State Board of
Registration for Professional
Engineers
Chapter 131. Practice and Procedure
Examinations**

22 TAC §131.105

The Texas State Board of Registration for Professional Engineers adopts new §131.105, without changes to the proposed text published in the July 27, 1984, issue of the *Texas Register* (9 TexReg 4068).

The Texas Engineering Practice Act, §14(c), requires that upon written request, the board must provide a person with an analysis of his/her performance on an examination. The new section establishes the procedures and conditions for meeting this requirement, and provides for better understanding of the opportunity for the examination analysis.

No comments were received regarding adoption of the new section.

The new section is adopted under Texas Civil Statutes, Article 3271a, §8, which authorize the board

to make rules in keeping with the purpose and intent of the Act.

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

Issued in Austin, Texas, on October 25, 1984.

TRD-8410775 Woodrow W. Mize, P.E.
Executive Director
Texas State Board of
Registration for Professional
Engineers

Effective date: November 16, 1984
Proposal publication date: July 27, 1984
For further information, please call (512) 475-3141.

Agency—The Texas Education Agency and/or the Texas Department of Mental Health and Mental Retardation.

Department—The Texas Department of Health.
Interagency Council—The Interagency Council on Early Childhood Intervention Services, established under authority of the Human Resources Code, §73.002.

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 26, 1984

TRD-8410808 Robert A. MacLean, M.D.
Deputy Commissioner
Professional Services
Texas Department of Health

Effective date: November 16, 1984
Proposal publication date: July 31, 1984
For further information, please call (512) 458-7700.

TITLE 25. HEALTH SERVICES

Part I. Texas Department of Health

Chapter 37. Maternal and Childhood Intervention

Early Childhood Intervention

25 TAC §§37.11-37.15

The Texas Department of Health adopts new §37.12, concerning contracts covering early childhood intervention services, with changes to the proposed text published in the July 31, 1984, issue of the *Texas Register* (9 TexReg 4108). Sections 37.11 and 37.13 are adopted without changes and will not be republished.

The new sections describe the procedures which the department will use to initiate and cancel contracts covering early childhood intervention services.

The new sections establish the procedures the department will use to execute contracts, to cancel contracts, and to withhold funds to a provider under an existing contract.

One individual commented that the word "agency" in §37.14(5) should be defined. The department agrees and has defined the word "agency" in §37.12, concerning definitions, as meaning the Texas Education Agency and/or the Texas Department of Mental Health and Mental Retardation.

One individual commented on the proposed rules. The commenter was not against the proposed rules but had a recommended definition.

The new sections are adopted under the Human Resources Code, §73.018, which requires the department to execute contracts for early childhood intervention services, and Texas Civil Statutes, Article 4414b, §1.05(a)(4), which provide the Texas Board of Health with the authority to adopt rules to implement the duties imposed on the department by law.

§37.12. *Definitions.* The following words and terms, when used in these sections, shall have the following meanings, unless the context clearly indicates otherwise:

Chapter 157. Emergency Medical Care

The Texas Department of Health adopts the repeal of §§157.1-157.3 and 157.11, without changes to the proposed text published in the June 26, 1984, issue of the *Texas Register* (9 TexReg 3578).

This action repeals federal laws, regulations, guidelines, and a department application form, and deletes standards which have been adopted by reference and an application form which no longer have applicability.

No comments were received regarding adoption of the repeal.

Federal Laws, Regulations, and Guidelines on Emergency Medical Care

25 TAC §§157.1-157.3

The repeal is adopted under the Emergency Medical Services Act, Texas Civil Statutes, Article 4447o, §3.02, which authorizes the Texas Board of Health to adopt minimum standards to implement the Act.

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

Issued in Austin, Texas, on October 26, 1984

TRD-8410809 Robert A. MacLean, M.D.
Deputy Commissioner
Professional Services
Texas Department of Health

Effective date: November 16, 1984
Proposal publication date: June 26, 1984
For further information, please call (512) 458-1393.

Application Form for Permit to Operate Emergency Ambulances

25 TAC §157.11

The repeal is adopted under the Emergency Medical Services Act, Texas Civil Statutes, Article 4447o, §3.02, which authorizes the Texas Board of Health to adopt minimum standards to implement the Act.

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

Issued in Austin, Texas, on October 26, 1984

TRD-8410810 Robert A. MacLean, M.D.
Deputy Commissioner
Professional Services
Texas Department of Health

Effective date: November 16, 1984

Proposal publication date: June 26, 1984

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

dards of conduct are described in §157.21(1) and (3). The department agrees, and the section has been changed appropriately.

Concerning §157.21(1)(J), one commenter suggested that there should be some clarification about what constitutes advertising and whether this should be a criteria for decertification. The department agrees and paragraph (1)(J) has been deleted as a criteria for decertification.

One commenter expressed concern that if an individual held dual jobs, such as a fireman/emergency medical technician (EMT), and was decertified as an EMT, this action could affect his other job. The department responds that it has no authority over hiring policies of other agencies. Other minor miscellaneous editorial changes for clarity have been made in the text.

Comments were received from the Texas Emergency Medical Services Advisory Council, Washington County EMS, and the Texas Ambulance Association. No commenters were against the rules; however, those organizations making questions had questions or concerns and made recommendations for changes to certain subsections of the rules.

25 TAC §157.21, §157.22

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

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 26, 1984.

TRD-841811 Robert A. MacLean, M.D.
Deputy Commissioner
Professional Services
Texas Department of Health

Effective date: November 16, 1984

Proposal publication date: June 26, 1984

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

Denial and Revocation of Emergency Medical Services Certificates and Certifications

The Texas Department of Health adopts new §157.21 and §157.22 and an amendment to §157.25, with changes to the proposed text published in the June 26, 1984, issue of the *Texas Register* (9 TexReg 3579). The repeal of existing §157.21 and §157.22 is adopted without changes to the proposal and will not be republished.

The new and amended sections provide criteria for decertification, emergency suspension, suspension, and probation of emergency medical services personnel certificates; provide a procedure for revocation/suspension of a certificate; and provide criteria for denial of certification and recertification. These sections establish minimum standards for disciplinary action of emergency medical services personnel for violation of the Emergency Medical Services Act or its implementing rules.

Concerning the use of the word "drugs," one commenter said the proposed language may be too broad and may be interpreted to include medicines prescribed by a physician. The commenter recommended changing the use of the word "drugs" throughout the text to "controlled substances." The department agrees and has changed the wording where used in the text.

A request was made for clarification of §157.21(1)(B). The department agrees and has reworded subparagraph (B) to clarify the intent of the paragraph.

Concerning §157.21(3), one commenter suggested probation would be more appropriately addressed as a separate paragraph. The department agrees and has added a paragraph (4) to §157.21.

Concerning §157.25, one commenter suggested that the section could be consolidated because the stan-

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

§157.21. Criteria for Decertification, Emergency Suspension, Suspension, and Probation of Certificate. Emergency Medical Services (EMS) personnel certified by the department may be subject to the following disciplinary action.

(1) Decertification. The department may decertify (cancel) an individual's EMS certificate if the certificant:

(A) discriminates in the provision of services based on national origin, race, color, creed, religion, sex, age, physical or mental disability, or economic status;

(B) is under the influence of alcohol or is using a controlled substance, as defined by the Controlled Substances Act, Texas Civil Statutes, Article 4476-15,

and/or the Dangerous Drug Act, Texas Civil Statutes, Article 4476-14, which affects the certificant's ability to render aid according to accepted procedures or protocol;

(C) represents that he or she is qualified at any level other than his or her current certification;

(D) abandons a patient;

(E) appropriates and/or possesses without authorization medications, supplies, equipment, or personal items of the patient or employer;

(F) materially alters any department EMS certificate, or uses and/or possesses any such altered certificate;

(G) repeats an offense which resulted in suspension and/or probation of the certificate as described in paragraph (3) of this section or has a history of two or more offenses within a two-year period;

(H) cheats on the department's examinations for certification and/or assists or attempts to assist another to obtain certification by fraud, forgery, deception, misrepresentation, or subterfuge; or

(I) has been convicted of a misdemeanor or felony in accordance with the provision of §157.74 of this title (relating to Certifying of Persons with Criminal Backgrounds to Be Emergency Medical Services Personnel).

(2) Emergency suspension.

(A) The bureau chief shall issue an emergency order to suspend any certificate issued under this Act if the bureau chief has reasonable cause to believe that the conduct of any certificate holder creates an imminent danger to the public health or safety.

(B) An emergency suspension is effective immediately without a hearing upon notice to the certificate holder. In the case of a volunteer provider, notice must also be given to the sponsoring governmental entity.

(C) On written request of the certificate holder, the department shall conduct a hearing not earlier than the 10th day nor later than the 30th day after the date on which a hearing request is received to determine if the emergency suspension is to be continued, modified, or rescinded. The hearing and an appeal from a disciplinary action related to the hearing are governed by §§1.21-1.32 of this title (relating to Formal Hearing Procedures) and the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, as amended.

(3) Nonemergency Suspension. The department may suspend an EMS personnel certificate for a period of not more than one year if the certificant:

(A) fails to stabilize patient's condition or to prevent complications in accordance with acceptable EMS standards of care;

(B) fails to administer medications and/or treatments in a responsible manner in accordance with the medical director's orders or protocols;

(C) fails to maintain confidentiality of patient information obtained in course of professional work; or

(D) misstates a material fact on the application for certification.

(4) Probation. For just and sufficient reasons presented by the certificant, the department may probate the suspension. Examples of just and sufficient cause may include:

(A) history of previous exemplary conduct;

(B) extenuating circumstances which affected the action of the certificant; and

(C) consideration of the needs of local service and/or area with regard to EMS personnel.

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 26, 1984

TRD-8410812

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

Effective date: November 16, 1984

Proposal publication date: June 26, 1984

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

25 TAC §157.25

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

§157.25. *Criteria for Denial of Certification and Recertification.* A certificate may be denied to an applicant for the following reasons:

(1) failure to meet standards for certification as required in §157.63 of this title (relating to Certification) and §157.64 of this title (relating to Recertification).

(2) previous conduct on the part of the applicant during the performance of duties relating to the responsibilities of Emergency Medical Services (EMS) personnel that is contrary to accepted standards of conduct for EMS personnel described in §157.21(1) and (3) of this title (relating to Criteria for Decertification, Emergency Suspension, Suspension, and Probation of Certificate).

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

Issued in Austin, Texas, on October 26, 1984.

TRD-8410813

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

Effective date: November 16, 1984

Proposal publication date: June 26, 1984

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

Emergency Medical Services

The Texas Department of Health adopts amendments to §157.65 and new §157.74, without changes to the proposed text published in the June 26, 1984, issue of the *Texas Register* (9 TexReg 3582).

The amendments and new section provide guidelines and criteria for the certifying of persons with criminal backgrounds to be emergency medical services (EMS)

personnel, and establish the eligibility of persons with criminal backgrounds to be emergency medical services personnel.

A number of the commenters expressed serious concern that the proposed new §157.74 gives the department broad police powers to review a person's criminal background and to use that information to deny, suspend, or revoke a certificate.

In response, the department realizes the considerable authority which it will have under §157.74. However, the department is required by law (Texas Civil Statutes, Article 6252-13c and Article 6252-13d) to adopt these rules. In addition, the statutes place extensive restrictions on the department when it proposes to deny, suspend, or revoke a certificate. The department is required to offer the certificant a hearing prior to the action, and the department has to consider at the hearing the extent, nature, and seriousness of the crime; the relationship of the crime to the purposes for requiring a certificate; the extent to which the certificate might offer an opportunity to engage in further criminal activity of the same type as that in which the person previously had been involved; the relationship of the crime to the ability, capacity, or fitness required of the certificant to perform his/her duties and discharge his/her responsibilities; the age of the person at the time the crime was committed; the amount of time that has elapsed since the person's last criminal activity; the conduct and work activity of the person prior to and following the criminal activity; evidence of the person's rehabilitation or rehabilitative effort while incarcerated or following release; and other evidence of the person's present fitness. In addition, if a hearing is held and the department determines that a certificate should be denied, suspended, or revoked, the person may ask the appropriate district court to review the department's decision.

In addition to these general concerns expressed, several specific comments were received covering the following areas.

One commenter said the rule gave the bureau too much power in that all convictions of any crime a certificant or applicant has will be considered by bureau personnel to determine the fitness for the person for employment as EMS personnel.

The department disagrees with the comment because §157.74(b)(2) defines the crimes, as required by Texas Civil Statutes, Article 6252-13c and Article 6252-13d, which may be considered and the statutory administrative procedure for any proposed action on revoking, suspending, or denying a certificate to persons with criminal backgrounds.

One commenter stated denial or revocation of a certificate as in the rule is a violation of his civil rights, and what he did 10 years ago has no relevance to what he is doing now.

The department disagrees with the comment because Texas Civil Statutes, Article 6252-13c and Article 6252-13d, give the department the authority to obtain the record of any conviction of any person applying for or holding a certificate from the department.

Additionally, this section as written defines what the department must consider in determining whether a criminal conviction directly relates to the occupation of EMS personnel.

One commenter said that §157.21 gives the bureau ample authority to police EMS personnel, and §157.74 is not necessary.

The department disagrees as §157.21 does not delineate crimes relating to performance of EMS duties and responsibilities as required by Texas Civil Statutes, Article 6252-13d, §4.

One commenter said an individual's entire record since conviction should be considered.

The department agrees; however no change is necessary because subsection (b)(2)(D) so states.

One commenter said that crimes against property had no relationship to caring for the sick and injured.

The department disagrees in that crimes against property include burglary, theft, arson, criminal mischief, other property damage and destruction, robbery, and criminal trespass. These crimes relate to EMS personnel certification in that an EMS certificant would have access to homes, addresses, and property and personal possessions of a sick or injured patient.

Commenting on the rules were Texas Emergency Medical Services Advisory Council, Hamlin Memorial Hospital EMS, the Fisher County Hospital District EMS, and Washington County EMS.

Commenting against the rules were Hamlin Memorial Hospital EMS and Fisher County Hospital District EMS.

25 TAC §157.65

The amendment is adopted under Texas Civil Statutes, Article 4447o, §3.02, which provide the Texas Board of Health with the authority to adopt rules for the implementation of the Emergency Medical Services Act and Texas Civil Statutes, Article 6252-13d, §4, which authorizes the Board of Health to adopt guidelines covering the eligibility of persons with criminal backgrounds to be emergency medical services personnel.

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 26, 1984.

TRD-8410814 Robert A. MacLean, M.D.
Deputy Commissioner
Professional Services
Texas Department of Health

Effective date: November 16, 1984

Proposal publication date: June 26, 1984

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

25 TAC §157.74

The new section is adopted under Texas Civil Statutes, Article 4447o, §3.02, which provide the Texas Board of Health with the authority to adopt rules for the implementation of the Emergency Medical Ser-

vices Act and Texas Civil Statutes, Article 6252-13d, §4, which authorize the board to adopt guidelines covering the eligibility of persons with criminal backgrounds to be emergency medical services personnel.

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 26, 1984

TRD-8410815 Robert A MacLean, M D
Deputy Commissioner
Professional Services
Texas Department of Health

Effective date: November 16, 1984
Proposal publication date: June 26, 1984
For further information, please call (512) 458-1393.

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.)

Powers and Duties Examination and Corporate Custodian and Tax

059.01.15.271

The State Board of Insurance adopts new Rule 059.01.15.271, with changes to the proposed text published in the September 14, 1984, issue of the *Texas Register* (9 TexReg 4854).

This rule adopts penalties for the late filing of annual and quarterly premium tax returns and for the late payment of annual payments and quarterly prepayments of premium taxes. The rule provides a schedule of penalties and a procedure which can be elected by an insurer for the summary disposition of enforcement matters relating to the late filing of annual and quarterly premium tax returns or to the late payment of annual payments or quarterly prepayments of premium taxes. This rule tracks, with the addition of application to annual premium tax returns, Rule 059.01.15.271, which was adopted on an emergency basis on May 4, 1984. It is the board's opinion that the rule should be adopted with the changes hereafter specified.

Comments on the proposed rule were received from agency staff and from Joseph M. Hartley, Jr., senior vice-president and general counsel of Philadelphia Life Insurance Company and Philadelphia American Life Insurance Company. In pertinent part, Mr. Hartley's comment was to suggest that the proposed rules be modified to include a specific statement that the

amended rules replace the rules which were issued in May and that they apply to tax returns and tax payments due March 1, 1984. The board did not accept Mr. Hartley's comments because of their retroactive application

The staff comments suggested that the 30-day grace period for filing returns and payment of taxes which was extended in the proposed rule to insurers taxed under Texas Civil Statutes, Article 4769, should not be adopted. The staff suggested that the statutory basis for the rule did not grant a grace period to insurers taxed under Texas Civil Statutes, Article 4769, that the legislature has removed the grace period for filing returns and payment of taxes for all companies effective January 1, 1985, and that the legislative plan clearly contemplates no grace period for insurers taxed under Texas Civil Statutes, Article 4769. The board agreed with the staff comments. The change required by adoption of staff comments requires the deletion of the reference to Texas Civil Statutes, Article 4769, in subsection (a) of the rule as published, the addition of subsection (b) to the rule as published, which provides penalties for late filing of annual or quarterly premium tax returns, without a 30 day grace period, by insurers assessed premium taxes under Texas Civil Statutes, Article 4769, the amendment of subsection (b) by deleting the citation of the Insurance Code, Article 4 10 and Article 4 11, by deleting the line which reads "for more than 30 days after the due date of such payment," and by redesignating the subsection as subsection (c), and the redesignation of subsections (c), (d), (e), (f), and (g) of the rule as subsections (d), (e), (f), (g), and (h), respectively

This new rule is adopted under the Insurance Code, Articles 1.04, 1.33, 4 10, 4 11, 4.13, and 4 14, and Texas Civil Statutes, Article 4769. These statutory authorities grant general rule making power and provide for summary disposition of voluminous, repetitive matters and matters believed to be uncontroversial, of limited interest to persons other than those immediately involved or affected. The Insurance Code, Article 4 10 and Article 4 11, and Texas Civil Statutes, Article 4769, authorize the State Board of Insurance to establish such rules, regulations, minimum standards or limitations which are fair and reasonable as may be appropriate for the augmentation and implementation of these articles

.271. *Assessment of Penalties for the Late Reporting of Quarterly and Annual Premium Tax Returns and for the Late Payment of Annual Payments and Quarterly Prepayments of Premium Taxes*

(a) Unless the insurer elects to request a hearing under subsection (g) of this rule, or the commissioner elects to schedule a hearing under subsection (h) of this rule, insurers who are assessed premium taxes under either the Insurance Code, Article 4.10 or Article 4.11, and who fail to file an annual or quarterly premium tax return for more than 30 days after the due date of such return, who agree to accept the penalties of this rule and waive hearing, shall forfeit and pay a penalty under the Insurance Code, Article 4.13, for such failure to timely file, as follows:

(1) first failure to timely file an annual or a quarterly tax return—\$250.

(2) second failure to timely file an annual or a quarterly tax return, within any period of three consecutive years—\$500.

(3) third failure to timely file an annual or a quarterly tax return, within any period of three consecutive years—\$1,000.

(4) fourth or subsequent failure to timely file an annual or a quarterly tax return, within any period of three consecutive years—such penalty as the commissioner deems just and reasonable and is authorized to assess, after notice and hearing, by any article of the Insurance Code.

(b) Unless the insurer elects to request a hearing under subsection (g) of this rule, or the commissioner elects to schedule a hearing under subsection (h) of this rule, insurers who are assessed premium taxes under Texas Civil Statutes, Article 4769, and who fail to timely file an annual or a quarterly premium tax return, who agree to accept the penalties of this rule and waive hearing, shall forfeit and pay a penalty for such failure to timely file, as follows:

(1) first failure to timely file an annual or a quarterly tax return—\$250.

(2) second failure to timely file an annual or a quarterly tax return, within any period of three consecutive years—\$500.

(3) third failure to timely file an annual or a quarterly tax return, within any period of three consecutive years—\$1,000.

(4) fourth or subsequent failure to timely file an annual or a quarterly tax return, within any period of three consecutive years—such penalty as the commissioner deems just and reasonable and is authorized to assess, after notice and hearing, by any article of the Insurance Code.

(c) Unless the insurer elects to request a hearing under subsection (g) of this rule, or the commissioner elects to schedule a hearing under subsection (h) of this rule, insurers who are assessed premium taxes under Texas Civil Statutes, Article 4769, and who fail to timely pay any annual payment or quarterly prepayment of premium taxes, who agree to accept the penalties of this rule and waive hearing, shall forfeit and pay a penalty equal to 10% of the annual premium tax payment or the quarterly premium tax prepayment not timely paid, such penalties not to exceed \$10,000, for each such failure to timely pay an annual payment of premium tax or a quarterly prepayment of premium tax.

(d) The State Board of Insurance hereby authorizes the deputy commissioner, Corporate and Financial Affairs, to take action on matters covered by this rule.

(e) The deputy commissioner, Corporate and Financial Affairs, shall notify in writing each insurer who has failed to timely report an annual or a quarterly premium tax return or has failed to timely pay any annual payment or quarterly prepayment of premium tax of such delinquency and the amount of penalty set by this rule for such violation.

(f) Payment of a penalty after notice from the deputy commissioner, Corporate and Financial Affairs, under subsections (a)-(c) of this rule, shall evidence an agreement by the affected insurer as to waiver of a hear-

ing. Upon timely payment by the insurer of the penalties specified in this rule, the deputy commissioner, Corporate and Financial Affairs, shall, without further proceedings, close the file of the insurer based on the failure to timely report an annual or a quarterly premium tax return or failure to timely pay an annual or a quarterly prepayment of premium tax.

(g) Any insurer subject to this rule may request a hearing pursuant to the Insurance Code, Article 1.10, in lieu of payment of penalties under this rule.

(h) Nothing in this rule precludes the commissioner of insurance from exercising his discretion to schedule a hearing, under the authority of any provision of the Insurance Code, to consider the matter of the failure of any insurer to timely report an annual or a quarterly premium tax return or to timely pay any annual payment or quarterly prepayment of premium taxes.

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 24, 1984

TRD-8410732 James W. Norman
Chief Clerk
State Board of Insurance

Effective date: November 14, 1984

Proposal publication date: September 14, 1984

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

TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part I. General Land Office

Chapter 3. Energy Resources

Credits and Refunds Due to Btu Measurement Adjustments

31 TAC §3.43

The General Land Office adopts new §3.43, with changes to the proposed text published in the July 24, 1984, issue of the *Texas Register* (9 TexReg 4022).

The new section specifies the policy and procedures by which producers of natural gas may obtain credits or seek refunds of royalty overpayments made to the General Land Office as a result of Btu measurements adjustments and refunds to purchases ordered by the Federal Energy Regulatory Commission.

