

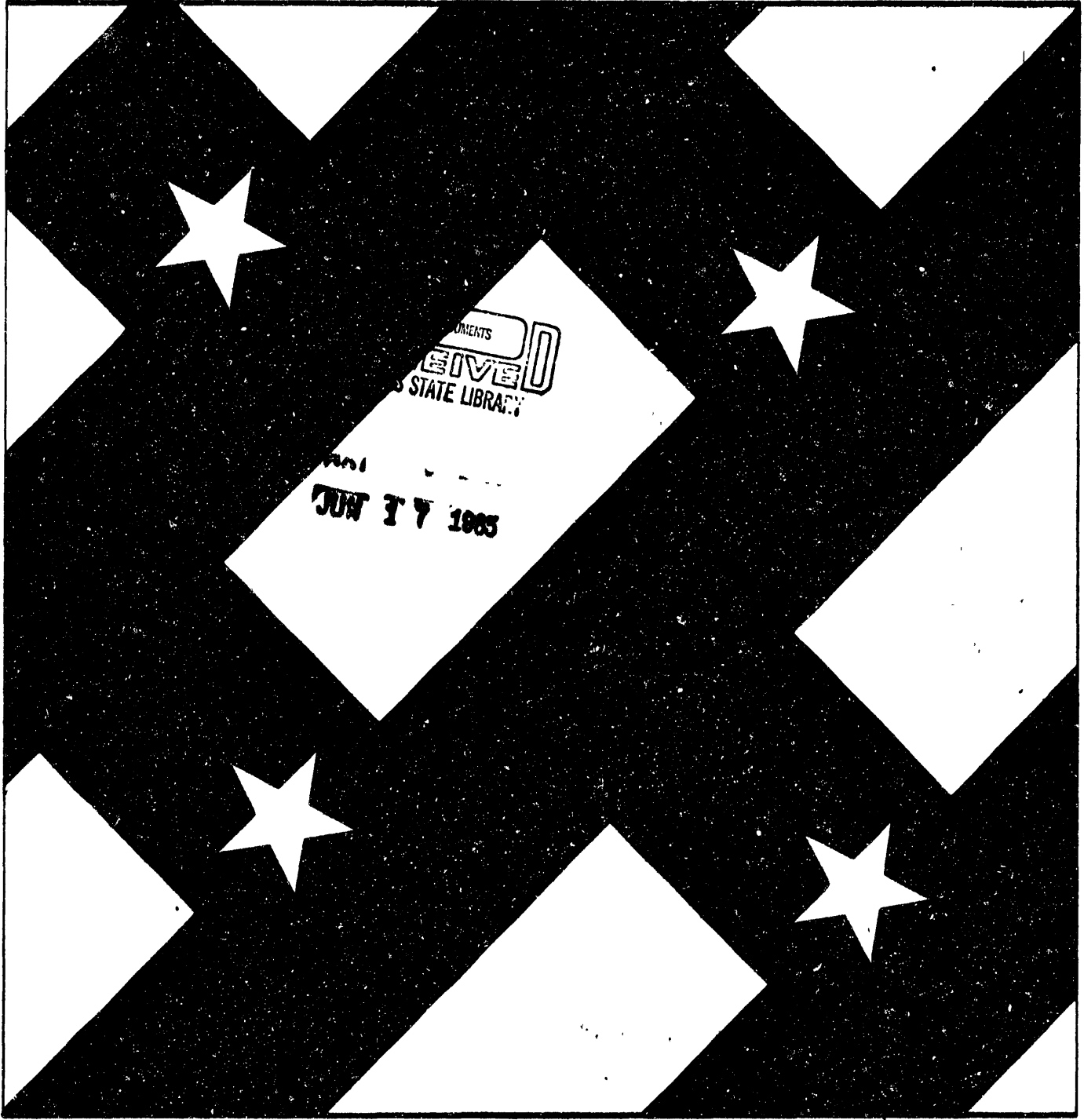
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Texas Register

Volume 10, Number 46, June 14, 1985

Pages 1947 - 2004



Highlights

The Texas Department of Agriculture proposes amendments to a chapter concerning pesticides. Earliest possible date of adoption - July 15.....page 1954

The Texas Department of Health proposes a new section concerning emergen-

cy medical care. Proposed date of adoption - August 9.....page 1970

The Texas State Board of Pharmacy adopts amendments in a chapter concerning conduct. Effective date - June 26.....page 1971

Office of
the Secretary
of State

Texas Register

The *Texas Register* (ISN 0382-4781) is published twice each week at least 100 times a year. Issues will be published on every Tuesday and Friday in 1985 with the exception of June 25, July 9, August 30, December 3, and December 31, by the Office of the Secretary of State.