On May 3, 1984, the Federal Energy Regulatory Commission (FERC) issued an interim order requiring producers of natural gas to refund overcharges resulting from Btu measurement adjustments. (See 49 Fed-Reg 19293, May 6, 1984; 3 FERC Statutory and Regulatory—Commerce Clearing House, paragraph 30,559). The final order, Order 399, was issued by the FERC on September 20, 1984. Accordingly, any producer or operator must refund revenues collected which are in excess of the applicable maximum lawful price established by the Natural Gas Policy Act

(NGPA), calculated according to the quantities of MMBtu's determined under standard test conditions as prescribed by FERC regulation, §270.204.

The rule specifies under what conditions credits and refunds will be granted, and what procedures the producers should follow to claim the credits or refunds.

Many of the commenters were favorable to the rule in general but had specific objections to various parts of the rule. The most common objection was that the information required to be submitted to verify the refund or credit is overly burdensome and not useful. Many of those commenting suggested the state follow the procedure adopted by the Minerals Management Service. Some comments objected to submitting information based on the Railroad Commission of Texas (RRC) well I.D. number, preferring to submit data by the RRC lease I.D. number or by state lease number. Several comments suggested that the state allow credits or refunds without prior approval or make a determination within 60 days of receipt of a request.

Groups or companies submitted comments. Council of Petroleum Accountants Societies, Sun Exploration & Production Company, Tenneco Oil Exploration & Production, Texaco, Arco Oil & Gas Company, Conoco, Inc., Shell Offshore, Texas Independent Producers & Royalty Owners Association, and Texas Mid-Continent Oil & Gas Association. Each supported the rule, in general, but also had objections to specific items within the rule.

The General Land Office has discovered errors in virtually every billing it has received from pipelines. The information requested in the proposed rule is the information which an operator would need to properly audit the billings received from pipelines. Contrary to the comments received, the General Land Office, as a royalty owner, believes all the information requested is necessary to determine the correct amount of refund or credit due.

The Minerals Management Services (MMS) has adopted a rule and procedure which requests much less information but which requires MMS auditors to select a sample of leases from the refund schedule for detailed audit. The MMS detailed audit will require the same information requested by the General Land Office. Therefore, the operators and lessees of MMS leases must not only keep the type of information requested by this rule, but the information would also need to be made available for MMS auditors.

The General Land Office believes it is important to perform a detailed review of the requests for refund or credit before approving them. To accurately perform such a review, the General Land Office needs the information requested by the RRC I.D. number. Since each gas well receives a unique RRC lease number, the RRC lease number is equivalent to the RRC well I.D. number requested.

Subsection (a)(1) was removed and placed in the preamble to the rule. In addition, the rule was changed to allow producers the right to receive refunds or credits prior to paying refunds to purchasers or pipe-

lines, provided proof of payment is submitted within 60 days of the date the credit is taken or refund paid. The rule is adopted with no other changes.

The new section is adopted under the provisions of the Texas Natural Resources Code, §31.051 and §52.001 *et seq*, which authorizes the commissioner to make and enforce rules consistent with law.

§3.43. Credits and Refunds Due to Btu Measurement Adjustments.

(a) General requirements.

(1) A producer or operator of oil and gas properties administered by the General Land Office who is required by the Federal Energy Regulatory Commission (FERC) to refund overcharges pursuant to the FERC Order 399, may take a credit against current royalties due, as prescribed by this section, or if insufficient or no royalties are currently due, may obtain a refund as prescribed by this section.

(2) Except as allowed by the commissioner of the General Land Office, a refund or credit authorized by this section will be made only to the person or entity which overpaid the royalties to the General Land Office. An assignment of the right to seek or receive such refund or credit will be accepted only if the one authorized to receive the refund submits a current and specific written approval from the person or entity which made the assignment, authorizing the assignee to seek refunds from the General Land Office pursuant to this section.

(3) No interest will be allowed as part of any credits or refunds authorized by this section.

(4) No credits may be taken pursuant to this section without the prior written approval of the commissioner of the General Land Office.

(b) Credits and refunds

(1) A producer or operator currently paying royalties to the General Land Office who is obligated to make refunds to its purchasers, and who has made an overpayment of royalties to the General Land Office, may take a credit against any royalties due for the full amount of the overpayment. Except as provided in paragraph (2) of this subsection, no producer or operator currently paying royalties to the General Land Office will be granted a refund, but any such producer or operator may take credits as allowed by this paragraph until the total amount of royalty overpayments has been credited.

(2) A producer or operator who is obligated to make refunds to its purchasers, and who has made an overpayment of royalties to the General Land Office, but who is not currently paying royalties to the General Land Office, may obtain a refund of all overpayments. If a producer or operator takes credits pursuant to paragraph (1) of this subsection, but the full amount of royalty overpayments is not credited after 12 months, then such producer or operator may obtain a refund of the remaining uncredited royalty overpayment.

(3) A producer is required to submit proof that it has made refunds to its purchasers within 60 days of the date it takes a credit or receives a refund, or within 60 days from November 5, 1986, whichever is earlier. Failure to submit proof may result in denial of the right to take credits or receive refunds previously approved by the commissioner of the General Land Office.

(c) Information required. Each request for a refund or approval to take credits against royalties due shall be accompanied by proof that the producer or operator has made refunds to its purchasers and include a form provided or approved by the General Land Office containing all of the following information:

- (1) production month and year;
- (2) state lease number;
- (3) Railroad Commission of Texas well I.D. number;
- (4) NGPA category as paid;
- (5) applicable maximum lawful price;
- (6) Btu adjustment factor used to pay royalty;
- (7) gross volume (in MCF);
- (8) price paid;
- (9) gross value;
- (10) royalty paid;
- (11) corrected gross value;
- (12) revised royalty due; and
- (13) credit due.

(d) Penalty on excessive refunds. Each refund granted or credit taken by a producer or operator pursuant to this section is subject to verification by audit of the commissioner of the General Land Office at any time. If such an audit reveals that an excessive or unauthorized refund was granted or credit was taken, the excessive or unauthorized amount will be assessed together with a penalty as prescribed by the Texas Natural Resources Code, §52.131(e).

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 29, 1984.

TRD-8410854 Garry Mauro
 Commissioner
 General Land Office

Effective date: November 19, 1984
Proposal publication date: July 24, 1984
For further information, please call (512) 475-5661.

TITLE 34. PUBLIC FINANCE

Part I. Comptroller of Public Accounts

Chapter 3. Tax Administration

Subchapter O. State Sales and Use Tax

34 TAC §3.285

The Comptroller of Public Accounts adopts amendments to §3.285, without changes to the proposed text published in the September 18, 1984, issue of the *Texas Register* (9 TexReg 4908).

A change in the law placed a 60-day limit on the time during which a retailer may obtain resale certificates after being given written notice by the comptroller. The amendments are necessary so retailers may understand their responsibilities for obtaining certificates and the liabilities they may incur if the certificates are

not obtained within the time limit. The provisions of the 60-day limit are effective for audits in progress or beginning on or after October 2, 1984.

Exxon Company U.S.A. commented that if a purchaser was no longer in business when a retailer tried to obtain a certificate, other evidence be presented to establish the sale was for resale.

The comptroller rejected this suggestion because the statute as amended during the recent special session of the legislature specifically provides that if the certificate is not in hand within 60 days from the date notice is received from the comptroller, the deduction previously claimed shall be disallowed. The statute also provides that a deduction may not be granted on the basis of certificates obtained after the 60-day period, under the Texas Tax Code, §151.054(e). The previous provision placing the burden of proving that a sale was for resale on a seller unless he obtained a certificate was deleted. In its place, the language quoted previously was added, and the comptroller believes that this establishes a clear statement of intention by the legislature that a certificate is to be the only acceptable method of establishing the exempt nature of the sale and, further, that only certificates obtained within 60 days of the date of the written notice are to be considered.

The committee members of the Utilities Excise Tax Association of Texas suggested that the comptroller be required to provide retailers with a list of the certificates the retailers would need to obtain within the 60-day period.

The comptroller rejected this suggestion because giving written notice could be very time consuming. The comptroller felt that this burden should be placed upon the person who should have obtained the certificates at the time of sale.

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

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 24, 1984

TRD-8410836 Bob Bullock
 Comptroller of Public Accounts

Effective date: November 19, 1984
Proposal publication date: September 18, 1984
For further information, please call (512) 475-1913.

34 TAC §3.287

The Comptroller of Public Accounts adopts amendments to §3.287, without changes to the proposed text published in the September 18, 1984, issue of the *Texas Register* (9 TexReg 4910).

A change in the law placed a 60-day limit on the time during which a retailer may obtain exemption certificates after being given written notice by the comp-

troller. The amendments are necessary so retailers may understand their responsibilities for obtaining certificates and the liabilities they may incur if the certificates are not obtained within the time limit. The provisions of the 60-day limit are effective for audits in progress or beginning on or after October 2, 1984.

The committee members of the Utilities Excise Tax Association of Texas suggested that the comptroller be required to provide retailers with a list of the certificates the retailers would need to obtain within the 60-day period.

The comptroller rejected this suggestion because giving written notice could be very time consuming. The comptroller felt that this burden should be placed upon the person who should have obtained the certificates at the time of sale.

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

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 24, 1984

TRD-8410837 Bob Bullock
Comptroller of Public Accounts

Effective date: November 19, 1984
Proposal publication date: September 18, 1984
For further information, please call (512) 475-1913.

34 TAC §3.321

The Comptroller of Public Accounts adopts amendments to §3.321, concerning advertising agencies, without changes to the proposed text published in the September 25, 1984, issue of the *Texas Register* (9 TexReg 5004)

The amendments include changes due to legislation. The amendments changed the definition of "taxable item" to include taxable services as well as tangible personal property. Persons in advertising were referred to 34 TAC §3.292, concerning repair services

No comments were received regarding adoption of the amendments

The amendments are adopted under the Texas Tax Code, § 111.002, which provides that the comptroller may prescribe, adopt, and enforce rules relating to the administration and enforcement of the sales tax.

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 30, 1984.

TRD-8410911 Bob Bullock
Comptroller of Public Accounts

Effective date: November 21, 1984
Proposal publication date: September 25, 1984
For further information, please call (512) 475-1913.

34 TAC §3.322

The Comptroller of Public Accounts adopts amendments to §3.322, concerning exempt organizations, without changes to the proposed text published in the September 25, 1984, issue of the *Texas Register* (9 TexReg 5005)

The amendments were necessary since legislation made some services taxable. Taxable services include personal services, amusement services, cable television, and certain repair, remodeling, maintenance, and restoration of tangible personal property. This amendment includes taxable services by referring to "taxable items" instead of "tangible personal property."

No comments were received regarding adoption of the amendments.

The amendments are adopted under the Texas Tax Code, § 111.002, which provides that the comptroller may prescribe, adopt, and enforce rules relating to the administration and enforcement of the sales tax.

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 30, 1984

TRD-8410912 Bob Bullock
Comptroller of Public Accounts

Effective date: November 21, 1984
Proposal publication date: September 25, 1984
For further information, please call (512) 475-1913.

TITLE 37. PUBLIC SAFETY AND CORRECTIONS Part I. Texas Department of Public Safety Chapter 3. Traffic Law Enforcement Traffic Supervision

37 TAC §3.59

The Texas Department of Public Safety (DPS) adopts amendments to §3.59, without changes to the proposed text published in the September 7, 1984, issue of the *Texas Register* (9 TexReg 4763).

The amendments provide greater public safety by preventing continued operations of defective vehicles transporting hazardous materials and increased safety from enforcement of the parking regulations applicable to hazardous materials transport vehicles. The amendments give the DPS authority to place vehicles with hazardous materials violations out of service and require on-the-spot repairs. The amendments also give the DPS authority to enforce the parking regulations found in the Code of Federal Regulations, Title 49, Part 397, on vehicles transporting hazardous materials.

No comments were received regarding adoption of the amendments.

The amendments are adopted under Texas Civil Statutes, Article 6701d, §139, which authorize the director of the DPS to adopt such regulations as he deems necessary for the safe transportation of hazardous materials over the highways of the State of Texas.

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 11, 1984

TRD-8410747 James B Adams
Director
Texas Department of Public
Safety

Effective date November 15, 1984
Proposal publication date September 7, 1984
For further information, please call (512) 465-2000.

Part III. Texas Youth Commission Chapter 89. Institutional Services Case Management

37 TAC §89.60, §89.76

Texas Youth Commission adopts new §89.60 and §89.76, without changes to the proposed text published in the September 21, 1984, issue of the *Texas Register* (9 TexReg 4958).

The new sections standardize institutions' use of case management procedures and ensure compliance with §81 118, concerning furloughs and §81 119, concerning parole release. The director of institutions will use these rules to monitor institutions' provision of case management services.

No comments were received regarding the adoption of these new sections.

The new sections are adopted under the Texas Human Resources Code, §61.75, which provides the Texas Youth Commission with the authority to permit a delinquent child committed to the commission liberty under supervision and on conditions it believes conducive to acceptable behavior.

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 31, 1984

TRD-8410914 Ron Jackson
Executive Director
Texas Youth Commission

Effective date November 21, 1984
Proposal publication date September 21, 1984
For further information, please call (512) 452-8111.

Special Services Committee

37 TAC §§89.96, 89.98, 89.100

The Texas Youth Commission adopts new §§89.96, 89.98, and 89.100, without changes to the proposed text published in the September 21, 1984, issue of the *Texas Register* (9 TexReg 4960).

The new sections standardize the activities of the Special Services Committee of each institution. The director of institutions will monitor compliance with these rules.

No comments were received regarding the adoption of these new sections.

The new sections are adopted under the Texas Human Resources Code, §61.75, which provides the Texas Youth Commission with the authority to order the confinement of a delinquent child 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 31, 1984.

TRD-8410915 Ron Jackson
Executive Director
Texas Youth Commission

Effective date: November 21, 1984
Proposal publication date: September 21, 1984
For further information, please call (512) 452-8111.

Daily Living

37 TAC §89.250

The Texas Youth Commission (TYC) adopts new §89.250, without changes to the proposed text published in the September 21, 1984, issue of the *Texas Register* (9 TexReg 4961).

The new section standardizes haircut procedures used in TYC institutions. The director of institutions will use the new section to monitor institutional procedures.

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

The new section is adopted under the Texas Human Resources Code, §61.075, which provides the Texas Youth Commission with the authority to order the confinement of a delinquent child 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 31, 1984.

TRD-8410913 Ron Jackson
Executive Director
Texas Youth Commission

Effective date: November 21, 1984
Proposal publication date: September 21, 1984
For further information, please call (512) 452-8111.



Student Remedies

37 TAC §89.395, §89.400

The Texas Youth Commission adopts new §89.395 and §89.400, without changes to the proposed text published in the September 21, 1984, issue of the *Texas Register* (9 TexReg 4962).

The new sections increase management efficiency and provide a clear set of rules for the protection of students' rights to express grievances and appeal decisions.

The director of institutions will use these sections to monitor the activities of the institutions.

No comments were received regarding adoption of the new sections.

The new sections are adopted under the Texas Human Resources Code, §61.75, which provides the Texas Youth Commission with the authority to order the confinement of a delinquent child 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 31, 1984

TRD-8410916 Ron Jackson
Executive Director
Texas Youth Commission

Effective date: November 21, 1984
Proposal publication date: September 21, 1984
For further information, please call (512) 452-8111.

Security

**37 TAC §§89.545, 89.555, 89.565, 89.585
89.605, 89.610**

The Texas Youth Commission adopts amendments to §§89.545, 89.555, 89.565, 89.585, 89.605, and 89.610, without changes to the proposed text published in the September 21, 1984, issue of the *Texas Register* (9 TexReg 4965).

The new sections increase staff efficiency and accountability through their use as tools to manage security programs.

The director of institutions will monitor compliance with the new sections.

No comments were received regarding adoption of the new sections.

The new sections are adopted under the Texas Human Resources Code, §61.75, which provides the Texas Youth Commission with the authority to order the confinement of a delinquent child under conditions it believes best designed for the child's welfare and the interests of the public.

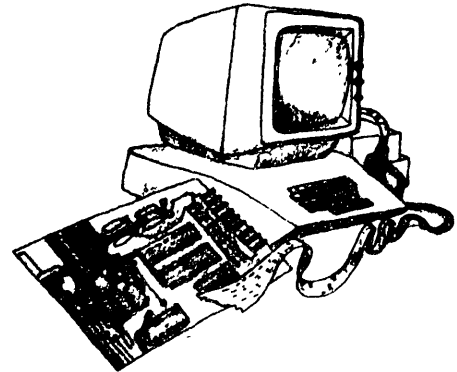
This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be

a valid exercise of the agency's legal authority.

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

TRD-8410917 Ron Jackson
Executive Director
Texas Youth Commission

Effective date: November 21, 1984
Proposal publication date: September 21, 1984
For further information, please call (512) 452-8111, ext. 390.



Part X. Texas Adult Probation Commission

Chapter 321. Standards

37 TAC §321.12

The Texas Adult Probation Commission adopts amendments to §321.12, without changes to the proposed text published in the August 28, 1984, issue of the *Texas Register* (9 TexReg 4625).

The amendments provide an opportunity for the general public to voice support and/or concerns about the location of restitution centers and the impact on the community. Also, the amendments insure that the advisory council composed of people representative of the community will meet on a regular basis to consider ongoing activities of the restitution center. The general public will have the opportunity to express concerns about the location of restitution centers and the impact on the community.

No comments were received regarding adoption of the amendments

The amendments are adopted under Texas Civil Statutes, Article 42 121, §3.01, which authorize the Texas Adult Probation Commission to adopt reasonable 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 26, 1984

TRD-8410830 David Spencer
General Counsel
Texas Adult Probation
Commission

Effective date: November 16, 1984
Proposal publication date: August 28, 1984
For further information, please call (512) 834-8188

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Resources

**Chapter 83. 24-Hour Care Licensing
Subchapter M. Standards for
Emergency Shelters**

40 TAC §§83.901-83.922

The Texas Department of Human Resources adopts the repeal of §§83.901-83.922, concerning standards for emergency shelter care in its 24-hour care licensing chapter, without changes to the proposal published in the May 8, 1984, issue of the *Texas Register* (9 TexReg 2548) New §§83.905, 83.910, and 83.912-83.916 are adopted with changes to the proposed text published in the May 8, 1984, issue of the *Texas Register* (9 TexReg 2598) New §§83.901-83.904, 83.906-83.909, 83.911, and 83.917-83.922 are adopted without changes and will not be republished. Sections 83.901-83.922 are repealed and replaced by new §§83.901-83.922. The new sections restate the repealed sections with editorial changes throughout.

The standards were revised to include the following changes: clarification of the circumstances in which a child's stay in an emergency shelter can be extended beyond the basic time limit, specific requirements for discharge planning when a child is in emergency shelter care for 14 or more days; provision that the emergency shelter is not required to contact a child's parents if their identity is unknown; requirement that the emergency shelter must report a runaway child to the appropriate law enforcement agency; limitations on accepting for care a child who presents a high risk of suicide or danger to others, and provision for emergency medical and dental care and routine care of known chronic health problems

The new sections address the minimum standards for providers of emergency shelter care. During the 60-day comment period, comments were received from representatives of the Regional Network for Children, Advocacy Incorporated, Dallas County Children's Emergency Shelter, Texas Baptist Children's Home, Chimney Rock Center, Sheltering Arms Emergency Shelter, and Region 04 Children's Protective Services Program staff. A hearing to accept public comments was held on June 21, 1984. The comments received were supportive of the new rules. They included recommendations and suggestions addressing specific standards.

Based on the comments, the following changes were made to the proposed rules.

A requirement for written policies and procedures for handling absences without permission (runaways) was added, and the definition of absence without permission was clarified

Clarification of the requirement that the shelter must not accept a child for care who is potentially dangerous

to himself or others without taking special precautions was added.

Further clarification of the circumstances in which a child's stay in the emergency shelter can be extended beyond the basic time limit and the documentation required for extension of the child's stay was added.

Several comments indicated that the proposed new rules were not clear about the responsibilities appropriate to the emergency shelter and to the person or agency responsible for the child. Changes were made to the proposed new rules to clarify these responsibilities.

Three comments indicated that specifying a maximum period of time for extension of a child's stay in an emergency shelter was not in the child's best interests. Commenters noted that because of heavy workloads for child-placing agency staff, extended placement could be over used. The child care community is in general agreement that children should remain in emergency care no longer than is absolutely necessary. The time limits were removed in response to these comments.

The repeal is adopted under the Human Resources Code, Title 2, Chapter 22 and Chapter 42, which authorizes the department to administer public assistance and 24-hour care licensing programs.

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

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

TRD-8410945 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Effective date: December 21, 1984
Proposal publication date: May 8, 1984
For further information, please call (512) 450-3766.

The new sections are adopted under the Human Resources Code, Title 2, Chapter 22 and Chapter 42, which authorizes the department to administer public assistance and 24-hour care licensing programs.

§83.905. Reports and Records.

(a) The emergency shelter must report immediately any serious occurrence involving a child to the managing conservator or parents, if the emergency shelter knows the managing conservator's or parents' identity and how to contact them. The emergency shelter must document in the child's record notification of the parents or managing conservator. If the managing conservator or parents cannot be contacted, the emergency shelter must document this in the child's record.

(b) The emergency shelter must complete written reports concerning serious occurrences involving staff or children. The emergency shelter must ensure that each report includes the date and time of occurrence, the staff or children involved, the nature of the incident, and the circumstances. The emergency shelter must file a copy

of the report at the shelter and make it available for review by staff of the licensing branch.

(c) The emergency shelter must report the following types of serious occurrences to the licensing branch within 24 hours or the next workday:

- (1) suicide attempts,
- (2) incidents of cruel or abusive treatment,
- (3) incidents which critically injure or permanently disable a child, and
- (4) death of a child.

(d) The emergency shelter must have written policies and procedures to be followed when a child is absent without permission, including the following:

- (1) specific actions staff must take to locate the child.
- (2) procedures staff must follow to notify parents or managing conservators and the appropriate law enforcement agency.

(e) If a child is absent without permission, the shelter must report his absence to the appropriate law enforcement agency and managing conservator or parents, if the emergency shelter knows the managing conservator's or parents' identity and how to contact them.

(1) The shelter must consider the absence of a child under 10 years old (chronological or developmental age, whichever is less) as absence without permission as soon as staff responsible for the child's care does not know where he is. The shelter must consider the absence of a child 10 years old or older as absence without permission when staff responsible for the child's care does not know his whereabouts for three hours.

(2) Within four hours after a child is determined to be absent without permission, the shelter must report the child's absence to:

- (A) the parents or managing conservator if the shelter knows the parents' or managing conservator's identity and how to reach them, and
- (B) the appropriate law enforcement agency.

(f) The emergency shelter must report to the appropriate law enforcement agency and managing conservator or parents the removal of a child by an unauthorized person, if the emergency shelter knows the managing conservator's or the parents' identity and how to contact them. The emergency shelter must document in the child's record notification of the child's parents or managing conservator and the appropriate law enforcement agency. If the parents or managing conservator cannot be contacted, the emergency shelter must document this in the child's record.

(g) The emergency shelter must report to the licensing branch within 24 hours or the next work day disasters or emergency situations, such as fires or severe weather, requiring closure of a living unit in the emergency shelter.

(h) The administrator of the emergency shelter must submit reports to the licensing branch concerning any:

- (1) change in administrator, or
- (2) impending change that would necessitate a change in the conditions of the license (capacity, age range, sex, location, or name).

(i) The emergency shelter must allow department staff to visit and inspect the emergency shelter at reasonable times.

(j) The emergency shelter must make records available for review at the facility by staff of the licensing branch.

(k) The emergency shelter must display the license at the facility.

§83.910. Training.

(a) The emergency shelter must provide orientation for all new staff.

(b) All staff working with children must receive annually 15 hours of in-service training (exclusive of orientations and first aid training) related to children's services.

(1) The emergency shelter must document in-service training for staff working with children. The emergency shelter must include in the documentation the date, the subject, and the name of the person who conducted the training.

(2) Child care and supervisory staff must be trained in admission and referral procedures and in helping children to cope with separation from parents and family.

(c) Child care staff who are not licensed/certified health professionals must have first aid training.

(1) The emergency shelter must document first aid training received or scheduled for child care staff.

(2) A Red Cross instructor or a licensed/certified health professional must conduct the training.

(3) The emergency shelter must update first aid training for child care staff at least every three years. The emergency shelter must maintain certificates or statements of training to document that training has been updated.

§83.912. Admission Policies.

(a) An emergency shelter may admit only those children for whom it has an operational program and who meet the admission policies.

(1) The emergency shelter must have written admission policies that specify the age, sex, and type of children served. The emergency shelter must submit a copy of the admission policies to the licensing branch when the signed application is submitted.

(2) If the emergency shelter adopts a change in the admission policies which requires changes in the conditions of the license, the shelter must apply to the department for a new license.

(b) An emergency shelter must not knowingly accept for care a child who had exhibited suicidal behavior or behavior dangerous to others within 30 days before admission or retain a child in care who exhibits such behavior unless:

(1) the physical plant or setting is such that staff can provide direct, continuous observation if necessary;

(2) the emergency shelter has ensured that medical treatment and psychiatric consultation are available 24 hours a day from a licensed physician. The shelter must obtain written documentation to substantiate that medical treatment and psychiatric care are available.

(c) An emergency shelter must not accept more children than the maximum number specified on the license or children whose age and sex violate the conditions of the license.

(d) A child under five years old may not remain in care in an emergency shelter for more than five workdays unless he has a sibling at least five years old or a parent under 18 years old in the emergency shelter or

unless the need for extension of placement is documented. An infant under 12 months old may not remain in an emergency shelter longer than 96 hours unless he has a parent under 18 years old in the emergency shelter or unless the need for extension of placement is documented.

(1) The shelter may extend placement of an infant beyond 96 hours or a child under five years old beyond five work days under the following circumstances.

(A) The person or agency responsible for the child has arranged a placement but requirements to place the child cannot be completed within the allowed time because of circumstances beyond the control of the placing party or the emergency shelter.

(B) The person or agency responsible for the child has arranged a placement, but the placement cannot be completed and another placement must be found because of circumstances beyond the control of the placing party or the emergency shelter.

(C) The person or agency responsible for a child with special needs cannot make an appropriate placement within the time allowed because of circumstances beyond the control of the placing party or the emergency shelter.

(2) The person or agency responsible for the child must document the need for extension of placement in writing to the emergency shelter. The emergency shelter must make this documentation available for review by staff of the licensing branch.

(A) Documentation of an arranged placement that cannot be completed within the allowed time must include the following:

(i) the name, address, and telephone number of the facility where the child will be placed;

(ii) the specifics of what is needed to complete the placement;

(iii) the reason(s) why the requirements for placement could not be completed within the allowed time; and

(iv) the date the placement will be completed.

(B) Documentation of an arranged placement that could not be completed requiring another placement to be arranged must include the following:

(i) the name, address, and telephone number of the facility where the child was to be placed;

(ii) the reason(s) why the placement could not be completed;

(iii) the date placement plans were interrupted; and

(iv) the specifics, including dates, of all efforts to locate another placement.

(C) Documentation that an appropriate placement could not be made within the time allowed for a child with special needs must include the following:

(i) description from an expert in the area of the child's disabling or limiting condition of the child's special needs and the type of placement appropriate to meet these needs;

(ii) names, addresses, and telephone numbers of placements explored, the date of contact, and the reason why each placement was not available and/or appropriate

(e) A child five years old or older may not remain in care in an emergency shelter for more than 30 days unless the need for extension of placement is documented.

(1) The shelter may extend placement of a child five years old or older beyond 30 days under the following circumstances.

(A) The person or agency responsible for the child has arranged a placement, but requirements to place the child cannot be completed within the allowed time because of circumstances beyond the control of the placing party or the emergency shelter.

(B) The person or agency responsible for the child has arranged a placement, but the placement cannot be completed and another placement must be found because of circumstances beyond the control of the placing party or the emergency shelter.

(C) The person or agency responsible for a child with special needs cannot make an appropriate placement within the time allowed because of circumstances beyond the control of the placing party or the emergency shelter.

(2) The person or agency responsible for the child must document the need for extension of placement in writing to the emergency shelter. The emergency shelter must make this documentation available for review by staff of the licensing branch.

(A) Documentation of an arranged placement that cannot be completed within the allowed time must include the following:

(i) the name, address, and telephone number of the facility where the child will be placed;

(ii) the specifics of what is needed to complete the placement;

(iii) the reason(s) why the requirements for placement could not be completed within the allowed time; and

(iv) the date the placement will be completed.

(B) Documentation of an arranged placement that could not be completed requiring another placement to be arranged must include the following:

(i) the name, address, and telephone number of the facility where the child was to be placed;

(ii) the reason(s) why the placement could not be completed;

(iii) the date placement plans were interrupted; and

(iv) the specifics, including dates, of all efforts to locate another placement.

(C) Documentation that an appropriate placement could not be made within the time allowed for a child with special needs must include the following:

(i) description from an expert in the area of the child's disabling or limiting condition of the child's special needs and the type of placement appropriate to meet these needs;

(ii) names, addresses, and telephone numbers of placements explored, the date of contact, and the reason why each placement was not available and/or appropriate.

(f) The emergency shelter must not retain a child in emergency care for more than 14 days without obtaining a written plan for discharge of the child from the person or agency responsible for the child.

(1) The emergency shelter must obtain written documentation from the person or agency responsible for

the child that the initial plan is reviewed and updated at least weekly.

(2) The emergency shelter must make the initial plan and weekly reviews available for review by staff of the licensing branch.

(g) The emergency shelter may not deny a child admission to the shelter because of race.

(h) An emergency shelter must not offer, at the same time and in the same facility, two types of care that conflict with the best interests of the children, the use of staff, or the use of the facility. The shelter must document that there is no conflict.

(i) Each child must receive a health screening examination within 48 hours or on the first work day after admission.

(1) The screening examination must be given by a licensed physician, physician's assistant, registered nurse, licensed vocational nurse, or paramedic.

(2) The results of the screening examination, signed and dated by the person doing the examination, must be documented in the child's record.

(3) If the child is coming from a medical setting, the emergency shelter may accept a statement from a licensed physician in place of the examination.

(j) If a child shows symptoms of illness or abuse, he must be examined immediately by a licensed physician.

(k) If a child shows symptoms of abuse or neglect, the emergency shelter must immediately report this to child protective services staff.

§83.913. Intake Information.

(a) At admission, shelter staff must complete a record that identifies the child and his immediate needs. During admission, shelter staff must obtain, if possible, the following information:

- (1) child's immediate needs;
- (2) name of the referral source: placing agency or individual;
- (3) date and time of placement;
- (4) reason for emergency placement;
- (5) description of the child's condition as observed by the intake worker;
- (6) child's understanding of emergency shelter care; and
- (7) child's feelings about the crisis situation and shelter care.

(b) At admission or as soon as possible after admission, the emergency shelter must obtain the following information:

- (1) child's identity;
- (2) name, address, and telephone number of the child's parents or managing conservator, if available;
- (3) medication the child is taking;
- (4) allergy to medication or food.

(c) If the information is not available at admission, the emergency shelter must document in the child's record efforts made to obtain the information.

(d) The emergency shelter must identify in its policies and procedures which staff reviews admission information and makes admissions.

(e) When a child is admitted, the emergency shelter must try to contact the child's managing conservator or parents within 24 hours, if the emergency shelter knows their identity and how to contact them. If the parents or managing conservator cannot be contacted, shelter staff

must notify a public agency (children's protective services, juvenile probation, or police department) of the child's presence. The emergency shelter must document in the child's record efforts to contact the parents or managing conservator and contacts with public agencies.

(f) The emergency shelter must provide orientation for newly admitted children.

§83.914. Children's Records.

(a) The emergency shelter must maintain accurate and current records for each child in care. Besides other required documentation, the emergency shelter must include in each child's record the following information, if available:

- (1) name;
- (2) date of birth;
- (3) place of birth;
- (4) sex;
- (5) religion;
- (6) race;
- (7) names, addresses, and telephone numbers of parents, brothers, and sisters;
- (8) names, addresses, and telephone numbers of other persons who have a significant relationship with the child;
- (9) date of admission; and
- (10) date of discharge.

(b) The emergency shelter must ensure that a child's records are kept confidential and inaccessible to unauthorized persons.

(1) The emergency shelter may disclose information from a child's records only to individuals involved in direct and authorized services to the child or in the administration of the emergency shelter.

(2) The emergency shelter must keep these records at the shelter and make them available for review by staff of the licensing branch.

§83.915. Daily Care.

(a) The emergency shelter must develop the daily schedule to meet the children's needs.

(b) Child care staff must keep a record of significant occurrences for each child. The emergency shelter must make this record available for review by staff of the licensing branch.

(c) The emergency shelter must provide for the immediate needs of the children.

(d) The emergency shelter must obtain professional consultation and treatment for children with urgent special needs. When the services are obtained, the emergency shelter must document in the child's record that he received them.

(e) The emergency shelter must ensure that each child is supplied with personal clothing suitable to the child's age and size. The emergency shelter must ensure that the clothing is comparable to the clothing of other children in the community. Children must have some choice in selecting their clothing.

(f) The emergency shelter must give children training in personal care, hygiene, and grooming. The emergency shelter must supply each child with personal care, hygiene, and grooming equipment

(g) The emergency shelter must provide supervised indoor and outdoor recreation and equipment so that every child may participate.

(h) The emergency shelter must account for a child's personal money separately from the emergency shelter's funds.

(i) The emergency shelter must distinguish between tasks which children are expected to perform as a part of living together and jobs to earn spending money.

§83.916. Children's Rights.

(a) The staff of the emergency shelter must allow privacy for each child.

(b) Each child must have access to a quiet, private area where he can withdraw from the group when appropriate.

(c) The emergency shelter must allow contacts between the child and his family while the child is in care unless the rights of the parents have been terminated by court order or family contact is not in the child's best interest. The emergency shelter must base the frequency of contact on the needs of the child. The frequency of contact is determined with the participation of the child's family or managing or possessory conservator and shelter staff. The emergency shelter must file in the child's record any limitations on contacts.

(1) The emergency shelter must allow children to send and receive mail and conduct telephone conversations with family members or their managing conservator. The best interests of the child or a court order may necessitate restrictions on this communication.

(2) If the child or his family requests contact but the emergency shelter determines it is not appropriate, a psychiatrist, licensed psychologist, social worker, or licensed administrator must determine the restrictions from communication. The emergency shelter must document in the child's record the reasons for the restrictions.

(3) If limits on communications or visits are necessary for practical reasons, the emergency shelter must determine the limits with the child and his family. The emergency shelter must document these limits in the child's record.

(d) The emergency shelter must have written policies regarding visits, gifts, mail, and telephone calls between the child and his family or managing conservator. The emergency shelter must make these policies available for review by staff of the licensing branch.

(e) The emergency shelter must allow a child to bring personal possessions to the emergency shelter and to acquire personal possessions. If limits are necessary on the kinds of possessions a child may or may not receive, the shelter staff must discuss these with the child and his parents or managing conservator.

(f) The emergency shelter must not require a child to acknowledge his dependence, destitution, or neglect. The emergency shelter must not require the child to make statements regarding his background or dependence on the shelter for care.

(g) The emergency shelter must not require a child to make public statements to acknowledge gratitude to the emergency shelter.

(h) The emergency shelter must not require children in care to perform at public gatherings.

(i) The emergency shelter must not make public pictures, reports, or identification that humiliate, exploit, or invade the privacy of a child or his family or managing conservator. The emergency shelter must not use reports or pictures from which children may be identi-

fied without the written consent of the child and the parents or managing conservator.

(j) The emergency shelter must not discriminate on the basis of race.

(k) The emergency shelter must consider children's opinions and recommendations in the development and evaluation of the emergency shelter's program and activities. The emergency shelter must document this procedure. The emergency shelter must make a copy of the procedure available for review by staff of the licensing branch.

(l) The emergency shelter must have written policies for the discipline of children in care. The emergency shelter must provide copies of the policies to shelter staff. The emergency shelter must submit copies of the discipline policy with each application for a license.

(1) Only adult staff may discipline children.

(2) The emergency shelter must not subject children to cruel, harsh, unusual, or unnecessary punishment.

(3) The emergency shelter must ensure that the reasons for any punishment or imposition of restrictions are made clear to children.

(4) The emergency shelter must keep a record of each time children are restricted to the emergency shelter for longer than 24 hours.

(5) The emergency shelter must not belittle or ridicule children or their families.

(6) The emergency shelter must not deny children food, mail, or visits with their families as punishment.

(7) The emergency shelter must not threaten children with the loss of shelter placement as punishment.

(8) The emergency shelter must ensure that discipline fits the needs of the individual child.

(9) The emergency shelter must not punish children by shaking, striking, or spanking.

(m) The emergency shelter must use physical holding as a form of restraint only to protect the child from injury to himself or others. The emergency shelter must document in the child's record the use of physical holding and the length of time used. The emergency shelter must not use mechanical restraint.

(n) The emergency shelter may place children in a locked room only until they can be taken for immediate medical treatment. The emergency shelter must document in the child's record any seclusion of a child.

(o) The emergency shelter must not allow children in care to act as or be employed as staff.

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 31, 1984.

TRD-8410924 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Effective date: December 21, 1984
Proposal publication date: May 8, 1984
For further information, please call (512) 450-3766.



**State Board of Insurance
Notification Pursuant to the
Insurance Code, Chapter 5,
Subchapter L**

(Editor's note: As required by the Insurance Code, Article 5.96 and Article 5.97, the Register publishes notices of actions taken by the State Board of Insurance pursuant to Chapter 5, Subchapter L, of the Code. Board action taken under these articles is not subject to the Administrative Procedure and Texas Register Act, and the final actions printed in this section have not been previously published as proposals.

These actions become effective 15 days after the date of publication or on a later specified date.

The text of the material being adopted will not be published, but may be examined in the offices of the State Board of Insurance, 1110 San Jacinto Street, Austin.)

The State Board of Insurance has approved a rate revision to the Standard Real Estate Dealers Errors and Omissions Liability Insurance Program. The only change in this revision was an increase in the state risk factor of 1.25 to 1.75. This filing was approved to become effective January 1, 1985.

This notification is made pursuant to the Insurance Code, Article 5.97, which exempts it from the requirements of the Administrative Procedure and Texas Register Act.

Issued in Austin, Texas, on October 26, 1984

TRD-8410838

James W. Norman
Chief Clerk
State Board of Insurance

Effective date: January 1, 1985

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

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 on Aging

Thursday, November 8, 1984, 9 a.m. The Texas Board on Aging of the Texas Department on Aging made an addition to the agenda of a meeting to be held in the boardroom, fifth floor, 210 Barton Springs Road, Austin. The addition concerns Texas senior games.

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

Filed: October 30, 1984, 4:49 p.m.
TRD-8410908

Texas Department of Agriculture

Thursday, November 8, 1984, 11 a.m. The Texas Department of Agriculture will meet at the Texas Department of Agriculture, two blocks west of Morningside Road, San Juan. According to the agenda, the department will hold an administrative hearing to review a possible violation of the Texas Agriculture Code, §76.116(a)(1), by Patrick Karnegay, doing business as Sun Valley Dusting Company.

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

Filed: October 31, 1984, 2:17 p.m.
TRD-8410951

Monday, November 12, 1984, 10 a.m. The Texas Department of Agriculture will meet in Room 117, Sam Houston Building, 201 East 14th Street, Austin. According to the agenda, the department will conduct a public hearing to receive comments regarding proposed new 4 TAC §§7.25-7.31, concerning pesticide application standards, as published in the October 23, 1984, issue of the *Texas Register* (9 TexReg 5468).

Contact: Ron White, P.O. Box 12847, Austin, Texas 78711, (512) 475-6346.

Filed: November 1, 1984, 9:43 a.m.
TRD-8410975

Thursday, November 15, 1984, 2 p.m. The Texas Department of Agriculture will meet at the Lubbock Civic Center, 1501 Sixth Street, Lubbock. According to the agenda, the department will conduct a public hearing to receive comments regarding proposed new 4 TAC §§7.25-7.31, concerning pesticide application standards, as published in the October 23, 1984, issue of the *Texas Register* (9 TexReg 5468).

Contact: Ron White, P.O. Box 12847, Austin, Texas 78711, (512) 475-6346.

Filed: November 1, 1984, 9:44 a.m.
TRD-8410976

Monday, November 19, 1984, 1 p.m. The Texas Department of Agriculture will meet

in the Triple City Ballroom, 300 East Frontage Road, Expressway 83, San Juan. According to the agenda, the department will conduct a public hearing to receive comments regarding proposed new 4 TAC §§7.25-7.31, concerning pesticide application standards, as published in the October 23, 1984, issue of the *Texas Register* (9 TexReg 5468).

Contact: Ron White, P.O. Box 12847, Austin, Texas 78711, (512) 475-6346.

Filed: November 1, 1984, 9:44 a.m.
TRD-8410977

Texas Air Control Board

Friday, November 9, 1984. Committees of the Texas Air Control Board and the full board will meet in Room 332, 6330 Highway 290 East, Austin. Times, committees, and agendas follow.

8:30 a.m. The Monitoring and Research Committee will consider a proposed inter-agency contract with the University of Texas Medical Branch at Galveston to assess the sensitivity of biological test systems to determine synergistic effects of air contaminants on health, and hear reports.

9:30 a.m. The Mobile Source Emissions Committee will consider the modification

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of a contract with Colorado State University for the Mechanic Training and Certification Program in Harris County.

10 a.m. The Regulation Development Committee will review and consider proposed revisions to the state implementation plan for ozone in Harris County.

10:30 a.m. The board will approve the October 5, 1984, minutes; hear reports; review activities on the sunset review; consider the Legislative Budget Board hearing on the agency budget; consider and act on state implementation plan revisions pertaining to inspection and maintenance in Harris County; delegate signature authority; consider revisions to Board Order 81-10; consider and act on proposed contacts; hear a report on rule-making and contested case requirements under the Administrative Procedure and Texas Register Act; and consider new business.

Contact: Paul M. Shinkawa, 6330 Highway 290 East, Austin, Texas 78723, (512) 451-5711, ext. 354.

Filed: October 30, 1984, 10:40 a.m.
TRD-8410874, 8410877-8410879

Texas Commission on the Arts

Wednesday, November 7, 1984, 9 a.m. The Assistance Review Committee of the Texas Commission on the Arts will meet on the fifth floor, commission offices, 920 Colorado, Austin. According to the agenda, the committee will hold a public hearing, approve the minutes of the April 11, 1984, meeting, and review grants applications.

Contact: Richard E. Huff, P.O. Box 13406, Austin, Texas 78711, (512) 475-6593.

Filed: October 26, 1984, 1:46 p.m.
TRD-8410817

Tuesday, November 13, 1984, 2 p.m. The Goals and Priorities Committee of the Texas Commission on the Arts will meet in the conference room, Stephen F. Austin Hotel, 701 Congress Avenue, Austin. According to the agenda, the committee will hold a general discussion.

Contact: Richard E. Huff, P.O. Box 13406, Austin, Texas 78711, (512) 475-6593.

Filed: October 26, 1984, 1:46 p.m.
TRD-8410818

Wednesday, November 14, 1984, 9 a.m. The Texas Commission on the Arts will meet in the conference room, Stephen F.

Austin Hotel, 701 Congress Avenue, Austin. According to the agenda summary, the commission will hold a public hearing; introduce guests; and consider individual and information only items. The commission will also meet in executive session pursuant to Texas Civil Statutes, Article 6252m, §(g), to consider the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee, if necessary.

Contact: Richard E. Huff, P.O. Box 13406, Austin, Texas 78711, (512) 475-6593.

Filed: October 26, 1984, 1:47 p.m.
TRD-8410819

State Commission for the Blind

Monday, October 29, 1984, 10:30 a.m. The Board of the State Commission for the Blind made emergency additions to the agenda of a meeting held at the Criss Cole Rehabilitation Center, 4800 North Lamar Boulevard, Austin. The additions concerned approval of the use of endowment funds and discussion and action on the transfer of state land to the State Purchasing and General Services Commission. The emergency status was necessary because action is required on these items prior to the next quarter and because of a request dated October 19, 1984, from the State Purchasing and General Services Commission.

Contact: Jean Wakefield, 314 West 11th Street, Austin, Texas 78711, (512) 475-6810.

Filed: October 25, 1984, 2:40 p.m.
TRD-8410757

Friday, November 9, 1984, 8:15 a.m. The Consumer Advisory Committee (CAC) of the State Commission for the Blind will meet in Room 512, 314 West 11th Street, Austin. Items on the agenda include reports from the executive director, committee liaison, and the Governor's Committee for Disabled Persons Employment Subcommittee; CAC subcommittee reports; CAC members role in public information, including viewing a film; vocational rehabilitation year-end report; consumer forums; networking with consumers; a business meeting; and additional topics or questions from CAC members.

Contact: Kathye Strouse, 314 West 11th Street, Austin, Texas 78711, (512) 475-3245

Filed: October 31, 1984, 10:33 a.m.
TRD-8410929

Texas Department of Community Affairs

Thursday, November 8, 1984, 9:30 a.m. The State Review Committee of the Texas Department of Community Affairs will meet in the auditorium, third floor, United Bank of Texas, 400 West 15th Street, Austin. According to the agenda, the committee will consider a summary of the selection process for economic development applications, recommendations for funding, and appeals

Contact: Kelly Myrick, 2015 IH 35 South, Austin, Texas 78711, (512) 443-4100, ext. 375.