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- Proposed Rules—rules proposed for adoption
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- The Legislature—bills submitted to, signed by, and vetoed by the Governor and bills that are submitted to the Governor and enacted without his signature
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In order that readers may cite material more easily, page numbers are now written as citations. Example: on page 2, in the lower left-hand corner of the page, would be written: "10 TexReg 2 Issue date," while on the opposite page, page 3, in the lower right-hand corner, would be written "Issue date 10 TexReg 3."

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

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

TAC stands for the *Texas Administrative Code*;

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



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Table of Contents

Attorney General

Opinions

- 1953—JM-319 (RQ-511)
- 1953—JM-320 (RQ-518)
- 1953—JM-321 (RQ-564)
- 1953—JM-322 (RQ-527)
- 1953—JM-323 (RQ-581)

Open Records Decisions

- 1953—ORD-429 (RQ-368)
- 1953—ORD-430 (RQ-475)

Proposed Rules

Texas Department of Agriculture

- 1954—Pesticides
- 1958—Herbicide Regulations

Railroad Commission of Texas

- 1959—LP-Gas Division

Texas Department of Health

- 1964—Emergency Medical Care

Texas Parks and Wildlife Department

- 1966—Fisheries
- 1967—Wildlife

Texas Department of Human Resources

- 1968—Medicaid Eligibility

Withdrawn Rules

Texas Water Development Board

- 1969—Water Districts

Texas Commission on Human Rights

- 1969—Administrative Review

Adopted Rules

Railroad Commission of Texas

- 1970—Gas Utilities Division
- 1970—LP-Gas Division

Texas State Board of Dental Examiners

- 1971—Conduct
- 1971—Extension of Duties of Auxiliary Personnel

Texas State Board of Examiners of Dietitians

- 1972—Dietitians

Texas Department of Health

- 1974—Texas Board of Health
- 1975—Maternal and Child Health Services
- 1975—Emergency Medical Care

State Board of Insurance

- 1978—Rating and Policy Forms
- 1978—General Provisions

Board for Lease of University Lands

- 1979—Organization of the Board
- 1980—Sale of Oil and Gas Leases
- 1982—Disposition of Bonuses, Rental, Royalties, Fees
- 1982—Operational Matters
- 1983—Special Actions by the Board

Texas Youth Commission

- 1983—General Provisions

Texas Commission on Human Rights

- 1983—Administrative Review

Open Meetings

- 1984—Texas Aeronautics Commission

- 1984—Texas Amusement Machine Commission

- 1984—Texas Commission on the Arts

- 1984—Texas Conservation Foundation

- 1984—Texas State Board of Examiners of Professional Counselors

- 1984—Texas Commission for the Deaf

- 1985—Texas School for the Deaf

- 1985—Interagency Council on Early Childhood Intervention

- 1985—Texas Economic Development Commission

- 1985—Texas Education Agency

- 1985—Texas Employment Commission

- 1986—Office of the Governor

- 1986—Texas Department of Health

- 1986—Texas Historical Commission

- 1986—Industrial Accident Board

- 1986—State Board of Insurance

- 1987—Lamar University

- 1987—Texas State Library and Archives Commission

- 1987—Natural Fibers and Food Protein Commission

- 1987—Texas Board of Licensure for Nursing Home Administrators

- 1988—Board of Pardons and Paroles

- 1988—State Board of Plumbing Examiners

- 1988—Texas State Board of Examiners of Psychologists

- 1988—Public Utility Commission of Texas

- 1989—Railroad Commission of Texas

- 1990—Texas Rehabilitation Commission

- 1990—State Securities Board

- 1990—Board for Lease of State-Owned Lands

- 1990—Commission on Standards for the Teaching Profession

- 1991—University of Texas System

- 1991—University Interscholastic League

- 1991—Texas Water Commission

- 1992—Regional Agencies

In Addition

Texas Air Control Board

- 1994—Applications for Construction Permits

State Banking Board

- 1995—Public Hearing

Banking Department of Texas

- 1995—Public Hearing

Texas Department of Community Affairs

- 1996—Consultant Contract Award

Texas Education Agency

- 1996—Consultant Proposal Request

Texas Department of Health
1997— Opportunity to Comment
1997— Public Hearings
Texas Historical Commission
1998— Consultant Proposal Request
Texas Department of Human Resources
1999— Consultant Proposal Requests

2000— Requests for Proposals
State Board of Insurance
2000— Hearing on Fire and Allied Lines
Insurance
Railroad Commission of Texas
2003— Public Hearing
2003— Rule-Making Hearing

TAC Titles Affected

TAC Titles Affected—June

The following is a list of the administrative rules that have been published this month.