Filed: October 30, 1984, 11:35 a.m.
TRD-8410884

Coordinating Board, Texas College and University System

Thursday, November 8, 1984, 9 a.m. The Administrative Council of the Coordinating Board, Texas College and University System will meet in the conference room, Texas Tech University Museum, Lubbock. According to the agenda, the council will consider a proposed amendment to 19 TAC §25 72, concerning ORP eligibility standards; advisory committee recommendations on Medicare carve-outs, leave without pay due to temporary disability, cost containment, and ORP reporting requirements; an institutional program review; a summary of 1982-1983 institutional audit reports; and the executive secretary's report.

Contact: James McWhorter, P.O. Box 12788, Austin, Texas 78711

Filed: October 29, 1984, 10:24 a.m.
TRD-8410839

Texas Department of Corrections

Monday, November 12, 1984, 8 a.m. Board subcommittees of the Texas Department of Corrections will meet in the Senate Chambers, State Capitol, Austin. Subcommittees and agendas follow

The Health Services Subcommittee will consider medical items including monthly clinic statistics, individual contracts by unit, an activity summary, deaths, and pending autopsies

The Finance Subcommittee will consider Finance Division items including agriculture, business, construction, and industries.

The Operations Subcommittee will consider Operations Division items including an activity summary for inmate affairs concerning the chaplaincy, agency reports, and release programs; inmate activity reports concerning disciplinary matters, inmate strength, and received and released inmates; escapes, the furlough program, and the food services report

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

Filed: November 1, 1984, 10 a.m.
TRD-8410978-8410980

Monday, November 12, 1984, 9 a.m. The Board of the Texas Department of Corrections will meet in the Senate Chambers, State Capitol, Austin. According to the agenda summary, the board will consider operations, inmate affairs, medical, finance, agriculture, business, construction, industries, director's items, and the Windham School System. The board also will meet in executive session.

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

Filed: November 1, 1984, 10 a.m.
TRD-8410981

Texas State Board of Examiners of Dietitians

Monday, November 12, 1984, 9 a.m. The Texas State Board of Examiners of Dietitians will meet in Room T-507, 1100 West 49th Street, Austin. According to the agenda summary, the board will consider comments received by November 9, 1984, and adoption of amendments to 22 TAC §711.5, concerning guidelines for obtaining approval of preprofessional experience and internship programs in the profession of dietetics; ratify applications approved by the committee on October 26, 1984; consider other matters relating to the licensure and regulation of dietitians not requiring board action; and set the next meeting date.

Contact: Donna Hardin, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7351.

Filed: October 31, 1984, 4:21 p.m.
TRD-8410967

Texas Education Agency

Friday, November 9, 1984. Committees of the State Board of Education of the Texas

Education Agency (TEA) will meet in the TEA North Building, 1200 East Anderson Lane, Austin. Times, rooms, committees, and agendas follow.

8:30 a.m. In the boardroom, the Committee of the Whole will consider the report of the commissioner of education on alleged irregularities in the textbook process, a report of the State Textbook Committee on textbooks; a report of the commissioner of education concerning recommended changes and corrections in textbooks; large type textbooks for visually handicapped; status of an application to establish new textbook depository; and an amendment to Proclamation 61 of the State Board of Education advertising for bids on textbooks.

10:30 a.m. In Room 101-E, the Committee for Finance and Programs will consider a proposed amendment to the Texas Administrative Code, Title 19, Chapter 78, concerning occupational education and technology; establishment of fees for the Guarantee Program for School District Bonds; set a date for public hearings on the price differential index; consider a policy statement on the role of the State Board of Education; hear the price differential index report; consider legislative proposals, give notice of the intent to amend 19 TAC §109.61, concerning the *Financial Accounting Manual*, Bulletin 679; hear the Texas biennial budget request and approval cycle and a status report on the current financial outlook for the state; hear reports of advisory committees; items concerning the investment of the permanent school fund, including a presentation by a representative of InterFirst, the recommended investment program for November, review of securities transactions, review of the investment portfolio, estimated funds available for the November program, and a report of the investment officer.

10:30 a.m. In Room 214, the Committee for Personnel will consider a proposed amendment to the Texas Administrative Code, Title 19, Chapter 81, Subchapter D, concerning the State Textbook Program; a proposed new rule in Chapter 149, Subchapter C, concerning appraisal of certified personnel; approval of interim samples for teacher and administrator appraisal; textbook adoption items on the agenda for the Committee of the Whole which that committee did not have time to consider; proposed new rules in Chapter 149, Subchapter D, concerning the teacher career ladder; proposed amendments to 19 TAC §137.23, concerning the Commission on Standards for the Teaching Profession; composition of the commission; implementation of

teacher testing requirements in the Texas Education Code, §13.047, pursuant to House Bill 72, 68th Legislature, 2nd Called Session; and information on testing on the preprofessional skills test for persons entering teacher education.

10:30 a.m. In Room 101, the Committee for Students will consider a proposed change to the list of approved tests for testing limited English proficiency students; proposed adoption of objectives for the assessment of basic skills test; request for authority to issued a request for proposal for conducting the assessment of basic skills; proposed adoption of the report of the statewide and regional results of the 1984 assessment of basic skills; authorization to issue a request for proposals for the Management Training Pilot Program; student participation in extracurricular or other activities; promotion and alternatives to social promotion; a policy statement on student discipline; student absences; proposed amendments to the Texas Administrative Code, Title 19, Chapter 81, Subchapter D, concerning the State Textbook Program; a report to the governor, lieutenant governor, and the 69th Legislature on the status of the curriculum; a report to the governor and the 69th Legislature on the summer school pilot project; a report to the 69th Legislature on House Concurrent Resolution 127, concerning driver education; a report to the 69th Legislature on summer and after school instructional programs for science and mathematics.

Contact: W. N. Kirby, 201 East 11th Street, Austin, Texas 78701, (512) 475-3723.

Filed: October 31, 1984, 4:25 p.m.
TRD-8410969, 8410970, 8410972,
8410973

Saturday, November 10, 1984, 8:30 a.m. The State Board of Education of the Texas Education Agency will meet in the boardroom, TEA North Building, 1200 East Anderson Lane, Austin. Items on the agenda summary include appointment of a committee to review bids on textbooks; appeals from decisions of the commissioner of education; occupational education and technology; establishment of fees for the Guarantee Program for School District Bonds; setting the date for public hearings on the price differential index; estimated funds available from the permanent school fund for the November program; an amendment to Textbook Proclamation 61 of the State Board of Education advertising for bids on textbooks, a proposed change to the list of approved tests for testing limited English proficiency students; proposed adoption of objectives for the assessment of the basic

skills test; request for authority to issue a request for proposals for conducting the assessment of basic skills; the proposed adoption of the report of the statewide and regional results of the 1984 assessment of basic skills; authorization to issue a request for proposals for management training pilot programs; a report of the commissioner of education on alleged irregularities in the textbook process; a report of the State Textbook Committee on textbooks; a report of the commissioner of education concerning recommended changes and corrections in textbooks; large type textbooks for visually handicapped; application to establish new textbook depository status; an amendment to 19 TAC Chapter 81, Subchapter D, concerning the State Textbook Program; new 19 TAC Chapter 149, Subchapter C, concerning the appraisal of certified personnel; the approval of interim samples for the teacher and administrator appraisal process; and amendment to 19 TAC §137.23, concerning the composition of the Commission on Standards for the Teaching Profession; a report of the interim commissioner of education; a report of the chairman of the board; agency personnel actions; a notice of intent to amend 19 TAC §109.61, concerning the *Financial Accounting Manual*, Bulletin 679; recapitulation of operating expenses for fiscal year 1984-1985 as of September 30, 1984; a report of the 1984-1985 funds distributed for local programs as of September 30, 1984; hear from the Committee for Finance and Programs and possibly discuss the following nonaction items which were discussed in the committee meeting: a policy statement on the role of the State Board of Education, the price differential index report, legislative proposals, the Texas biennial budget request and approval cycle and status report on the current financial outlook for the state, advisory committees, a presentation by Inter-First concerning the permanent school fund, the recommended investment program for November, a review of securities transactions, a review of the investment portfolio, and a report of the investment officer; hear from the Committee for Students and possibly discuss the following nonaction items which were discussed during the committee meeting: student participation in extracurricular or other activities, promotion and alternatives to social promotion, a policy statement on discipline, student absences, a report to the governor, lieutenant governor, and 69th Legislature on the status of the curriculum, a report to the governor and the 69th Legislature on the summer school pilot project, a report to the 69th Legislature on House Concurrent Res-

olution 127, concerning driver education, and a report to the 69th Legislature on summer and after school instructional programs for science and mathematics; hear from the Committee for Personnel and possibly discuss the following nonaction items which were discussed during the committee meeting: proposed new 19 TAC Chapter 149, Subchapter D, concerning the teacher career ladder, implementation of teacher testing requirements in the Texas Education Code, §13.047 (House Bill 72, 68th Legislature, 2nd Called Session), and information on testing on the preprofessional skills test for person entering teacher education; and present a resolution to Raymon L. Bynum upon his retirement as commissioner of education.

Contact: W. N. Kirby, 201 East 11th Street, Austin, Texas 78701, (512) 475-3723.

Filed: October 31, 1984, 4:25 p.m.
TRD-8410974

Employees Retirement System of Texas

Monday, October 29, 1984, 9 a.m. The Board of Trustees of the Employees Retirement System of Texas (ERS) made an emergency addition to the agenda of a meeting held in the ERS Building, 18th and Brazos Streets, Austin. The addition concerned consideration of reducing the maturity structure of the bond portfolio. The emergency status was necessary because reevaluation of the bond portfolio was necessary as the result of a major market move in the past two weeks which reduced interest rates considerably.

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

Filed: October 26, 1984, 1:13 p.m.
TRD-8410806

Texas Employment Commission

Friday, October 26, 1984, 8 a.m. The Texas Employment Commission (TEC) met in an emergency session in Room 644, TEC Building, 15th Street and Congress Avenue, Austin. According to the agenda, the commission met in executive session with attorneys to discuss the recently filed lawsuit involving the constitutionality of the exemption of some agricultural labor from coverage under the Texas Unemployment Com-

pensation Act. The emergency status was necessary because attorneys needed to discuss the result of the October 24, 1984, court hearing and obtain information in preparation of another hearing in the case on November 13, 1984.

Contact: Steve Hollahan, TEC Building, Room 660, 15th Street and Congress Avenue, Austin, Texas 78778, (512) 397-4400.

Filed: October 25, 1984, 1:41 p.m.
TRD-8410769

Wednesday, November 7, 1984, 9 a.m. The Texas Employment Commission (TEC) will meet in Room 644, TEC Building, 15th Street and Congress Avenue, Austin. According to the agenda summary, the commission will consider prior meeting notes and internal procedures of the Office of Commission Appeals; consider and act on higher level appeals in unemployment compensation on Docket 45; and set the date of the next meeting.

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

Filed: October 30, 1984, 10:58 a.m.
TRD-8410875

Office of the Governor

Wednesday, November 7, 1984, 10 a.m. The State and Local Government Employees Subcommittee of the Job Injury Advisory Committee of the Office of the Governor will meet in Room 215, State Capitol, Austin. According to the agenda, the subcommittee will discuss the state role in reducing job injuries among state and local government employees.

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

Filed: October 30, 1984, 4:50 p.m.
TRD-8410909

Thursday, November 8, 1984, 1 p.m. The Executive Subcommittee of the Job Injury Advisory Committee of the Office of the Governor will meet in Suite 800, Employment Standards Administration, U.S. Department of Labor, 555 Griffin Square, Dallas. According to the agenda, the subcommittee will develop an agenda for the November 15, 1984, meeting; hear subcommittee reports; and discuss the content of

the interim report to the governor and the legislature.

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

Filed: October 31, 1984, 4.38 p.m.
TRD-8410971

Texas Department of Health

Thursday, November 8, 1984, 10:30 a.m. The Home Health Services Advisory Council of the Texas Department of Health will meet in Room G-107, 1100 West 49th Street, Austin. According to the agenda summary, the council will approve the minutes of the last meeting; elect officers; discuss proposed legislative recommendations to home health care agencies, Texas Civil Statutes, Article 4447u; and make announcements and hear comments requiring no council action

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

Filed: October 31, 1984, 4.21 p.m.
TRD-8410966

Wednesday, November 14, 1984, 1:30 p.m. The Texas Agent Orange Advisory Committee of the Texas Department of Health will meet in the Copeland Conference Room, University of Texas Cancer Center, 1100 Holcombe, Houston. According to the agenda summary, the committee will hear an update on the Agent Orange Program, hear a report on the Air Force ranch hand study physicals, hear an update on the veterans' liability lawsuit against chemical companies, hear a report on the University of Texas fiscal year 1985 Agent Orange research studies; and hear individual comments by Advisory Committee members.

Contact: George R. Anderson, M.D., 1100 West 49th Street, Austin, Texas 78756, (512) 458-7251

Filed: October 31, 1984, 4 21 p.m.
TRD-8410968

Texas Health and Human Services Coordinating Council

Friday, November 9, 1984, 9:30 a.m. The Data and Information Development Subcommittee of the Texas Health and Human Services Coordinating Council will meet in Room 304T, Texas Employment Commission Building, 1117 Trinity Street, Austin. According to the agenda summary, the sub-

committee will begin its work for fiscal year 1985.

Contact: Beck Runte, P.O. Box 12428, Austin, Texas 78711, (512) 475-1306.

Filed: October 30, 1984, 1:37 p.m.
TRD-8410887

Texas Health Facilities Commission

Thursday, November 8, 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

Hermann Hospital, Houston
AH84-0511-297

Baylor University Medical Center,
Dallas
AH84-0627-411

Texas Tech University Health Sciences
Center, Lubbock
AO84-0702-432

Methodist Hospital, Lubbock
AH84-0726-490

Memorial Medical Center, Corpus
Christi
AH84-0614-388

Spohn Hospital, Corpus Christi
AH84-0725-488

Golden Plains Care Center, Big
Spring
AH84-0730-499

Ward Memorial Hospital, Monahan's
AH84-0719-473

Notices of Intent

Central Texas Equities, Inc., a Texas
corporation, Nederland
AN84-0925-600

STH Corporation, a wholly owned
Texas subsidiary of American
Healthcare Management, Inc.,
Houston
AH84-0927-608

Jewell Enterprises, a Texas general
partnership, Arlington
AN84-1001-635

Mill Creek Properties, Inc., a Texas
corporation, Arlington
AN84-1001-626

Jewell Enterprises, a Texas general
partnership, Arlington
AN84-1001-636

Mill Creek Properties, Inc., a Texas
corporation, Arlington
AN84-1001-629

Jewell Enterprises, a Texas general
partnership, Arlington
AN84-1001-637

Mill Creek Properties, Inc., a Texas
corporation, Arlington
AN84-1001-628

Jewell Enterprises, a Texas general
partnership, Arlington
AN84-1001-638

Mill Creek Properties, Inc., a Texas
corporation, Arlington
AN84-1001-627

NME Hospitals, Inc., Los Angeles,
California
AH84-1002-644

Rio Grande Oncology and Diagnostic
Imaging Clinic, McAllen
AO84-0928-618

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

Filed: October 31, 1984, 9:17 a.m.
TRD-8410921

Industrial Accident Board

Monday, November 5, 1984, 9:30 a.m. The Legislative Advisory Committee of the Industrial Accident Board met in Room 255, second floor, Bevington A. Reed Building, 200 East Riverside Drive, Austin. According to the agenda summary, the committee considered reports from the Benefits Subcommittee, the Delivery Subcommittee, and the Administration Subcommittee.

Contact: William Treacy, 200 East Riverside Drive, First Floor, Austin, Texas 78704, (512) 448-7962

Filed: October 25, 1984, 4:03 p.m.
TRD-8410773

State Board of Insurance

Wednesday, November 7, 1984. The State Board of Insurance will meet in Room 414, 1110 San Jacinto Street, Austin. Times and agendas follow

9 a.m. The board will decide on agenda items from the annual fire and allied lines hearing of June 14, 1984, and July 26, 1984; decide on agenda items from the annual workers' compensation hearing of August 30, 1984; and decide on the appeal of Bankers Commercial Life Insurance Company, *et al*, from commissioner's Order 83-2012 of July 9, 1984

Addition to the previous agenda:

The board will continue a public hearing recessed from October 23, 1984, to consider Rules 059.18 01.001-.004, which include the regulation of lloyds insurers and lloyds

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attorneys-in-fact, as published in the August 7, 1984, issue of the *Texas Register* (9 TexReg 4246)

10 a.m. The board will decide on the appeal of Lewis Rosen and Linda Rosen from action of the Texas Catastrophe Property Insurance Association; hear the commissioner's report and the fire marshal's report, both including personnel matters, and consider board orders on several different matters as itemized on the complete agenda.

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

Filed: October 29, 1984, 4:02 p.m.
TRD-8410864, 8410863, 8410862

Wednesday, November 7, 1984, 1:30 p.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 342, 1110 San Jacinto Street, Austin. According to the agenda, the section will consider Docket 7777—whether the Group II insurance agent's license held by Phillip Arthur Moore, Longview, should be canceled or revoked.

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

Filed: October 29, 1984, 3:23 p.m.
TRD-8410857

Wednesday, November 7, 1984, 2 p.m. The State Board of Insurance will meet in Room 414, 1110 San Jacinto Street, Austin. According to the agenda summary, the board will consider final action on new Rules 059.03.75.001-.007, 059.03.48.001 and .002, and 059.51.11.001; amendments to Rules 059.51.02.002, 059.51.03.004-.006, 059.51.04.001 and .003-.006, 059.51.05.006, 059.51.06.001 and .004-.009, 059.51.07.002, 059.51.08.002 and .006, and 059.51.09.001 and .002; and the repeal of Rule 059.51.06.011

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

Filed: October 30, 1984, 1:59 p.m.
TRD-8410888

Friday, November 9, 1984. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 342, 1110 San Jacinto Street, Austin. Times and dockets follow.

9 a.m. Docket 7832—whether the certificate of authority of American Capital Insurance Company, Houston, should be canceled or revoked

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

Filed: October 29, 1984, 3:23 p.m.
TRD-8410858

1:30 p.m. Docket 7772—the reopening of a public hearing to consider the reinsurance agreement whereby Lewis Protective Association, Marshall, will be reinsured by Lewis Life Insurance Company, Marshall.

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

Filed: October 30, 1984, 1:31 p.m.
TRD-8410889

3 p.m. Docket 7835—application of United Medical Health Plan of Texas, Inc., Houston, for a certificate of authority to operate a health maintenance organization.

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

Filed: October 29, 1984, 3:23 p.m.
TRD-8410856

Monday, November 12, 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 consider Docket 7834—whether the Group I legal reserve life insurance agent's license held by Jay S. Levine, Carrollton, should be canceled or revoked.

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

Filed: October 29, 1984, 3:23 p.m.
TRD-8410855

Tuesday, November 13, 1984, 9 a.m. The State Board of Insurance will meet in Room 117, Sam Houston Building, 201 East 14th Street, Austin. According to the agenda summary, the board will consider the adoption of premium rates and amendments to Rule 059.09.07.001, the *Basic Manual of Rules, Rates, and Forms for the Writing of Title Insurance in the State of Texas*.

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

Filed: October 29, 1984, 4:03 p.m.
TRD-8410861

Texas Advisory Commission on Intergovernmental Relations

Friday, November 9, 1984. Committees of the Texas Advisory Commission on Intergovernmental Relations will meet at the Joe C. Thompson Conference Center, 26th and Red River Streets, Austin. Times, rooms, committees, and agendas follow.

8:30 a.m. In Room 2-108, the Special Committee on Operations and Funding will review the status of fiscal year 1985 finances; review potential new grants and contracts; and consider the status of the fiscal year 1986-1987 budget request.

Contact: Jay G. Stanford, P.O. Box 13206, Austin, Texas 78711, (512) 475-3728.

Filed: October 31, 1984, 3:09 p.m.
TRD-8410948

9:30 a.m. In Room 2-108, the New Federalism Committee will review progress reports on the Data Management Program, the radioactive waste studies, and the community data profile project.

Contact: Jay G. Stanford, P.O. Box 13206, Austin, Texas 78711, (512) 475-3728.

Filed: October 31, 1984, 3:10 p.m.
TRD-8410950

9:30 a.m. In Room 3-108, the State-Local Issues Committee will review progress reports on Indigent Health Care Task Force recommendations and local government fiscal capacity studies

Contact: Jay G. Stanford, P.O. Box 13206, Austin, Texas 78711, (512) 475-3728.

Filed: October 31, 1984, 3:10 p.m.
TRD-8410947

Friday, November 9, 1984, 10:30 a.m. The Texas Advisory Commission on Intergovernmental Relations will meet in Room 2-110, Joe C. Thompson Conference Center, 26th and Red River Streets, Austin. According to the agenda summary, the commission will consider reports from the executive director, the Operations and Funding Committee, the New Federalism Committee, and the State-Local Issues Committee; discuss state-local legislative issues with Ted Willis of the Texas Municipal League; adopt the meeting schedule for calendar year 1985; and consider new business.

Contact: Jay G. Stanford, P.O. Box 13206, Austin, Texas 78711, (512) 475-3728.

Filed: October 31, 1984, 3:08 p.m.
TRD-8410949

Lamar University

Tuesday, November 6, 1984. Committees of the Board of Regents of Lamar University and the full board will meet in the Spindletop Room, Gray Library, Lamar University, Beaumont. Times, committees, and agendas follow

9 a.m. The Finance and Audit Committee and the Building and Grounds Committee

will jointly consider the policy on petty cash; signature authority for the vice-president of finance and computer services at Lamar University-Beaumont, bids on the radio system, bids on a commercial dishwasher; bid on dormitory repairs, and requests to select an architect and prepare bid documents for reroofing Technical Arts IV and for reroofing and replacing the skylight of Gray Library. The committees also will meet in executive session.

9:30 a.m. The Personnel Committee and the Academic Affairs Committee will jointly consider approval of a Bachelor of Science degree in economics and meet in executive session to consider appointments to administrative offices.

10 a.m. The Board of Regents will approve the October 11, 1984, minutes; receive the chancellor's reports and announcements, approve recommendations from the Personnel Committee, Academic Affairs Committee, Finance/Audit Committee, and Building and Grounds Committee, and approve recommendations concerning the Lamar University Foundation.

Contact: Dr. George McLaughlin, P.O. Box 11915, Beaumont, Texas 77710, (409) 880-2304.

Filed: October 30, 1984, 3:42 p.m.
TRD-8410901, 8410904, 8410905

Texas Commission on Law Enforcement Officer Standards and Education

Wednesday, November 14, 1984, 10 a.m. The Texas Commission on Law Enforcement Officer Standards and Education will meet at 1606 Headway Circle, Austin. According to the agenda, the commission will read the minutes, consider amendments to 19 TAC §§211.77, 211.83, and 211.86 and the entry of final orders in contested cases pending before the commission, and hear staff activity reports.

Contact: Alfredo Villarreal, 1606 Headway Circle, Suite 100, Austin, Texas 78754, (512) 834-9222.

Filed: October 26, 1984, 1:34 p.m.
TRD-8410807

Board of Law Examiners

Monday, October 29, 1984, 4 p.m. The Board of Law Examiners met in emergency session via conference call originating in Suite 505, 1414 Colorado Street, Austin.

According to the agenda, the board discussed the July 1984 bar exam and questions relating to an applicant's moral character and fitness. The emergency status was necessary because of the availability of board members and the necessity to reach a timely decision on agenda matters.

Contact: Wayne E. Denton, 1414 Colorado Street, Austin, Texas 78701, (512) 475-4137.

Filed: October 29, 1984, 1:32 p.m.
TRD-8410843

Legislative Audit Committee

Wednesday, November 7, 1984, 8:30 a.m. The Legislative Audit Committee will meet in Room 309, State Capitol, Austin. According to the agenda, the committee will consider action pursuant to a management study.

Contact: George W. McNeil, P.O. Box 12067, Austin, Texas 78711, (512) 475-4115.

Filed: October 30, 1984, 9:20 a.m.
TRD-8410871

Legislative Budget Board

Wednesday and Thursday, November 7 and 8, 1984, 8:30 a.m. and 9 a.m. respectively. The Legislative Budget Board will meet in Room 309, State Capitol, Austin. According to the agenda, on Wednesday the board will consider appropriation requirements for the 1986-1987 biennium. On Thursday, the board will consider appropriation requirements for the 1986-1987 biennium and set the limitation on the growth in appropriations from state tax revenues not dedicated by the Texas Constitution for the 1986-1987 biennium in accordance with the Texas Constitution, Article VIII, §22, and Texas Civil Statutes, Article 5429c-4.

Contact: Betsy Lloyd, Room 207-A, State Capitol, Austin, Texas, (512) 475-3426.

Filed: October 30, 1984, 9:31 a.m.
TRD-8410872

Legislative Education Board

Thursday, November 8, 1984, 8 a.m. The Legislative Education Board will meet in the Speaker's Committee Room, State Capitol, Austin. According to the agenda, the board will receive and discuss a report by the chairman of the State Board of Education

and discuss a study of telecommunications used in and by public schools.

Contact: Melinda Terry, P.O. Box 2910, Austin, Texas 78769, (512) 475-3311.

Filed: October 30, 1984, 2:55 p.m.
TRD-8410893

Texas State Board of Medical Examiners

Saturday, November 10, 1984, 1 p.m. The Executive Committee of the Texas State Board of Medical Examiners will meet at 1101 Camino La Costa, Austin. Items on the agenda include discussion of the December agenda, board meeting procedures, press releases, physician prescribing, and newsletter procedures; a report of the executive director and president regarding recent meetings; appointment of hearing panels; institutional permit rules, other state boards' actions regarding certain foreign medical students, and consideration of a matter involving a licensee under the provisions of Texas Civil Statutes, Article 4495b, §4.13. The committee also will meet in executive session under authority of Texas Civil Statutes, Article 6252-17, as related to Article 4495b, §4.05(d) and §5.06(e)(1), and attorney general Opinion H-484, 1974.

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

Filed: October 30, 1984, 10:40 a.m.
TRD-8410880

Texas Department of Mental Health and Mental Retardation

Thursday, November 8, 1984, 1:30 p.m. The Business Committee of the Texas Board of Mental Health and Mental Retardation of the Texas Department of Mental Health and Mental Retardation will meet in the central office, 909 West 45th Street, Austin. Items on the agenda include selection of an engineer for the utility project at Lufkin State School, a budget request for fiscal year 1986-1987; transfer of funds for fiscal year 1985; and quarterly budget additions and revisions for fiscal year 1985.

Contact: Gary E. Miller, P.O. Box 12668, Austin, Texas 78711, (512) 465-4588.

Filed: October 29, 1984, 4:28 p.m.
TRD-8410868

Thursday, November 8, 1984, 2 p.m. The Executive Committee of the Texas Board of Mental Health and Mental Retardation of the Texas Department of Mental Health

and Mental Retardation will meet in the auditorium, 909 West 45th Street, Austin. Items on the agenda include consideration of appointments to the Medical Advisory Committee; proposed construction of a swimming pool with fenced enclosure on the campus of Laredo State Center; recommendations for legislation to be presented to the 69th Legislature; and duties of the commissioner.

Contact: Gary E. Miller, P. O. Box 12668, Austin, Texas 78711, (512) 465-4588

Filed: October 29, 1984, 4:29 p.m.
TRD-8410867

Friday, November 9, 1984, 9 a.m. The Texas Board of Mental Health and Mental Retardation of the Texas Department of Mental Health and Mental Retardation will meet in the auditorium, 909 West 45th Street, Austin. Items on the agenda include approval of the September 28, 1984, minutes; the commissioner's calendar, recommendations for board consideration from the Executive Committee and the Business Committee, citizen's comments, and the status of pending or contemplated litigation.

Contact: Gary E. Miller, P. O. Box 12668, Austin, Texas 78711, (512) 465-4588

Filed: October 29, 1984, 4:29 p.m.
TRD-8410866

Texas Merit System Council

Thursday, November 8, 1984, 9 a.m. The Texas Merit System Council will meet in Room 507, Brown Building, Austin. Items on the agenda include an appeal hearing and a business meeting.

Contact: F. Kemp Dixon, P. O. Box 13566, Austin, Texas 78711, (512) 477-9665

Filed: October 30, 1984, 4:14 p.m.
TRD-8410907

North Texas State University

Friday, November 2, 1984, 12:45 p.m. The Role and Scope Committee of the Board of Regents of the Texas College of Osteopathic Medicine (TCOM) of North Texas State University (NTSU) met in the boardroom, North Texas State University, Denton. Items on the agenda included TCOM items including personnel transactions, an appointment to the TCOM Advisory Council, an accreditation resolution, and approval of a research goals statement; and

NTSU items including professor emeritus recommendations, a small class report for Fall 1984, faculty leaves of absence, regents' faculty lecturer, the Division of Biochemistry, the centennial agenda, and the Computer Technology Institute. The committee also met in executive session under Texas Civil Statutes, Article 6252-17, §2, paragraphs (e)-legal, (f)-real estate, and (g)-personnel.

Contact: Jan Dobbs, P.O. Box 13737, Denton, Texas 76203, (817) 565-2198

Filed: October 30, 1984, 11:25 a.m.
TRD-8410883

Board of Nurse Examiners

Tuesday-Friday, November 13-16, 1984, 6 p.m. Tuesday and 8 a.m. daily Wednesday-Friday. The Board of Nurse Examiners will meet at the Sunrise Motor Hotel, 7622 IH 35 North, Austin. According to the agenda summary, the board will meet on Tuesday, November 13, in executive session pursuant to Texas Civil Statutes, Article 6252-71(g). The board will meet in open session at 8 a.m. on Wednesday, November 14, to consider disciplinary hearings, reinstatement hearings, consent orders, review of school survey visits, progress reports, new directors, curriculum changes, requests from nurses who have had previous action listed under old business, new business, various meetings, the executive secretary's report on various reports and requests from other agencies, the performance management report, and the budget for 1986-1987. A public hearing on a request for an ADN program at Abilene Intercollegiate School of Nursing is scheduled for November 15 at 10 a.m.

Contact: Margaret Rowland, 1300 East Anderson Lane, Suite C-225, Austin, Texas, (512) 835-4880

Filed: October 30, 1984, 10:39 a.m.
TRD-8410881

Board of Pardons and Paroles

Monday-Friday November 5-9, 1984, 1:30 p.m. daily Monday-Thursday and 11 a.m. Friday. A three-member panel of the Board of Pardons and Paroles will meet at 8610 Shoal Creek Boulevard, Austin. According to the agenda summary, the panel will receive, review, and consider information and reports concerning prisoners/inmates and administrative releaseses subject to the

board's jurisdiction and initiate and carry through with appropriate action.

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

Filed: October 26, 1984, 10:31 a.m.
TRD-8410783

Wednesday, November 7, 1984, 1:30 p.m. The Board of Pardons and Paroles will meet at 8610 Shoal Creek Boulevard, Austin. According to the agenda, the board will consider executive clemency recommendations and related actions (other than out-of-country conditional pardons), including full pardons/restoration of civil rights of citizenship, emergency medical reprieves, commutations of sentence, and other reprieves, remissions, and executive clemency actions.

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

Filed: October 26, 1984, 10:31 a.m.
TRD-8410784

Wednesday, November 7, 1984, 9:30 a.m. The Board of Pardons and Paroles will meet at 8610 Shoal Creek Boulevard, Austin. According to the agenda, the board will conduct full board interviews, meeting with interested persons in connection with the case of Beverly Lowe, TDC #209,697, subject to the board's jurisdiction.

Contact: Daniel R. Guerra, 8610 Shoal Creek Boulevard, Austin, Texas 78758, (512) 459-2700

Filed: October 30, 1984, 10:32 a.m.
TRD-8410873



Texas Parks and Wildlife Commission

Friday, October 26, 1984, 3 p.m. The Texas Parks and Wildlife Commission of the Texas Parks and Wildlife Department met in emergency session in Building B, Texas Parks and Wildlife Headquarters Complex, 4200 Smith School Road, Austin. According to the agenda, the commission discussed the emergency closure of Galveston Bay to

oystering. The emergency status was necessary because it is a matter of urgent public necessity that consideration be given to a closure of oystering of the public reefs of the Galveston Bay System to protect the resource

Contact: Charles D Travis, 4200 Smith School Road, Austin, Texas 78744, (512) 479-4802

Filed: October 25, 1984, 2:05 p.m.
TRD-8410771

Wednesday, November 7, 1984, 7 p.m. The Texas Parks and Wildlife Commission of the Texas Parks and Wildlife Department will meet at 208 Barton Springs Road, Austin. According to the agenda summary, the commission members plan to have dinner. Although this function is primarily a social event and no formal action is planned, the commission may discuss items on the public hearing agenda scheduled for 9 a.m. on November 8, 1984.

Contact: Charles D Travis, 4200 Smith School Road, Austin, Texas 78744, (512) 479-4802

Filed: October 30, 1984, 3:23 p.m.
TRD-8410894

Thursday, November 8, 1984. The Texas Parks and Wildlife Commission of the Texas Parks and Wildlife Department will meet in Building B, 4200 Smith School Road, Austin. Times and agendas follow.

9 a.m. The commission will revise local government project review procedures for land and water conservation, local park fund grant project financial assistance awards, and consider parks programs.

Contact: Charles D Travis, 4200 Smith School Road, Austin, Texas 78744, (512) 479-4802

Filed: October 30, 1984, 3:23 p.m.
TRD-8410895

9 a.m. The commission will consider approval of the October 11, 1984, public hearing court reporter minutes, hear a presentation of retirement certificates and service plaques; hear a presentation by Larry Landgraf concerning rough fish permits; requests for funding local parks from the land and water conservation fund or the Texas local parks, recreation, and open space fund; the five-year master plan for Matagorda Island State Park and Wildlife Management Area, the parks and wildlife six-year plan; amendments to the statewide hunting and fishing proclamation 1984-1985 concerning freshwater fish in Braunig and Gibbons Creek Reservoirs; a request for nomination of a

portion of Tyler State Park for oil and gas leasing in Smith County; a request for a nomination of a portion of Brazos Bend State Park for oil and gas leasing in Fort Bend County, the Battleship Texas Restoration Program in Harris County; a capital improvement project concerning the Texas State Railroad; the commission policy on the disposition of obsolete stamps; the requirements for a proposal for the Texas waterfowl stamp contract; and land acquisition in Calhoun County.

Contact: Charles D Travis, 4200 Smith School Road, Austin, Texas 78744, (512) 479-4802

Filed: October 30, 1984, 3:24 p.m.
TRD-8410896

Noon. The commission will meet in executive session to discuss potential acquisitions, settlement of pending litigation matters, and personnel matters.

Contact: Charles D Travis, 4200 Smith School Road, Austin, Texas 78744, (512) 479-2802

Filed: October 30, 1984, 3:23 p.m.
TRD-8410897

State Pension Review Board

Wednesday, November 14, 1984, 10 a.m. The State Pension Review Board will meet in Room 403, Employees Retirement System (ERS) Building, 18th and Brazos Streets, Austin. According to the agenda summary, the board will hear and discuss upcoming legislation, consider an actuarial contract for review of legislation during session, and discuss board member vacancies and the election of officers for 1985.

Contact: Benette Meadows, ERS Building, Room 501, 18th and Brazos Streets, Austin, Texas, (512) 475-8332

Filed: October 31, 1984, 3:41 p.m.
TRD-8410965

Public Utility Commission of Texas

Wednesday, October 31, 1984, 10 a.m. The Hearings Division of the Public Utility Commission of Texas met in a rescheduled emergency session in Suite 450N, 7800 Shoal Creek Boulevard, Austin. According to the agenda, the division held a hearing on the merits in Docket 5804—application of Chacko Thomas and Associates, Inc., for authority to change rates within Chambers and Brazoria Counties. The hearing

originally was scheduled for October 30, 1984, at 10 a.m. 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 29, 1984, 2:29 p.m.
TRD-8410848

Monday, November 5, 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 prehearing conference in Docket 5958—application of Southwestern Bell Telephone Company for a tariff change to introduce operator assistance service charges. The emergency status was necessary because of statutory deadlines which required completion of the case.

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

Filed: October 29, 1984, 10:23 a.m.
TRD-8410841

Monday, November 5, 1984, 1:30 p.m. The Hearings Division of the Public Utility Commission of Texas met in emergency session in Suite 450N, 7800 Shoal Creek Boulevard, Austin. According to the agenda, the commission conducted a hearing on the merits in Docket 5728—inquiry of the commission into the legality of rates charged by San Bernard Electric Cooperative, Inc. The emergency status was necessary to protect the public interest.

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

Filed: October 29, 1984, 2:28 p.m.
TRD-8410869

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.

Thursday, November 8, 1984, 9 a.m. A prehearing conference in Docket 5979—application of Mid-South Electric Cooperative Association for a rate increase.

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

Filed: October 29, 1984, 10:23 a.m.
TRD-8410840

Friday, November 9, 1984, 1 p.m. A prehearing conference in Docket 5971—application of Hamilton County Electric Coop-

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erative Association for authority to change rates.

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

Filed: October 30, 1984, 1:57 p.m.
TRD-8410890

Tuesday, November 13, 1984, 9 a.m. A pre-hearing conference in Docket 5699—application of Chacko Thomas and Associates, Inc., to purchase and transfer a certificate of convenience and necessity from Pinehurst Utilities

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

Filed: October 31, 1984, 2:16 p.m.
TRD-8410954

Tuesday, November 20, 1984, 10 a.m. An informal rate hearing in Docket 5966—customer protest in the matter of a Public Utility Regulatory Act, §43(h), rate increase of Gun and Rod Water Estates in Washington County

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

Filed: October 30, 1984, 1:57 p.m.
TRD-8410891

Monday, December 10, 1984, 1:30 p.m. A §43(h) rate hearing in Docket 5972—customer protests in the matter of a §43(h) rate increase of Cedar Bayou and Carefree Estates Water Systems in Grayson County

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

Filed: October 31, 1984, 2:16 p.m.
TRD-8410955

Friday, January 25, 1985, 10 a.m. A hearing on the merits in Docket 5888—application of the City of Forest Hill to purchase Hillcrest Water Company within Tarrant County

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

Filed: October 26, 1984, 9:23 a.m.
TRD-8410776



Railroad Commission of Texas

Monday, October 29, 1984, 9 a.m. The Oil and Gas Division of the Railroad Commission made an emergency addition to the agenda of a meeting held at 1124 IH 35 South, Austin. According to the agenda, the addition concerned consideration of oil and gas Docket 95,743—Bob's Oil and Gas Operating Company, Rule 37, Howard Taylor lease, Well 1, Tenney Creek Field, Caldwell County (protested). The emergency status was necessary because the item was properly noticed for the meeting of October 22, 1984, and was passed

Contact: Pat Patterson, P.O. Drawer 12967, Austin, Texas 78704, (512) 445-1286.

Filed: October 26, 1984, 11:13 a.m.
TRD-8410785

Monday, October 29, 1984, 9 a.m. The Transportation Division of the Texas Railroad Commission made an emergency addition to the agenda of a meeting held in Room 309, 1124 IH 35 South, Austin. According to the agenda, the addition concerned consideration of a motion for re-hearing in Docket 036522A1N—application of Charles H. Guillory, doing business as Chuck's Wrecker Service, for a new SMC certificate. The emergency status was necessary because the matter was previously presented on October 22, 1984, but was passed

Contact: Michael A. James, 1124 IH 35 South, Austin, Texas 78704, (512) 445-1331

Filed: October 26, 1984, 11:12 a.m.
TRD-8410786

Monday, November 5, 1984, 9 a.m. The Railroad Commission of Texas met in Room 309, 1124 IH 35 South, Austin. The commission considered and acted on division agendas as follows.

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

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

Filed: October 26, 1984, 11:14 a.m.
TRD-8410787

The Automatic Data Processing Division director's report on division administration, budget, procedures, equipment acquisitions, and personnel matters.

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

Filed: October 26, 1984, 11:15 a.m.
TRD-8410788

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

Contact: Ken Fossler, 1124 IH 35 South, Austin, Texas 78704, (512) 445-1103.

Filed: October 26, 1984, 11:15 a.m.
TRD-8410789

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

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

Filed: October 26, 1984, 11:14 a.m.
TRD-8410790

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

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

Filed: October 26, 1984, 11:14 a.m.
TRD-8410791

The LP-Gas Division director's report on division administration, budget, procedures, and personnel matters

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

Filed: October 26, 1984, 11:11 a.m.
TRD-8410792

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

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

Filed: October 26, 1984, 11:12 a.m.
TRD-8410793

The division made an addition to the agenda of a meeting concerning consideration of category determinations under the Natural Gas Policy Act of 1978, §§102(c)(1)(B), 102(c)(1)(C), 103, 107, and 108

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

Filed: October 26, 1984, 11:13 a.m.
TRD-8410794

The division made an addition to the agenda of a meeting concerning consideration of oil and gas Docket 97,501—Saxon Oil Company, Rule 37 and Rule 38, State-Stidham lease, Well 2, Spraberry (trend area) and wildcat fields, Reagan County.

Contact: Pat Patterson, P.O. Drawer 12967, Austin, Texas 78704, (512) 445-1238

Filed: October 26, 1984, 11:13 a.m.
TRD-8410795

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

Contact: Pete Edgar, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1120

Filed: October 26, 1984, 11 14 a m
TRD-8410796

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

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

Filed: October 26, 1984, 11 13 a.m.
TRD-8410797

The Office of the Special Counsel director's report relating to pending litigation, state and federal legislation, and other budget, administrative, and personnel matters

Contact: Walter Earl Lillie, 1124 IH 35 South, Austin, Texas 78704, (512) 445-1186.

Filed: October 26, 1984, 11 15 a m
TRD 8410798

The Surface Mining and Reclamation Division considered the approval of self-bonding of the Texas Municipal Power Agency at its Gibbons Creek mine operating under Permit 6 in Grimes County, considered a motion for rehearing in Docket 16-A regarding the permit revision application by the Lower Colorado River Authority for its Powell Bend mine, and considered the director's report on division administration, budget, procedures, and personnel matters

Contact: J Randel (Jerry) Hill, 105 West Riverside Drive, Austin, Texas, (512) 475-8751

Filed: October 26, 1984, 2 05 p m.
TRD-8410823

Various matters falling within the Transportation Division's regulatory jurisdiction.

Contact: Michael A James, 1124 IH 35 South, Austin, Texas 78704, (512) 445-1331.

Filed: October 26, 1984, 11:12 a.m.
TRD-8410800

Tuesday, November 20, 1984, 9 a.m. The Oil and Gas Division will meet at 1124 IH 35 South, Austin. According to the agenda summary the division will hold a statewide oil and gas hearing

Contact: Paula C Middleton, P O Drawer 12967, Austin, Texas 78704, (512) 445-1297

Filed: October 26, 1984, 11 12 a.m.
TRD-8410801

Texas Real Estate Commission

Monday, November 5, 1984, 9:30 a.m. The Texas Real Estate Commission will meet in the conference room, 1101 Camino La Costa, Austin. Items on the agenda summary include the October 15, 1984, minutes; staff reports for September 1984; motions for rehearing and/or probation; education matters; and a proposed revision of Chapter 537, relating to standard contract forms. The commission will also meet in executive session to discuss pending litigation pursuant to Texas Civil Statutes, Article 6252-17, §2(c)

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

Filed: October 25, 1984, 4:38 p.m.
TRD-8410774

Advisory Council for Technical-Vocational Education in Texas

Wednesday, November 14, 1984, 2 p.m. The Adult Education and Special Services Committee of the Advisory Council for Technical-Vocational Education in Texas will meet in Suite 424, Texas Employment Commission Annex Building, 12th and Trinity Streets, Austin. According to the agenda summary, the committee will review and discuss the impact of House Bill 72 and Chapter 75 concerning adult education, linkages between primary student needs and parental involvement through adult education, the impact of the recent ruling regarding 16-year-olds, and the adult education section of the council's annual/biennial report; consider an update concerning the National Literacy Campaign; and make preliminary plans for a survey to evaluate the extent to which adult education utilizes occupational information to provide each student information needed for making meaningful occupational choices.

Contact: Val Blaschke, P O. Box 1886, Austin, Texas 78767, (512) 475-2046.

Filed: October 26, 1984, 9:24 a.m.
TRD-8410777

Thursday, November 15, 1984. Committees of the Advisory Council for Technical-Vocational Education in Texas will meet in the Longhorn Room, Granada Royale Homotel, 5901 IH 35 North, Austin. Times, committees, and agendas follow.

9 a.m. The Industry/Education Committee will review program of work items and discuss plans for the 1985 state conference on vocational education.

11 a.m. The Steering Committee will review the council's report to the governor, legislature, and State Board of Education; and review plans for the 1985 state conference on vocational education and review program of work items of the committee

3 p.m. The council will review and discuss its annual report to the governor, legislature, and the State Board of Education; review and discuss the Carl D. Perkins' Vocational Education Act of 1984, and plans for the February 1985 state conference on vocational education, conduct a blue jean session on current vocational issues; hear a presentation concerning apprenticeship and training activities in Texas; hear a report concerning activities of the National Occupational Competency Testing Institute; receive an overview of community education in Texas; and hear committee reports and conduct other business. The council will also meet on Friday, November 16, 1984, at 8:30 a.m. to consider any unfinished business.