TITLE 1. ADMINISTRATION

Part IV. Office of the Secretary of State	
1 TAC §97.21	1810
1 TAC §97.22, §97.23	1810

TITLE 4. AGRICULTURE

Part I. Texas Department of Agriculture	
4 TAC §§7.24-7.31	1954
4 TAC §11.1, §11.3	1958

TITLE 7. BANKING AND SECURITIES

Part I. State Finance Commission	
7 TAC §3.1	1884
7 TAC §3.2	1884
7 TAC §3.3	1885
7 TAC §3.4	1885
7 TAC §3.5	1886
Part VII. State Securities Board	
7 TAC §107.2	1813
7 TAC §109.3	1863
7 TAC §109.4	1813
7 TAC §109.9	1813, 1862
7 TAC §109.13	1814
7 TAC §109.14	1816
7 TAC §§117.4, 117.5, 117.7	1816
7 TAC §133.29	1817

TITLE 10. COMMUNITY DEVELOPMENT

Part I. Texas Department of Community Affairs	
10 TAC §9.6	1791

TITLE 13. CULTURAL RESOURCES

Part VII. State Preservation Board	
13 TAC §§111.1-111.12	1818

TITLE 16. ECONOMIC REGULATION

Part I. Railroad Commission of Texas	
16 TAC §§7.1, 7.4, 7.5, 7.8, 7.9, 7.12	1970
16 TAC §9.2	1959
16 TAC §§9.6-9.10	1766
16 TAC §9.12	1970
16 TAC §9.14	1980
16 TAC §§9.16, 9.22, 9.23, 9.26, 9.27	1980
16 TAC §9.39	1970
16 TAC §9.48	1980
16 TAC §9.55	1961
16 TAC §9.58	1767
16 TAC §9.59	1768
16 TAC §9.64	1981
16 TAC §§9.65-9.70	1768
16 TAC §9.100, §9.113	1772
16 TAC §§9.106, 9.108, 9.111	1773
16 TAC §9.121	1774
16 TAC §§9.124-9.128, 9.131, 9.134, 9.135	1775
16 TAC §9.147	1982
16 TAC §§9.156, 9.160, 9.167, 9.168	1775
16 TAC §9.159, §9.162	1983
16 TAC §9.164	1775
16 TAC §9.190	1983
16 TAC §9.203, §9.204	1776
16 TAC §9.236	1983
16 TAC §§9.264, 9.272-9.274	1777
16 TAC §9.265	1777

16 TAC §§9.271, §9.275	1984
16 TAC §9.285	1984
16 TAC §9.294	1778
16 TAC §§9.301, §9.303	1778
16 TAC §9.385	1971

TITLE 19. EDUCATION

Part I. Coordinating Board, Texas College and University System	
19 TAC §§25.32-25.36, 25.49-25.51	1779
Part II. Texas Education Agency	
19 TAC §§75.62, 75.66, 75.67	1781
19 TAC §75.121, §75.122	1819
19 TAC §§75.121, 75.123, 75.124	1819
19 TAC §75.153	1783
19 TAC §75.164	1788
19 TAC §75.193, §75.195	1788

TITLE 22. EXAMINING BOARDS

Part V. Texas State Board of Dental Examiners	
22 TAC §109.178	1971
22 TAC §115.1	1971
Part XV. Texas State Board of Pharmacy	
22 TAC §281.24	1923
22 TAC §283.14	1923
Part XXII. Texas State Board of Public Accountancy	
22 TAC §523.61	1923
Part XXXI. Texas State Board of Examiners of Dietitians	
22 TAC §§711.1-711.9, 711.12, 711.13	1972
Part XXXII. State Committee of Examiners for Speech-Language Pathologists and Audiologists	
22 TAC §741.2	1820
22 TAC §741.64	1821
22 TAC §741.84	1822
22 TAC §§741.121-741.129	1823
22 TAC §§741.121-741.123	1823
22 TAC §741.163	1823
22 TAC §741.181	1824
22 TAC §§741.193, 741.194, 741.197	1824
22 TAC §§741.208-741.210	1825

TITLE 25. HEALTH SERVICES

Part I. Texas Department of Health	
25 TAC §1.91	1924, 1974
25 TAC §§37.81-37.106	1825, 1862
25 TAC §§37.81-37.96, 37.98, 37.107	1826, 1862
25 TAC §37.191	1924, 1975
25 TAC §§61.1-61.10, 61.12, 61.13	1845
25 TAC §73.11	1851
25 TAC §133.21	1852
25 TAC §157.75	1924, 1975
25 TAC §157.80	1886, 1984
25 TAC §157.81	1886, 1984