Contact: Val Blaschke, P.O. Box 1886, Austin, Texas 78701, (512) 475-2046.

Filed: October 26, 1984, 9:24 a.m.
TRD-8410778, 8410779, 8410780

Texas Tech University

Thursday, November 8, 1984, 10:30 a.m. The Ad Hoc Committee to Study Organization Structure of the Board of Regents of Texas Tech University and the Ad Hoc Committee to Study Organizational Structure of the Board of Regents of the Texas Tech University Health Sciences Center will meet in Conference Room A, North Building, Texas Instruments, Inc., 13500 North Central Expressway, Dallas. According to the agenda, the committees will review the organization at Texas Tech University and the Texas Tech University Health Sciences Center and meet in executive session.

Contact: Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: October 31, 1984, 2:18 p.m.
TRD-8410952, 8410953

Texas Water Commission

Wednesday, November 7, 1984, 10 a.m. The Texas Water Commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will consider water district applica-

tions for bond issues, use of surplus funds, release from escrow, a standby fee, water quality proposed permits, amendments and renewals, examiner's proposals for decision on water use matters, voluntary abandonment of a domestic falcon permit, an amendment to a water use permit, an extension of time matter, and the filing and setting of hearing dates

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

Filed: October 26, 1984, 1:58 p.m.
TRD-8410820

Thursday, November 8, 1984, 9:30 a.m.
The Texas Water Commission will meet in Room 124A, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agendas, the commission will conduct hearings on the following applications.

Application TA-5085 of the City of Balinger for a permit to divert and use 6,000 acre-feet of water for a three-year period from the Colorado River, Colorado River Basin, for municipal purposes in Runnels County

Application TA-5073 of Dahlstrom Corporation for a permit to divert and use 20 acre-feet of water for a one-year period from the East Fork Trinity River, tributary of the Trinity River, Trinity River Basin, for industrial purposes in Dallas County.

Application TA-5082 of J H Strain and Sons, Inc , for a permit to divert and use 25 acre-feet of water for a one-year period from the Salt Fork Brazos River, tributary of the Brazos River, Brazos River Basin, for industrial purposes in Stonewall County.

Application TA-5079 of R. E Hable Company for a permit to divert and use three acre-feet of water for a three-year period from Alligator Creek, tributary of Richland Creek, tributary of the Trinity River, Trinity River Basin, for industrial purposes in Freestone County

Application TA-5071 of Tanglewood Lake Homeowners Association for a permit to divert and use 30 acre-feet of water for a one-year period from Big Wichita River, tributary of the Red River, Red River Basin, for recreational purposes in Wichita County

Application TA-5078 of Hays County Precinct 4 for a permit to divert and use five acre-feet of water for one year from Barton Creek, South Orion Creek, tributary of Onion Creek and Onion Creek, tributaries of the Colorado River, Colorado River Basin, for industrial purposes in Hays County.

Application TA-5081 of R. E. Hable Company for a permit to divert and use 15 acre-feet of water for a three-year period from Chambers Creek, tributary of Richland Creek, tributary of the Trinity River, Trinity River Basin, for industrial purposes in Navarro County.

Application TA-5070 of Diversified Contractors, Inc., for a permit to divert and use 31 acre-feet of water for a one-year period from Clear Creek, tributary of Brazos River, Brazos River Basin, for industrial purposes in Waller County.

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

Filed: October 25, 1984, 11 26 a m.
TRD-8410758-8410765

Wednesday, November 14, 1984, 2 p.m.
The Texas Water Commission will meet in Room 118, Stephen F Austin Building, 1700 North Congress Avenue, Austin According to the agenda summary, the commission will determine whether an emergency authorization for bypass granted by the executive director of the Texas Department of Water Resources on August 31, 1984, to the City of Baytown, P O Box 424, Baytown, Texas 77250, should be affirmed, modified, or set aside by the commission. The authorization permitted the City of Baytown, whose facilities are located at 1709 West Main Street in Harris County, to discharge partially treated domestic sewage into or adjacent to waters in the state at a volume and from a point of discharge compliant with the terms of Permit 10395-02 The applicant has stated that the temporary order is necessary to affirm authorization received from the executive director to allow necessary and unforeseen repairs to the applicant's sewage treatment facility

Addition to the previous agenda

Consideration of the application of the City of Vernon, in care of Fred H Hays, City Manager, P O Box 1423, Vernon, Texas 76384, to the Texas Department of Water Resources for a temporary order to authorize the discharge of partially treated wastewater effluent from the plant site which is approximately 0.8 mile northeast of the intersection of U S Highway 183 and the Fort Worth and Denver Railroad in Vernon, Wilbarger County The applicant proposes to bypass a portion of its treatment facilities, make needed repairs, and discharge partially treated effluent resulting from the bypass.

Contact: Scott Peterson, P O Box 13087, Austin, Texas 78711, (512) 475-6943.

Filed: October 25, 1984, 11 25 a.m.
TRD-8410766, 8410767

Thursday, November 15, 1984, 9:30 a.m.
The Texas Water Commission will meet in the auditorium, Bank of the Southwest, 910 Travis Street, Houston. According to the agenda summary, the commission will consider the application of Anheuser-Busch, Inc , P O Box 24297, Houston, Texas 77029, to the Texas Department of Water Resources for a renewal of Permit 02167, which authorizes a discharge of rainfall runoff effluent at a volume not to exceed an average flow of three million gallons per day from a spent grain liquor land application disposal site which is located on the south side of Wallisville Road, east of its intersection with Garth Road and west of its intersection with North Main Street, north of the City of Baytown in Harris County The effluent is discharged into an unnamed drainage ditch, thence to McGee Gully, thence to Cedar Bayou in Segment 0901 of the Trinity-San Jacinto Coastal Basin Pursuant to 31 TAC §265.7, a pre-hearing conference, at which jurisdiction will be taken, parties designated, issues defined, and other actions taken which are authorized by the rules of procedure of the commission, will also be conducted

Contact: James R Larkins, P O Box 13087, Austin, Texas 78701, (512) 475-2711

Filed: October 26, 1984, 2:50 p m
TRD-8410827

Wednesday, November 28, 1984, 2 p.m.
The Texas Water Commission will meet in Room 118, Stephen F Austin Building, 1700 North Congress Avenue, Austin According to the agenda, the commission will conduct a hearing regarding a request for conversion into a municipal utility district for Markham Municipal Utility District.

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

Filed: October 25, 1984, 11:26 a m
TRD-8410768

Monday, December 3, 1984, 9 a.m.
The Texas Water Commission will meet in Room 618, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will consider the application of Coastal Freezing, Inc , P O Drawer CC, Aransas Pass, Texas 78336, to the Texas Department of Water Resources for renewal of Permit 02009, which authorizes a discharge of screened washwater effluent at a volume not to exceed a maximum of 435,000 gallons per month from a shrimp unload ing and transfer plant which is located at

190 Huff Street in the City of Aransas Pass, Aransas County. The executive director of the Texas Department of Water Resources has recommended that the application for renewal be denied.

Addition to the previous agenda:

Application of Coastal Freezing, Inc., doing business as Beacon Seafood, P.O. Drawer CC, Aransas Pass, Texas 78336, to the Texas Department of Water Resources for a waste discharge permit (proposed Permit 02740) to authorize a discharge of treated process wastewater effluent at a volume not to exceed an average flow of 180,000 gallons per month from a shrimp unloading and transfer plant. This discharge was previously authorized by Permit 02008, which expired on June 30, 1984, due to failure by the applicant to file an application for renewal. The executive director of the Texas Department of Water Resources has recommended that the application for waste discharge permit be denied.

Contact: William G. Newchurch, P.O. Box 13087, Austin, Texas 78711, (512) 475-1418.

Filed: October 26, 1984, 1:58 p.m.
TRD-8410821, 8410822

Wednesday, December 5, 1984, 9 a.m. The Texas Water Commission will meet in Conference Room 4100A, City Hall Annex, 900 Bagby Street, Houston. According to the agenda summary, the commission will consider the application of the City of Pearland, P.O. Box 1157, Pearland, Texas 77581, to the Texas Department of Water Resources for a proposed Permit 10134-06 to authorize a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of two million gallons per day from the proposed Garden Road Sewage Treatment Plant which is to serve developing areas within the city's extraterritorial jurisdiction.

Addition to the previous agenda:

Application of Jack Frey Properties, Inc., P.O. Box 860, Tomball, Texas 77375, to the Texas Department of Water Resources for a proposed Permit 12995-01 to authorize a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 150,000 gallons per day from the proposed Village of New Kentucky Wastewater Treatment Plant which is to serve the needs of the Village of New Kentucky.

Contact: Douglas P. Roberts, P.O. Box 13087, Austin, Texas 78711, (512) 475-1468

Filed: October 26, 1984, 1:58 p.m.
TRD-8410824, 8410825

Wednesday and Thursday, December 5 and 6, 1984, 9 a.m. daily. The Texas Water Commission will meet in the City Council Chambers, 2401 Market Street, Baytown. According to the agenda summary, the commission will consider the application of Anheuser-Busch, Inc., P.O. Box 24297, Houston, Texas 77029, to the Texas Department of Water Resources for a renewal of Permit 02167, which authorizes a discharge of rainfall runoff effluent at a volume not to exceed an average flow of three million gallons per day from a spent grain liquor land application disposal site which is located on the south side of Wallisville Road, east of its intersection with Garth Road and west of its intersection with North Main Street, north of the City of Baytown in Harris County. The effluent is discharged into an unnamed drainage ditch, thence to McGee Gully; thence to Cedar Bayou in Segment 0901 of the Trinity-San Jacinto Coastal Basin.

Contact: James R. Larkins, P.O. Box 13087, Austin, Texas 78711, (512) 475-2711

Filed: October 26, 1984, 2:58 p.m.
TRD-8410828

Thursday, December 6, 1984, 9:30 a.m. The Texas Water Commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will consider the application of Texas Commercial Investments of Austin, Inc., P.O. Box 1389, Austin, Texas 78767, to the Texas Department of Water Resources for proposed Permit 12938-01 to authorize a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 1.3 million gallons per day. The applicant proposes to construct wastewater treatment facilities to serve a proposed commercial and residential development in South Austin.

Contact: Joseph W. O'Neal, P.O. Box 13087, Austin, Texas 78711, (512) 475-2711.

Filed: October 26, 1984, 1:59 p.m.
TRD-8410826

Monday, December 10, 1984, 10 a.m. The Texas Water Commission submitted a revised agenda for a meeting to be held in Room 124A, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the revised agenda, the commission will consider Application 1975G of the Upper Neches River Municipal Water Authority seeking an amendment to Permit 1832 to increase total amount of water authorized to be used each year to 138,110 acre-feet, authorize the additional use of 18,000 acre-feet of water per annum for in-

dustrial uses, and the additional use of 7,310 acre-feet of water per annum for municipal use in Anderson County, authorize the appropriation, diversion, and use of the unappropriated flows of the Neches River supplemented from time to time by releases of water from Lake Palestine to provide up to 46,000 acre-feet of water per annum, authorize transbasin diversion of 18,000 acre-feet of water per annum from the Neches River Basin for industrial use in the Trinity River Basin and authorize the construction and maintenance of off-channel reservoir for storage and withdrawal of the 18,000 acre-feet of water.

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

Filed: October 30, 1984, 11:49 a.m.
TRD-8410885

Texas Water Well Drillers Board

Tuesday, November 13, 1984. The Texas Water Well Drillers Board will meet in Room 513-E, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. Times and agenda summaries follow.

1:30 p.m. Consideration of whether to suspend or revoke the licenses of Richard F. Young, Joe Miles, and Robert A. Miles.

2:30 p.m. Consideration of whether to suspend or revoke the license of George Conley.

3:30 p.m. Consideration of whether to suspend or revoke the license of Roland Herbold.

Contact: R. Michael Rogan, P.O. Box 11087, Austin, Texas 78711, (512) 475-6943.

Filed: October 31, 1984, 2:15 p.m.
TRD-8410956-8410958



Texas Youth Commission

Thursday, November 8, 1984, 9 a.m. The Board of the Texas Youth Commission will meet in the Valencia Room, La Posada Hotel, 100 North Main, McAllen. Items on the agenda summary include medical contracts, the audit and audit response to the halfway house audit, annual objectives, the contract for engineering services with the City of Edinburg, the chaplains program contract, and approval of selection of labo-

Texas Register

ratories for construction testing services. The board will also meet in executive session.

Contact: Ron Jackson, P.O. Box 9999, Austin, Texas 78766.

Filed: October 31, 1984, 2.41 p m
TRD-8410946

Regional Agencies

Meeting Filed October 25

The Burnet County Appraisal District will meet at 215 South Pierce Street, Burnet, on November 8, 1984, at 6:30 p.m. Information may be obtained from Alvin C. Williams, Drawer E, Burnet, Texas 78611, (512) 756-8291

TRD-8410772

Meetings Filed October 26

The Austin-Travis County Mental Health and Mental Retardation Center, Board of Trustees, met at 208 Barton Springs Road, Austin, on October 30, 1984, at 5 p m Information may be obtained from Sharon Taylor, 1430 Collier Street, Austin, Texas 78704, (512) 447-4141

The Brown County Appraisal District met at 403 Fisk Avenue, Brownwood, on November 5, 1984, at 7 p m Information may be obtained from Alvis Sewalt, 403 Fisk Avenue, Brownwood, Texas 76801, (915) 643-5676

The Coryell County Appraisal District, Board of Directors, met at the county appraisal district office, 105 North Seventh, Gatesville, on November 1, 1984, at 7 p m Information may be obtained from Darrell Lisenbe, P O Box 142, Gatesville, Texas 76528, (817) 865-6593

The Golden Crescent Service Delivery Area, Private Industry Council, will meet at the Texas Employment Commission, 1301 East Rio Grande, Victoria, on November 7, 1984, at 6:30 p m Information may be obtained from Patrick J Kennedy, P O. Box 2028, Victoria, Texas 77902, (512) 578-1587

The Parmer County Tax Appraisal Office, Board of Directors, met at 305 Third Street, Bovina, on November 5, 1984, at 7 p m Information may be obtained from Ronald E Procter, P.O. Box 56, Bovina, Texas 79009, (806) 238-1405

The Sabine River Industrial Development Authority, Board of Directors, met at the

Sabine River Authority general office, Interstate 10 and Highway 90, Orange, on November 5, 1984, at 9:30 a.m. Information may be obtained from Albert J Gray, P O. Box 579, Orange, Texas 77630, (409) 883-9334.

TRD-8410781

Meetings Filed October 29

The Bexar Appraisal District, Appraisal Review Board, met at 535 South Main, San Antonio, on November 2, 1984, at 9 a.m. The board also met at the same location on November 5, 1984, at 8:30 a.m. The board also will meet at the same location on November 7 and 8, 1984, at 8:30 a.m. daily and on November 9, 1984, at 9 a.m. Information may be obtained from Bill Burnette, 535 South Main, San Antonio, Texas 78204, (512) 224-8511

The Bexar-Medina-Atascosa Counties Water Control and Improvement District 1, Board of Directors, met at the district office, Highway 81, Natalia, on November 5, 1984, at 10 a.m. Information may be obtained from C A Mueller, P O. Box 170, Natalia, Texas 78059, (512) 663-2132

The Gulf Bend Mental Health and Mental Retardation Center, Board of Trustees, will meet at 1404 Village Drive, Victoria, on November 8, 1984, at noon. Information may be obtained from T G. Kelliher, Jr., 1404 Village Drive, Victoria, Texas 77901

The Hays County Central Appraisal District, Board of Directors, met at the Courthouse Annex, San Marcos, on November 5, 1984, at 4 p m Information may be obtained from Lynnell Sedlar, 102 LBJ Drive, San Marcos, Texas 78666.

The High Plains Underground Water Conservation District 1, Board of Directors, met in the conference room, 2930 Avenue Q, Lubbock, on November 5, 1984, at 10 a.m. Information may be obtained from A Wayne Wyatt, 2930 Avenue Q, Lubbock, Texas 79405, (806) 762-0181

The Lamb County Appraisal District, Board of Directors, will meet at 318 Phelps Avenue, Littlefield, on November 15, 1984, at 7:30 p m The Board of Review will meet at the same location on December 13, 1984, at 7:30 p m Information may be obtained from Jack Samford, P O Box 552, Littlefield, Texas 79339, (806) 385-6474

The Nueces River Authority, Board of Directors, will meet at the Sheraton Marina Inn, 300 North Shoreline Boulevard, Cor-

pus Christi, on November 7, 1984, at 11 a.m. The Nueces River Industrial Development Authority, Board of Directors, will meet at the same location, day, and time. Information may be obtained from Con Mims, P O. Box 349, Uvalde, Texas 78801, (512) 278-6810

The Central Tax Authority of Taylor County, Board of Directors, will meet at 340 Hickory Street, Abilene, on November 7, 1984, at 10 a.m. Information may be obtained from Richard Petree, P.O. Box 1800, Abilene, Texas 79604, (915) 676-9381.

The Tyler County Tax Appraisal District, Board of Directors, will meet at 103 Pecan, Woodville, on November 6, 1984, at 4 p.m. Information may be obtained from Mary F. Mann, P O Drawer 9, Woodville, Texas 75979, (409) 283-3736.

TRD-8410845

Meetings Filed October 30

The Dallas County Appraisal District, Board of Directors, Audit Committee, will meet at 2601 Live Oak, Dallas, on November 7, 1984, at 7:15 a.m. The Board of Directors also will meet at the same location on the same day at 7:30 a.m. The Appraisal Review Board will meet at the same location on November 9, 1984, at 10 a.m. Information may be obtained from Shirley Lensky, 2601 Live Oak, Dallas, Texas 75204, (214) 826-1480 or (214) 826-0030.

The Texas Political Subdivisions Workers' Compensation Joint Insurance Fund, Board of Trustees, met at the Texas Employers Insurance Building, 1301 Young Street, Dallas, on November 2, 1984, at 9 a.m. Information may be obtained from Thomas P Vick, P O Box 2759, Dallas, Texas 75221, (214) 760-6183

The Red River Authority of Texas, Board of Directors, will meet in Room 215, Activity Center, 1001 Indiana, Wichita Falls, on November 8, 1984, at 10 a.m. Information may be obtained from Ronald J Glenn, 302 Hamilton Building, Wichita Falls, Texas 76301, (817) 723-8697

The San Patricio Appraisal District, Board of Directors, will meet in Room 226, Courthouse Annex, Sinton, on November 8, 1984, at 9:30 a.m. Information may be obtained from Bennie L Stewart, P O Box 938, Sinton, Texas 78387

The Wheeler County Appraisal District, Board of Directors, met at the County

Courthouse Square, Wheeler, on November 5, 1984, at 2 p.m. Information may be obtained from Marilyn Copeland, P.O. Box 349, Wheeler, Texas 79096, (806) 826-5900.
TRD-8410870

Meetings Filed October 31

The Brazos Higher Education Authority, Board of Directors, will meet at the City Club of Waco, 801 Washington Avenue, Waco, on November 7, 1984, at noon. The Brazos Higher Education Service Corporation will also meet at the same location on the same day, at 12:30 p.m. Information may be obtained from Murray Watson, Jr., P.O. Box 1308, Waco, Texas 76703, (817) 753-0913.

TRD-8410928



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 15-19, 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.

Milbert Keszler, Industry, egg laying facility; Star Hill Road, Austin County, 9535; new source

Texas Eastern Products Pipeline Company, Vidor; storage tanks; Old Mansfield Ferry Road, Orange County; 4036A; modification

Texas Eastern Products Pipeline Company, Vidor; barge loading facility; Old Mansfield Ferry Road, Orange County, 3517A, modification

Texas Eastern Products Pipeline Company, Vidor; spent caustic storage tanks; Old Mansfield Ferry Road, Orange County; 5585A; modification

Texas Eastern Products Pipeline Company, Vidor; storage tanks T-304-T-308; Old Mansfield Ferry Road, Orange County; 6946A; modification

Texas Eastern Products Pipeline Company, Vidor; vacuum crude distillation unit; Old Mansfield Ferry Road, Orange County; 6239A; modification

Texas Eastern Products Pipeline Company, Vidor; petroleum storage tanks, Old Mansfield Ferry Road, Orange County; 6275A; modification

Texas Eastern Products Pipeline Company, Vidor, storage Tanks T-113-T-117, Old Mansfield Ferry Road, Orange County, 6171A; modification

Texas Eastern Products Pipeline Company, Vidor; Visbreaker Unit; Old Mansfield Ferry Road, Orange County, 7465A, modification

Witco Chemical Corporation, Houston; amine, amide, ester units, 15200 Almeda Road, Harris County, 9536; new source

Ameron Fiberglass Pipe Division, Burkburnett; pipe manufacturing facility, 1004 CIBA Road, Wichita County, 1967C, modification

Ameron Fiberglass Pipe Division, Burkburnett; pipe manufacturing facility; 1004 CIBA Road, Wichita County; 2997A, modification

Ameron Fiberglass Pipe Division, Burkburnett; pipe manufacturing facility, 1004 CIBA Road, Wichita County; 3705A, modification

Issued in Austin, Texas, on October 23, 1984

TRD-8410748 Paul M. Shinkawa
Director of Hearings
Texas Air Control Board

Filed: October 25, 1984
For further information, please call (512) 451-5711, ext. 354.

Texas Department of Community Affairs Consultant Contract Awards

Contractor. The Texas Department of Community Affairs (TDCA) announces that the firm of R & L Research & Evaluation, Inc., has been awarded a contract, under the provisions of Texas Civil Statutes, Article 6252-11c, for the period of October 18, 1984-August 18, 1986, to perform evaluations of older worker demonstration projects funded under the Job Training Partnership Act, Title II-A. The consultant proposal request was published in the June 5, 1984, issue of the *Texas Register* (9 TexReg 3012)

Description of Services. The firm of R & L Research and Evaluation, Inc., shall perform services which may include the development of a two-tiered evaluation model to examine the major components of project performance. The first component, the process evaluation, will examine the projects' implementation. The second component will evaluate the projects' impact and outcomes. The data and analyses provided by the evaluation services will be utilized by the Texas Department of Community Affairs in planning and designing future older worker demonstration projects.

Business Address. The business address of R & L Research and Evaluation, Inc., is P.O. Box 8236, Houston, Texas 77004.

Contract Amount. The total cost of services to be performed under this contract is presently estimated to be \$350,000.

Project Reports. Reports to be generated under this contract shall be submitted to TDCA upon completion.

Issued in Austin, Texas, on October 26, 1984

TRD-8410988 Douglas C Brown
 General Counsel
 Texas Department of Community
 Affairs

Filed October 26, 1984
For further information, please call (512) 443-4100,
ext 210

Contractor. The Texas Department of Community Affairs (TDCA) announces that the firm of Dwight Staes & Co., CPA's, has been awarded a contract under the provisions of Texas Civil Statutes, Article 6252-11c, for the period of October 15, 1984-October 15, 1985, to provide auditing and evaluation services in accordance with United States Department of Labor (USDOL) and state guidelines and procedures pertaining to Job Training Partnership Act (JTPA) funds. The consultant proposal request was published in the July 31, 1984, issue of the *Texas Register* (9 TexReg 4201).

Description of Services. The firm of Dwight Staes & Co., CPA's, shall perform services which may include:

- (1) evaluations of JTPA recipients and/or entities selected to administer JTPA funds,
- (2) training and technical assistance to state and local agencies or organizations involved in the administration/operation of JTPA programs; and

- (3) financial and compliance auditing services as determined necessary by the TDCA to ensure proper accountability for JTPA funds.

Business Address. The business address of Dwight Staes & Co., CPA's, is 2302 Fannin, Suite 202, Houston, Texas 77002.

Contract Amount. The total cost of auditing and evaluation services to be performed under this contract is presently estimated to be \$50,000.

Project Reports. Reports to be generated under this contract shall be submitted to TDCA upon completion throughout the period of performance of this contract.

Issued in Austin, Texas, on October 24, 1984

TRD-8410755 Douglas Brown
 General Counsel
 Texas Department of Community
 Affairs

Filed: October 25, 1984
For further information, please call (512) 443-4100,
ext. 210.

Contractor. The Texas Department of Community Affairs (TDCA) announces that the firm of Garza/Gonzalez & Associates has been awarded a contract under the provisions of Texas Civil Statutes, Article 6252-11c, for the period of October 15, 1984-October 15, 1985, to provide auditing and evaluation services in accordance with United States Department of Labor (USDOL) and state guidelines and procedures pertaining to Job Training Partnership Act (JTPA) funds. The consultant proposal request was published in the July 31, 1984, issue of the *Texas Register* (9 TexReg 4201).

Description of Services. The firm of Garza/Gonzalez & Associates shall perform services which may include:

- (1) evaluations of JTPA recipients and/or entities selected to administer JTPA funds;
- (2) training and technical assistance to state and local agencies or organizations involved in the administration/operation of JTPA programs; and
- (3) financial and compliance auditing services as determined necessary by the TDCA to ensure proper accountability for JTPA funds.

Business Address. The business address of Garza/Gonzalez & Associates is 212 Stumberg, Suite 208, San Antonio, Texas 78204.

Contract Amount. The total cost of auditing and evaluation services to be performed under this contract is presently estimated to be \$50,000.

Project Reports. Reports to be generated under this contract shall be submitted to TDCA upon completion throughout the period of performance of this contract.

Issued in Austin, Texas, on October 24, 1984.

TRD-8410756 Douglas C Brown
 General Counsel
 Texas Department of Community
 Affairs

Filed: October 25, 1984
For further information, please call (512) 443-4100,
ext. 210.

Contractor. The Texas Department of Community Affairs (TDCA) announces that the firm of R & L Research and Evaluation, Inc., has been awarded a contract, under the provisions of Texas Civil Statutes, Article 6252-11c, for the period of October 18, 1984-August 18, 1986, to perform evaluations of older worker demonstration projects funded under the Job Training Partnership Act, Title II-A. The consultant proposal request was published in the June 5, 1984, issue of the *Texas Register* (9 TexReg 3012).

Description of Services. The firm of R & L Research and Evaluation, Inc., shall perform services which may include the development of a two-tiered evaluation model to examine the major components of project performance. The first component, the process evaluation, will examine the projects' implementation. The second component will evaluate the projects' impact and outcomes. The data and analyses provided by the evaluation services will be utilized by the Texas Department of Community Affairs in planning and designing future older worker demonstration projects.

Business Address. The business address of R & L Research and Evaluation, Inc., is P.O. Box 8236, Houston, Texas 77004.

Contract Amount. The total cost of services to be performed under this contract is presently estimated to be \$350,000.

Project Reports. Reports to be generated under this contract shall be submitted to the TDCA upon completion.

Issued in Austin, Texas, on October 26, 1984

TRD-8410829 Douglas C Brown
General Counsel
Texas Department of Community
Affairs

Filed: October 26, 1984
For further information, please call (512) 443-4100,
ext. 210.



**Comptroller of Public Accounts
Decision 13,841**

For copies of the following opinion, contact Bob Bullock, Comptroller of Public Accounts, Attention: Administrative Law Judges, 111 East 17th Street, Austin, Texas 78774. Copies will be furnished without charge and edited to comply with confidentiality statutes.

Summary of Decision. The petitioner contends that the delivery of parts to an airline company in Texas should not be considered business done in Texas since the airline transports the parts out of state. The comptroller held that since Texas recognizes the entity theory and looks

to the location of delivery of property in determining whether receipts are from business done in Texas, the administrative law judge concluded that the receipts for the transactions are receipts of business done in Texas for franchise tax purposes.

Issued in Austin, Texas, on October 26, 1984

TRD-8410859 Bob Bullock
Comptroller of Public Accounts

Filed: October 29, 1984
For further information, please call (512) 475-1938

Decision 16,109

Summary of Decision. The petitioner requested waiver of interest because present owners of corporation did not purchase stock until near the end of the audit period. Held: No waiver. Texas is an entity theory state. Owners of a corporation cannot disclaim corporate liability on the grounds that they were not the owners at the time the liability arose. In addition, since interest is merely a time charge for the use of money, the comptroller will not waive it unless there has been an unreasonable delay in billing an audit or processing a redetermination hearing (and even then only for the period of the delay)

Issued in Austin, Texas, on October 26, 1984

TRD-8410860 Bob Bullock
Comptroller of Public Accounts

Filed: October 29, 1984
For further information, please call (512) 475-1938

**Office of Consumer Credit
Commissioner
Rate Ceilings**

The consumer credit commissioner of Texas has ascertained the following rate ceilings by use of the formulas and methods described in Texas Civil Statutes, Title 79, Articles 1.04, 1.05, 1.11, and 15.02, as amended (Texas Civil Statutes, Articles 5069-1.04, 1.05, 1.11, and 15.02).

Type of Rate Ceilings Effective Period (Dates are Inclusive)	Consumer ⁽³⁾ Agricultural/Commercial ⁽⁴⁾ thru \$250,000	Commercial ⁽⁴⁾ over \$250,000
Indicated (Weekly) Rate—Article 1.04(a)(1) 11/05/84-11/11/84	19.25%	19.25%
Monthly Rate— Article 1.04(c)(1) 11/01/84-11/30/84	20.00%	20.00%
Standard Quarterly Rate—Article 1.04(a)(2) 10/01/84-12/31/84	21.19%	21.19%
Retail Credit Card Quarterly Rate— Article 1.11(3) 10/01/84-12/31/84	21.00%	N/A

Type of Rate Ceilings Effective Period (Dates are Inclusive)	Consumer ⁽³⁾ Agricultural/Commercial ⁽⁴⁾ thru \$250,000	Commercial ⁽⁴⁾ over \$250,000
Lender Credit Card Quarterly Rate— Article 15 02(d)(3) 10/01/84-12/31/84	21.19%	N/A
Standard Annual Rate— Article 1 04(a)(2)(2) 10/01/84-12/31/84	21.19%	21.19%
Retail Credit Card Annual Rate— Article 1 11(3) 10/01/84-12/31/84	21.00%	N/A
Annual Rate Applicable to Pre-July 1, 1983, Retail Credit Card and Lender Credit Card Balances with Annual Implementation Dates from 10/01/84-12/31/84	19.32%	N/A
Judgment Rate— Article 1 05, §2 11/01/84-11/30/84	10.32%	10.32%

- (1) For variable rate commercial transactions only
- (2) Only for open-end credit as defined in Texas Civil Statutes, Article 5069-1 01(f)
- (3) Credit for personal, family, or household use
- (4) Credit for business, commercial, investment, or other similar purpose

Issued in Austin, Texas, on October 29, 1984

TRD-8410833 Sam Kelley
Consumer Credit Commissioner

Filed October 29, 1984
For further information, please call (512) 475-2111.

Texas Education Agency Consultant Proposal Request

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

The Texas Education Agency is requesting proposals for persons to serve as the commissioner of education's appointed monitor to oversee the affairs of one or more Texas public school districts pursuant to 19 TAC §97.74(f). The consultant will monitor actions of the school district board of trustees and administration. The monitor will suggest procedures to improve the district's management of funds, personnel, and instructions program. The monitor will report to the commissioner concerning the status of the district and success of efforts to improve the operation of the district.

Selection of a consultant will be done on the basis of the experience of the consultant in Texas public school administration and the consultant's ability to perform the needed work.

It is the intent of the Texas Education Agency to continue using the services of a consultant who is presently being retained by this agency, unless a better offer is

received from a person possessing the necessary qualifications and experience to provide the requested services.

Additional information regarding this request for services may be obtained by calling or writing Dr. Victoria Bergin, Deputy Commissioner for School Support, Texas Education Agency, 201 East 11th Street, Austin, Texas 78701, (512) 475-4291.

Written proposals will be accepted until 5 p.m. on November 30, 1984.

The estimated time frame for the project is December 10, 1984, through August 31, 1985.

Issued in Austin, Texas, on October 30, 1984

TRD-8410886 Raymon L. Bynum
Commissioner of Education

Filed October 30, 1984
For further information, please call (512) 475-7077.

Employees Retirement System of Texas Request for Proposals

In accordance with the Insurance Code, Article 3.50-2, §4, as amended, and subject to the approval of the board of trustees, the Employees Retirement System (ERS) announces a request for proposals (RFP) to conduct an annual external audit of the carriers authorized by the trustee to provide services and insurance to employees of the State of Texas under the Uniform Group Insurance Program. Such audit shall include, but not be limited to, claims administration, contract compliance, gross and net costs, administration costs, benefits, utilization of benefits, and the annual accounting specified under §9 of the previously cited statute. Therefore, firms wishing to respond to the request should have superior recognized expertise and specialization in the accounting and audit principles which deal with the review of employee benefit programs, State of Texas policies and procedures, group insurance contract administration, and insurance administration.

If approved by the board of trustees, the RFP instructions which detail information regarding the project formal will be available upon request on or after October 29, 1984, at the Employees Retirement System, Uniform Group Insurance Division, 18th and Brazos Streets, Austin, Texas 78711.

The deadline for receipt of proposals in response to this request will be 5 p.m. on November 19, 1984.

The ERS reserves the right to accept or reject any or all proposals submitted. The ERS is under no legal requirement to execute a resulting contract on the basis of this advertisement. The ERS intends to use responses as a basis for further negotiations of specific project details. The ERS will base its choice on cost, demonstrated competence, superior qualifications, and evidence of conformance with criteria; however, since this is a continuation of a service previously performed, it is the intent of ERS to award the contract for the consulting services to the

firm that previously performed the services unless a clearly superior proposal is received.

This RFP does not commit ERS to pay any costs incurred prior to execution of a contract. Issuance of this material in no way obligates ERS to award a contract or to pay any costs incurred in the preparation of a response. The ERS specifically reserves the right to vary all provisions set forth at any time prior to execution of a contract where ERS deems it to be in the best interest of the State of Texas.

For further information regarding this notice, or to obtain copies of the RFP instructions, please contact Henry D. Eckert, Employees Retirement System, Uniform Group Insurance Division, 18th and Brazos Streets, P.O. Box 13207, Austin, Texas 78711, (512) 476-6431, ext 214

Issued in Austin, Texas, on October 24, 1984

TRD-8410989 Clayton T Garrison
Executive Director
Employees Retirement System of
Texas

Filed: October 24, 1984
For further information, please call (512) 476-6431.

**Texas Department of Health
Licensing Actions for Radioactive
Materials**

The Texas Department of Health has taken actions regarding licenses for the possession and use of radioactive materials as listed in the following table. The sub-heading labeled "Location" indicates the city in which the radioactive material may be possessed and/or used. The location listing "Throughout Texas" indicates that the radioactive material may be used on a temporary basis at job sites throughout the state.

NEW LICENSES ISSUED.

Location	Name	License #	City	Amendment #	Date of Action
Friendswood	Indo-Medix, Inc	11-3714	Friendswood	0	10/05/84
Three Rivers	Diamond Shamrock Refining and Marketing	08-3699	Three Rivers	0	10/01/84
Tyler	Ferro Corporation	07-3712	Tyler	0	09/28/84

AMENDMENTS TO EXISTING LICENSES ISSUED:

Location	Name	License #	City	Amendment #	Date of Action
Ablene	Humana Hospital-Ablene	04-2434	Ablene	15	10/05/84
Amarillo	High Plains Baptist Hospital	01-1259	Amarillo	27	09/27/84
Amarillo	City of Amarillo Water Department	01-2222	Amarillo	3	10/01/84
Arlington	W H Henken Industries, Inc	05-967	Arlington	10	10/01/84
Austin	The University of Texas at Austin	06-485	Austin	39	09/28/84
Ceasley	Hudson Products Corporation	11-2370	Houston	16	10/02/84
Beaumont	Lamar University	10-504	Beaumont	14	09/28/84
Beaumont	Baptist Hospital of Southeast Texas	10-821	Beaumont	15	10/05/84
Bryan	Saint Joseph Hospital	06-573	Bryan	24	09/28/84
Corpus Christi	Humana Hospital Corpus Christi	08-2816	Corpus Christi	11	09/28/84

Corpus Christi	Spohn Hospital	08-2495	Corpus Christi	10	09/28/84
Corsicana	Navarro Regional Hospital	05-2458	Corsicana	9	10/05/84
Crosbyton	Crosbyton Clinic Hospital	02-3240	Crosbyton	2	10/05/84
Dallas	Presbyterian Hospital of Dallas	05-1586	Dallas	38	09/28/84
Deer Park	Rohm and Haas Texas, Inc	11-237	Deer Park	27	10/05/84
Floydada	Caprock Hospital District	02-3255	Floydada	2	09/28/84
Houston	The University of Texas System Cancer Center	11-466	Houston	30	09/28/84
Houston	Parkway Hospital	11-1964	Houston	15	10/02/84
Houston	City of Houston Health Department	11 149	Houston	26	10/01/84
Houston	Analytical Consulting Services	11-2976	Houston	1	10/01/84
Houston	Stewart C Bushong, Sc D	11-2397	Houston	3	10/05/84
Houston	Houston Northwest Medical Center	11-2253	Houston	18	10/05/84
Houston	The Methodist Hospital	11-457	Houston	44	10/05/84
Houston	City of Houston	11-2175	Houston	3	10/05/84
Huntsville	Sam Houston State University	11-496	Huntsville	17	10/05/84
Jewett	Nucor Steel Corporation	06-2504	Jewett	3	10/15/84
Kermit	Kermit Memorial Hospital	12-3442	Kermit	2	10/05/84
McMullen County	Anaconda Minerals Company	08-3304	Denver, CO	2	10/03/84
Morton	Cochran Memorial Hospital	02 3347	Morton	3	10/05/84
Pasadena	HIMONT U S A , Inc	11-1854	Pasadena	12	10/01/84
Pecos	Reeves County Hospital	12-3491	Pecos	3	10/05/84
Plainview	Central Plains Regional Hospital	02-2493	Plainview	5	10/05/84
Post	Garza Memorial Hospital	02-3296	Post	4	10/05/84
San Antonio	Humana Hospital Metropolitan	09-2232	San Antonio	14	09/28/84
San Antonio	Southwest Texas Methodist Hospital	09-594	San Antonio	67	10/05/84
San Antonio	Southwest General Hospital	09-2689	San Antonio	6	10/05/84
San Marcos	Southwest Texas State University	06-3301	San Marcos	1	10/12/84
Seminole	Seminole Memorial Hospital	12-3118	Seminole	5	10/05/84
Silsbee	Temple-Eastex, Inc	10-1095	Silsbee	18	10/05/84
Texas City	Memorial Hospital of Galveston County	11-2577	Texas City	8	09/28/84
Throughout Texas	Otis Engineering Corporation	11 3362	Houston	2	10/01/84
Throughout Texas	Mechanical Systems	11-3311	Houston	4	10/02/84
Throughout Texas	Weldtest, Inc	10-3560	Port Arthur	4	10/02/84
Throughout Texas	Tracer Laboratory of Midland	12-3298	Midland	4	10/01/84
Throughout Texas	Ebasco Services, Inc	11-2662	Pasadena	9	10/02/84
Throughout Texas	Applied Standards Inspection, Inc	10-3072	Beaumont	2	10/02/84
Throughout Texas	Brazos Valley Inspection Services, Inc	06-2859	Bryan	13	10/02/84
Throughout Texas	Dowell Schlumberger Incorporated	00-764	Tulsa, OK	42	10/01/84
Throughout Texas	Professional Service Industries, Inc	11-931	Oak Brook, IL	58	10/01/84
Throughout Texas	Perfojet Services, Inc	12-1112	Midland	9	10/05/84
Throughout Texas	City of San Angelo	04-2727	San Angelo	4	10/05/84
Throughout Texas	P A Incorporated	11-916	Houston	35	10/05/84
Throughout Texas	Tracer Service, Inc	07-3526	Kilgore	4	10/05/84
Throughout Texas	Texas Utilities Mining Company	07-2074	Malakoff	7	10/12/84

Throughout Texas	Deep Well Pipe Inspection, Inc	12-3085	Midland	5	10/12/84
Throughout Texas	Dresser Atlas	11-446	Houston	73	10/11/84
Throughout Texas	Gulf Coast Testing Lab, Inc	08-1474	Corpus Christi	11	10/12/84
Throughout Texas	Mobil Research and Development Corporation	05-194	Farmers Branch	24	10/12/84
Throughout Texas	Texas Perforators, Inc	09-3544	Seguin	3	10/12/84
Throughout Texas	Phillips Petroleum Company	11-3054	Bartlesville, OK	5	10/15/84
Throughout Texas	Testing Unlimited, Inc	11-3520	Houston	2	10/15/84

RENEWALS OF EXISTING LICENSES ISSUED:

Location	Name	License #	City	Amendment #	Date of Action
Austin	Eugene P. Schoch, Jr., M.D.	06-992	Austin	8	10/05/84
Mansfield	Mansfield Community Hospital	05-3490	Mansfield	3	10/09/84

TERMINATIONS OF LICENSES ISSUED:

Location	Name	License #	City	Amendment #	Date of Action
Alpine	Big Bend Memorial Hospital	03-3317	Alpine	2	09/28/84
Dimmitt	Anstar Corp - Spreckels Sugar Division	01-2496	Dimmitt	2	10/05/84
Glen Rose	Texas Utilities Generating Company	05-2892	Glen Rose	6	10/01/84

In issuing new licenses and amending and renewing existing licenses, the Texas Department of Health, Bureau of Radiation Control, has determined that the applicants are qualified by reason of training and experience to use the material in question for the purposes requested in accordance with *Texas Regulations for Control of Radiation* in such a manner as to minimize danger to public health and safety or property and the environment; the applicants' proposed equipment, facilities, and procedures are adequate to minimize danger to public health and safety or property and the environment; the issuance of the license(s) will not be inimical to the health and safety of the public or the environment, and the applicants satisfy any applicable special requirements in the *Texas Regulations for Control of Radiation*.

This notice affords the opportunity for a hearing on written request of a licensee, applicant, or person affected within 30 days of the date of publication of this notice. A person affected is defined as a person who is resident of a county, or a county adjacent to the county, in which the radioactive materials are or will be located, including any person who is doing business or who has a legal interest in land in the county or adjacent county, and any local government in the county, and who can demonstrate that he has suffered or will suffer actual injury or economic damage due to emissions of radiation. A licensee, applicant, or person affected may request a hearing by writing David K. Lacker, Chief, Bureau of Radiation Control (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756-3189.

Any request for a hearing must contain the name and address of the person who considers himself affected by agency action, identify the subject license, specify the reasons why the person considers himself affected, and state the relief sought. If the person is represented by an agent, the name and address of the agent must be stated.

Copies of these documents and supporting materials are available for inspection and copying at the office of the Bureau of Radiation Control, Texas Department of Health, 1212 East Anderson Lane, Austin, Texas, from 8 a.m. to 5 p.m. Monday through Friday (except holidays).

Issued in Austin, Texas, on October 26, 1984

TRD-8410816 Robert A. MacLean, M.D.
Deputy Commissioner
Professional Services
Texas Department of Health

Filed: October 26, 1984

For further information, please call (512) 835-7000.

**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 or interested person to the application within 10 days after the date of this publication of notice. If the 10th day is a Saturday, Sunday, or state 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 or interested person should be mailed to the chairmen of the commission at P.O. Box 50049, Austin, Texas 78761, 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 or interested person.

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

Westworld Community Healthcare, Inc.,
Lake Forest, California
A084-1018-663

NIE/HMO—Request for a declaratory ruling that a certificate of need is not required for Westworld Community Healthcare, Inc., to develop, license, and operate an HMO. The HMO would operate in the service areas of Wortham Hospital, Wor-

tham, and Hubbard Hospital, Hubbard Contractual arrangements will be made with existing facilities, physicians, and other providers to serve HMO members. The HMO will be known as Westworld Community Health Plans, Inc., and will be a separately incorporated subsidiary of Westworld Community Healthcare, Inc.

Medical Center Diagnostic Limited Partnership,
Houston
A084-1016-659

NIE—Request for a declaratory ruling that a certificate of need is not required for Medical Center Diagnostic Limited Partnership to purchase a single plane cath lab. The proposed equipment will be located in the Travis Centre Cardio-Diagnostic Laboratory, 2nd Floor, Travis Centre Professional Building, Houston, and will be utilized for outpatients only.

Valley Eye Center, P.A., Harlingen
AS84-1015-657

DR—Request for a declaratory ruling that a certificate of need is not required for the Valley Eye Center P.A. to continue providing ambulatory surgical services at its facility located at 2001 Ed Carey Drive, Harlingen, which has been operating since September, 1971. Medicare certification as an ambulatory surgical center will be sought from the Texas Department of Health.

Jack R. Littell, individually and as Trustee,
Houston
AH84-1003-647

NIEH—Request for a declaratory ruling that a certificate of need is not required for Jack R. Littell, individually and as trustee, to acquire by purchase 100% of the outstanding shares of Lampasas Hospital, Inc., a wholly-owned subsidiary of Contemporary Health Management and owner of Rollins—Brooks Hospital, an existing 36-bed general acute hospital located in Lampasas.

Jack R. Littell, individually and as Trustee,
Houston
AH84-1003-646

NIEH—Request for a declaratory ruling that a certificate of need is not required for Jack R. Littell, individually and as trustee, to acquire by purchase 100% of the outstanding shares of Contemporary Health Management of Hardin County, a wholly-owned subsidiary of Contemporary Health Management and lessee of Hardin Memorial Hospital, an existing 59-bed general acute care hospital located in Kountze.

The Sisters of Mercy—Laredo Community for
Mercy Hospital of Laredo d/b/a Mercy Medical
Center, Laredo

AH80-1229-057A(101884)

CN/AMD—Request for an extension of the completion deadline from December 31, 1984, to December 31, 1988, in Certificate of Need AH80-1229-057, which authorized the certificate holder to renovate 26,192 square feet to include the addition of 10 pediatric beds, 28 medical/surgical beds, renovation of a wing for a postpartum nursing unit,

and renovation of an existing medical nursing unit for continued use as a nursing unit.

St. Jo Nursing Center, Inc., a to-be-formed
Missouri Corporation, Clayton, Missouri
AN84-1011-652

NIEH—Request for a declaratory ruling that a certificate of need is not required for St. Jo Nursing Center, Inc., to acquire by purchase Yes-Ter-Year, an existing 61-bed ICF nursing facility located in St. Jo, from Yes-Ter-Year, Inc., a Texas corporation. Upon acquisition, the name of the facility will be changed to St. Jo Nursing Center.

William A. and Elizabeth B. Moncrief Radiation
Center, Fort Worth

A084-1002-643

NIE—Request for a declaratory ruling that a certificate of need is not required for William A. and Elizabeth B. Moncrief Radiation Center to acquire an Emission Computerized Tomographic System. The proposed equipment will be located at 1450 Eighth Avenue in Fort Worth, and utilized on an outpatient basis and on inpatients referred to the center from Carswell Air Force Base Regional Hospital.

Presbyterian Hospital of Dallas, Dallas
AH80-0729-009A(101984)

CN/AMD—Correction of notice published in the October 30, 1984, issue of the *Texas Register*. Request to extend the completion deadline from December 1, 1984, to June 30, 1985, in Certificate of Need AH80-0729-009, which authorized the certificate holder to construct a new seven-floor structure containing 209,600 square feet on the hospital campus to relocate and expand the obstetric, gynecological, newborn nursery, and day surgery services of the hospital.

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

TRD-8410919

John R. Neel
General Counsel
Texas Health Facilities
Commission

Filed October 31, 1984.

For further information, please call (512) 475-6940.

Notice is hereby given by the Texas Health Facilities Commission of an application 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 the application, 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 the application 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.

Jaime Mabaquiao for Comfort Gardens Home,
Comfort
AN80-0530-082A(091884)
CN/AMD— Request for an increase in the total project cost from \$704,000 to \$940,000 and an increase in the total square footage from 15,675 to 16,000 square feet in Certificate of Need AN80-0530-082, which authorized the certificate holder to construct and operate a 60-bed ICF nursing home in Comfort

Issued in Austin, Texas, on October 31, 1984

TRD-841091R John R. Neel
General Counsel
Texas Health Facilities
Commission

Filed: October 31, 1984

For further information, please call (512) 475-6940.

Show Cause Hearing

The Texas Health Facilities Commission has found that sufficient grounds exist to require a show cause hearing regarding the matter of Northeast Medical Center Hospital, Humble. It has, therefore, been ordered that Northeast Medical Center Hospital appear before the commission in Suite 305, Jefferson Building, 1600 West 38th Street, Austin, on Monday, November 19, 1984, at 9 a.m., and show cause why Northeast Medical Center Hospital should not be found in violation of the Texas Health Planning and Development Act, Article 4418h, Texas Civil Statutes, and the commission rules because on or after June 30, 1982, respondent has, without appropriate authorization from the commission, redistributed beds among categories and created a new category of beds resulting in 60 fewer medical/surgical beds, 24 more OB beds, and 36 new pediatric beds.

Issued in Austin, Texas, on October 31, 1984

TRD-8410920 John R. Neel
General Counsel
Texas Health Facilities
Commission

Filed: October 31, 1984

For further information, please call (512) 475-6940

Texas Department of Human Resources Consultant Contract Awards

In accordance with Texas Civil Statutes, Article 6252-11c, the Texas Department of Human Resources furnishes this notice of consultant contract award. The consultant proposal request was published in the August 24, 1984, issue of the *Texas Register* (9 TexReg 4605).

Description of Service. The purpose of the contract is to provide for five to eight workshops to be conducted across Texas covering the issues of sexual abuse which may lead to status offense or delinquency and children in adult jails. These workshops are directed toward informing communities of the problems and mobilizing them to respond. Besides providing these workshops, the contractor is available to assist communities that want to act to combat these problems.

Name of Consultant. The consultant is the Texas Coalition for Juvenile Justice, 2906 Maple Avenue, Suite 204, Dallas, Texas 75201.

Total Value and Term of the Contract. The contract began on October 15, 1984, and will end on August 31, 1985. Payments under the contract shall not exceed \$68,168.58.

Due Date. The consultant's reports are to be delivered no later than August 31, 1985.

Issued in Austin, Texas, on October 25, 1984

TRD-8410751 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Filed: October 25, 1984

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

In accordance with Texas Civil Statutes, Article 6252-11c, the Texas Department of Human Resources furnishes this notice of consultant contract award. The consultant proposal request was published in the August 24, 1984, issue of the *Texas Register* (9 TexReg 4605).

Description of Services. The purpose of the proposed contract is to plan, organize, and conduct data collection (including computer data entry) and related training for a research project in progress. The contract is for the purpose of expanding and updating an existing data base and related software via remote computer terminals across the state. The subject of this research project is the system of licensed residential programs for children in Texas.

Name of Consultant. The consultant selected is Debra S. Geartz, 5230 Thundercreek Road, #248, Austin, Texas 78759.

Total Value and Terms of the Contract. The contract began October 15, 1984, and will end on August 31, 1985. Payments under the contract shall not exceed \$20,248.

Due Date. The consultant's reports are to be delivered to the program specialist for the Continuum of Care System, Protective Services for Families and Children.

Branch, Texas Department of Human Resources, no later than August 31, 1985

Issued in Austin, Texas, on October 29, 1984.

TRD-8410851 Marlin W. Johnston
 Commissioner
 Texas Department of Human
 Resources

Filed: October 29, 1984
For further information, please call (512) 450-3766.

Issued in Austin, Texas, on October 29, 1984

TRD-8410853 Marlin W. Johnston
 Commissioner
 Texas Department of Human
 Resources

Filed: October 29, 1984
For further information, please call (512) 450-3766.

In accordance with Texas Civil Statutes, Article 6252-11c, the Texas Department of Human Resources furnishes this notice of contract award for consultant services in Region 11. The consultant proposal request was published in the August 17, 1984, issue of the *Texas Register* (9 TexReg 4481).

Description of Services, Name of Consultants, and Value of Contracts.

Therapy and court testimony: Family Service Center of Galveston County, 2128 Avenue P, Galveston, Texas 77550, \$37,525; Family Service Center of Brazoria County, 215 Flag Lake Drive, Clute, Texas 77531, \$15,000; and Family Service Center, 4625 Lillian, Houston, Texas 77007, \$350,000

Therapy/counseling and court testimony: Cease Fire Club Inc., 3939 Essex, Houston, Texas 77027, \$4,500, and Chicano Family Center, Inc., 7145 Avenue H, Houston, Texas 77011, \$35,000

Counseling services and court testimony: Glen Kercher, Ph.D., 3717 Summer Lane, Huntsville, Texas 77340, \$14,500; and Vocational Guidance Service, Inc. (VGS, Inc.), 2525 San Jacinto, Houston, Texas 77002, \$29,000

Testing, counseling, and court testimony: Donald J. Minnick, Ph.D., 6300 West Loop South, Suite 270, Bellaire, Texas 77401, \$11,700

Psychological testing, evaluation, and court testimony: Ronald J. Massey, Ph.D., 333 North Rivershire Drive 210, Conroe, Texas 77304, \$6,407; and Hope Center for Youth, 4115 Yoakum Boulevard, Houston, Texas 77006, \$78,750

Counseling, psychiatric evaluation, court testimony, and psychological evaluation: Houston Child Guidance, 3214 Austin, Houston, Texas 77004, \$75,318.48

Psychological testing, psychological and psychiatric evaluations, court testimony, and therapy: Day Psychiatric Clinic, Limited, 20860 Beechnut, Houston, Texas 77077, \$156,500.

Testing, counseling, evaluation, and court testimony: Dorothy Lam Wong, Ph.D., 7500 Beechnut, Suite 222, Houston, Texas 77074, \$32,600

Psychological evaluation, testing, therapy, and court testimony: Martha J. Kennedy, Ph.D., 16846 Royal Crest Drive, Houston, Texas 77058, \$10,000

Terms of Contracts. The contracts began November 1, 1984, and end August 31, 1985

Due dates. The reports are due as specified in the contract according to the service purchased and will be monitored based on these dates

Consultant Proposal Request

In accordance with Texas Civil Statutes, Article 6252-11c, the Texas Department of Human Resources (DHR) is requesting proposals for consultant/training services. The contractor will work with local communities through the sponsoring organizations in each site to implement the self-help model for the emotionally disturbed deaf in their areas. Each sponsoring organization, with assistance from the contractor, will develop community resources, inform the public/deaf community about the program, establish a referral system, recruit volunteers, attend all trainings, locate facilities for support groups, maintain records of clients' participation in support groups, maintain records of volunteer activity/hours, and assist in the evaluation of the program. The contractor will provide training, both on-site and by telephone, in the areas of orientation, in-service, technical assistance, and an 18-hour volunteer course.

Intent. The intent is that the local organizations will invest their resources, people, time, and energy into the development of self-help for the deaf in their communities so that the program will have a solid foundation for continuation and growth.

Description. Specific activities to be performed are implementing support groups in Austin, San Antonio, and Amarillo to assist socially isolated or emotionally disturbed deaf or hearing-impaired individuals and their families to reduce isolation, develop a positive self-image, and alleviate or eliminate emotional problems; assisting sponsoring organizations in recruiting volunteers to provide self-help services to the deaf; assisting and providing ongoing technical in-service training to volunteers on providing self-help services to the deaf, evaluating the effectiveness of self-help support groups, and reviewing and comparing evaluation data collected in all program components in Austin, San Antonio, and Amarillo.

Total Value. The total amount of this contract shall not exceed \$22,000.

Contact. Prospective bidders may contact Maria Montoya, Program Specialist, Texas Department of Human Resources, P.O. Box 2960, Austin, Texas 78769 (512) 450-3155.

Evaluation. Procedures to be used to evaluate offers will include evaluation of background, experience, and knowledge in the provision of direct services to socially-isolated or emotionally disturbed deaf or hearing-impaired individuals, knowledge in the development of self-help skills for the deaf in the community; and reasonableness of the proposed cost of service in relation to work described.

Closing Date. The closing date for receipt of offers is 5 p.m. on November 9, 1984.

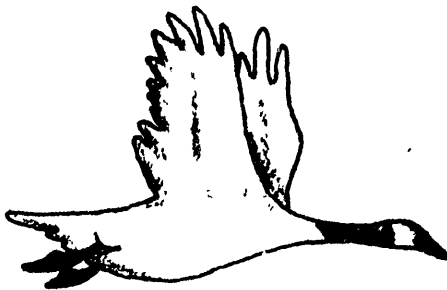
Effective Date. This contract begins December 14, 1984, and ends August 31, 1985. The contract will not necessarily be awarded to the bidder offering the lowest price, but to the bidder who, in the opinion of the department, offers the services contracted for at the level of quality, as well as cost-effectiveness, determined appropriate as the result of the department's evaluation using the above criteria.

This invitation for bids is a continuation of work performed by the National Self-Help Center for the Deaf/Hearing Impaired, Inc., under a previous contract. The DHR intends to award the contract to this agency unless a better proposal is received

Issued in Austin, Texas, on October 29, 1984

TRD-8410852 Marlin W Johnston
Commissioner
Texas Department of Human
Resources

Filed: October 29, 1984
For further information, please call (512) 450-3766.



State Board of Insurance Company Licensing

The following applications have been filed with the State Board of Insurance and are under consideration:

- (1) Application for incorporation of the The Austin Metropolitan Health Plan, to be a domestic health maintenance organization. The home office is to be in Austin.
- (2) Application for incorporation of Hill Country Life Insurance Company of America, to be a domestic life insurance company. The home office is to be in Austin.
- (3) Application for a name change by United World Insurance Company, a foreign life insurance company. The home office is Chicago, Illinois. The proposed new name is United World Life Insurance Company.
- (4) Application for incorporation of Surety Title Company, to be a domestic title insurance company. The home office is to be in Austin.
- (5) Application for admission to do business in Texas of Alaska Pacific Assurance Company, a foreign fire and casualty insurance company. The home office is in Anchorage, Alaska.
- (6) Application for a name change by United General Insurance Company, a domestic fire and casualty insurance company. The home office is in Houston. The proposed new name is National Allied Insurance Company of Texas.

(7) Application for admission to do business in Texas of Provident Indemnity Life Insurance Company, a foreign life insurance company. The home office is in Norristown, Pennsylvania.

(8) Application for admission to do business in Texas of Investors Title Insurance Company, a foreign title insurance company. The home office is in Chapel Hill, North Carolina.

Issued in Austin, Texas, on October 23, 1984

TRD-8410733 James W Norman
Chief Clerk
State Board of Insurance

Filed: October 24, 1984
For further information, please call (512) 475-2950.

Legislative Budget Board Joint Budget Hearing Schedule

The Executive and Legislative Budget Offices will jointly conduct the following budget hearing to consider appropriations requests for the 1986-1987 biennium, for the period of November 5-9, 1984. Please confirm the date, time, and location, since experience has shown that some rescheduling always occurs.

Agency	Date	Place
Texas Department of Corrections	10 30 a m - November 7	Room 213, State Capitol, Austin

Issued in Austin, Texas, on October 24, 1984

TRD-8410750 Larry Kopp
Assistant Director for Budgets
Legislative Budget Board

Filed: October 25, 1984
For further information, please call (512) 475-6565.

Railroad Commission of Texas Public Hearing

The Railroad Commission of Texas, LP-Gas Division, will hold a public hearing to receive comments and evidence regarding regulations proposed by the Compressed Natural Gas Section. The proposed regulations establish classification, licensing, and examination systems, and were published in the September 28, 1984, issue of the *Texas Register*.

The hearing will be held at 9:30 a.m. on November 13, 1984, in the Governors Room, Ramada Inn-Town Lake, 1001 IH 35 South, Austin. If necessary, the hearing will be continued at a time and place announced on the record.

The commission invites all interested persons to appear at the hearing. Copies of the notice of public hearing may be obtained from the LP-Gas Division. Because of the hearing, the division will extend the period in which to receive written comment. To be considered, written com-

ments must be received in the division offices by 5 p.m. on November 20, 1984. Requests for any information regarding the hearing should be directed to Donn G. Miller, Hearings Examiner, Railroad Commission of Texas, LP-Gas Division, P.O. Drawer 12967, Austin, Texas 78711.

Issued in Austin, Texas, on October 31, 1984

TRD-8410910 Walter E. Lile
Special Counsel
Railroad Commission of Texas

Filed: October 31, 1984
For further information, please call (512) 445-1186.

Texas Tourist Development Agency Consultant Contract Award

This consultant contract award is filed in accord with provisions of Texas Civil Statutes, Article 6252-11c. The consultant proposal request was published in the August 31, 1984, issue of the *Texas Register* (9 TexReg 4700).

The consultant (referred to as the tour operator/wholesaler) will render all services in creating, producing, and distributing for the Texas Tourist Development Agency (TTDA) a marketable Texas package program for retail consumer sale domestically and internationally through air carriers, motorcoach tour operators, and driving visitors, in conjunction with the upcoming Texas sesquicentennial.

The name and address of the tour operator/wholesaler selected is Anne H. Glenn, 84 Cortez, Brownsville, Texas 78520.

The tour operator/wholesaler is expected to derive his/her remuneration from the standard travel industry commissions and overrides which customarily apply to and attend such a program. The TTDA will be responsible for the production of a suitable color brochure advertising the program, and will provide assistance with carriers and other elements of the travel industry.

The tour operator/wholesaler will begin work immediately, and work will continue through 1986.

Issued in Austin, Texas, on October 19, 1984

TRD-8410876 Frank Hildebrand
Executive Director
Texas Tourist Development
Agency

Filed: October 25, 1984
For further information, please call (512) 475-4326

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 22-26, 1984.

No public hearing will be held on these applications unless an affected person has requested a public hearing. Any such request for a public hearing shall be in writing and contain the name, mailing address, and phone number of the person making the request, and a brief description of how the requester, or persons represented by the requester, would be adversely affected by the granting of the application. If the commission determines that the request sets out an issue which is relevant to the waste discharge permit decision, or that a public hearing would serve the public interest, the commission shall conduct a public hearing, after the issuance of proper and timely notice of the hearing. If no sufficient request for hearing is received within 30 days of the date of publication of notice concerning the applications, the permit will be submitted to the commission for final decision on the application.

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

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

Period of October 22-26, 1984

Hunter's Glenn Municipal Utility District, Houston; wastewater treatment plant; approximately two miles northwest of the intersection of FM Road 1960 and Lee Road, approximately 1 1/4 miles northeast of the intersection of FM Road 1960 and Tettar Road in Harris County, 11618-02, new permit.

Gates Molded Products Company, a division of Gates Rubber Company, Houston, wastewater treatment plant, at 13601 Spencer Road (FM Road 529) about three miles west of the intersection of FM Road 529 and U.S. Highway 290 in Harris County, 01222, amendment.

The City of Deer Park, wastewater treatment plant, immediately south and west of the crossing of La Porte Road (State Highway 225) over Patrick Bayou in Deer Park in Harris County, 10519-02, amendment.

The City of Pasadena, wastewater treatment plant, at 6300 Spencer Highway in Pasadena, Harris County, 10053-07, new permit.

Southwest Region Conference Association of Seventh Day Adventists, Athens; wastewater treatment plant; north of Lake Athens, approximately 1/4 mile northwest of the intersection of FM Road 317 and Bear Creek Drive, approximately eight miles northeast of downtown Athens, in Henderson County, 12984-01, new permit.

Texas Department of Corrections, Huntsville; wastewater treatment plant; approximately 3/8 mile southwest of the intersection of FM Road 2821 and State Highway 247 within the boundary of the Diagnostic Center in Walker County, 13004-01, new permit.

U.S. Department of the Army, Marshall, wastewater treatment plant; adjacent to Caddo Lake in Harrison County, with the Town of Uncertain at the northern.

boundary and the Town of Karnack at the western boundary; 02713; new permit

The City of Austin; wastewater treatment plant; between Onion and Williamson Creeks immediately east of the intersection of Nuckles Crossing Road and Bluff Springs Road in Travis County; 10543-01; amendment

Bernard Timbers Water Supply Corporation, East Bernard, wastewater treatment plant; north of U.S. Highway 90A, approximately 1.4 miles northeast of the intersection of U S Highway 90A and State Highway 60 in Wharton County, 12097-01; renewal

The City of Houston, wastewater treatment plant; approximately ¼ mile west of the confluence of Cole Creek and White Oak Bayou in the City of Houston, Harris County; 10495-76; new permit

DSI Transports, Incorporated, Houston; wastewater treatment plant, on the west side of Highway 134, north of Old Battleground Road and approximately 1 2 miles southwest of the San Jacinto Monument in Harris County; 13012-01; new permit

Norman Griffin, Conroe; sewage treatment plant; approximately 13,000 feet west and 6,000 feet south of the intersection of IH 45 and FM Road 1488 and on the northern bank of Panther Branch in Montgomery County; 12994-01; new permit

Weingarten Realty, Incorporated, Houston; sewage treatment plant; on the southeast corner of the intersection of U S Highway 59 and FM Road 1314 in Montgomery County; 11535-01; amendment

City of Kemp; wastewater treatment plant; 1½ miles southwest of the City of Kemp in Kaufman County; 10695-01, renewal

Lake LBJ Municipal Utility District, Horseshoe Bay West Sewage Treatment Plant, Horseshoe Bay; sewage treatment plant, in Horseshoe Bay West subdivision approximately 3,600 feet northwest of the intersection of FM Road 2147 and Bay West Boulevard in Llano County, 12045-01, renewal

Terry Taylor, Carthage; wastewater treatment plant; approximately 1½ miles north of the City of Jewett approximately 1,700 feet generally south of the con-

fluence of the West Fork of Panther Creek and Panther Creek in Leon County; 12997-01; new permit

The City of Bellville; wastewater treatment plant; on the north side of Hacienda Street, approximately one mile west of State Highway 36 in Austin County; 10385-02; renewal;

The City of Lott; wastewater treatment plant; northwest of the City of Lott on Avenue G between Bone Branch and the Southern Pacific Railroad in Falls County; 10017-01; renewal

Bud Johnson, Austin, wastewater treatment plant; west of the City of Austin, approximately 6,000 feet northwest of the junction of U.S. Highway 290 and State Highway 71 in Travis County; 11040-01; renewal

Badische Corporation, Freeport; waste disposal well; 2,750 feet east of the west line and 6,711 feet south of the north line of the A. Calvit Survey, Abstract 49, Brazoria County, approximately three miles northwest of Freeport; WDW-51; amendment

Badische Corporation, Freeport; waste disposal well; 3,020 feet east of the west line and 6,805 feet south of the north line of the A. Calvit Survey, Abstract 49, Brazoria County, approximately three miles northwest of Freeport; WDW-99; amendment

Paktank Corporation, Houston; Class I hazardous/commercial industrial solid waste storage facility; on FM Road 134, approximately 2½ miles north of State Highway 225, on a 163-acre tract of land in Deer Park, Harris County, HW 50030-000; new permit

The Trane Company, Dealer Products Group, Tyler; Class I hazardous/industrial solid waste storage; on State Highway 110, approximately 1½ miles south of Loop 323 on a 178 6-acre tract of land in Tyler, Smith County; HW 50050-000; new permit

Issued in Austin, Texas, on October 26, 1984.

TRD-8410842 Mary Ann Hefner
 Chief Clerk
 Texas Water Commission

Filed: October 29, 1984
For further information, please call (512) 476-4514.

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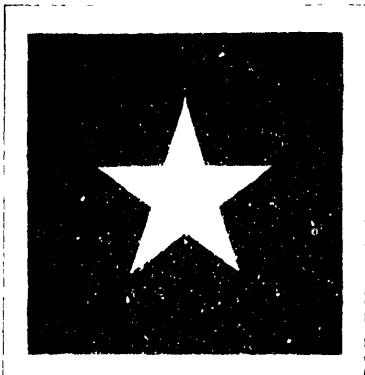
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