TITLE 28. INSURANCE

Part I. State Board of Insurance	
Noncodified (059.01.11.041-.044)	1852
Noncodified (059.01.14.021)	1854
Noncodified (059.01.15.204)	1854
Noncodified (059.01.15.212)	1854
Noncodified (059.03.28.301-.305)	1886
Noncodified (059.05.03.001)	1978
Noncodified (059.21.01.111)	1855
Noncodified (059.21.21.107)	1855
Noncodified (059.21.21.122)	1978

TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part II. Texas Parks and Wildlife Department

31 TAC §57.242 1966
 31 TAC §65.26 1963
 31 TAC §§65.311-65.313 1967

Part X. Texas Water Development Board

31 TAC §311.1, §311.3 1969
 31 TAC §311.11, §311.12 1969
 31 TAC §311.31 1969
 31 TAC §§321.2, 321.4, 321.13, 321.14, 321.28, 321.29, 321.36, 321.44 1887
 31 TAC §§335.1, 335.2, 335.6, 335.16-335.24, 335.30 1898
 31 TAC §§335.41, 335.42, 335.43, 335.45-335.47 1907
 31 TAC §335.61, §335.69 1911
 31 TAC §335.91, §335.93 1856
 31 TAC §335.114 1857
 31 TAC §335.157 1857
 31 TAC §335.173 1858
 31 TAC §§335.193-335.195 1912
 31 TAC §335.247 1913
 31 TAC §335.267 1859
 31 TAC §335.327 1914
 31 TAC §335.361 1859
 31 TAC §335.381 1860
 31 TAC §335.452, §335.453 1914
 31 TAC §§335.640-335.643 1916
 31 TAC §§335.650, 335.652-335.656 1917
 31 TAC §335.680 1919
 31 TAC §335.690 1919

Part XIII. Board for Lease of University Lands

31 TAC §401.1, §401.5 1979
 31 TAC §401.6 1979
 31 TAC §403.1 1980
 31 TAC §403.2, §403.3 1980
 31 TAC §403.5 1980
 31 TAC §403.6 1981
 31 TAC §403.7 1981
 31 TAC §403.8 1982
 31 TAC §405.1 1982
 31 TAC §407.3-407.5, 407.8, 407.9, 407.11-407.13, 407.16, 407.17 1982
 31 TAC §409.2, §409.3 1983

TITLE 34. PUBLIC FINANCE

Part I. Comptroller of Public Accounts

34 TAC §3.282 1920
 34 TAC §3.286 1791
 34 TAC §3.399 1920
 34 TAC §3.403 1883
 34 TAC §3.543 1924
 34 TAC §3.548 1924
 34 TAC §3.555 1810
 34 TAC §3.556 1811
 34 TAC §3.557 1811

Part IV. Employees Retirement System of Texas

34 TAC §67.1 1763
 34 TAC §81.19 1763

TITLE 37. PUBLIC SAFETY AND CORRECTIONS

Part III. Texas Youth Commission

37 TAC §81.251 1983

Part IX. Commission on Jail Standards

37 TAC §259.67 1926
 37 TAC §259.162 1926
 37 TAC §259.246 1926
 37 TAC §261.56 1927
 37 TAC §261.151 1927
 37 TAC §261.235 1927
 37 TAC §263.53 1926

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Resources

40 TAC §15.2001 1968
 40 TAC §15.3001 1968
 40 TAC §15.3108 1968
 40 TAC §15.3303 1968
 40 TAC §§15.3403, 15.3404, 15.3408 1968
 40 TAC §§15.3409-15.3412, 15.3416 1968
 40 TAC §15.5205, §15.5206 1968
 40 TAC §15.5403 1968

Part VI. Texas Commission for the Deaf

40 TAC §181.19 1922

Part XI. Texas Commission on Human Rights

40 TAC §327.1 1969
 40 TAC §327.3 1983

Attorney General

Description of attorney general submissions. 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*.

Opinions

JM-319 (RQ-511). Request from Neal E. Birmingham, Cass County district attorney, Linden, concerning whether a county is required to contribute to the compensation of a criminal district attorney.

Summary of Opinion. Texas Civil Statutes, Article 332b-4, §3, do not require a commissioners court to supplement the salary of a criminal district attorney whose duties include legal work normally performed by a county attorney in counties having the official. Texas Civil Statutes, Article 332b-4, §3, do require a minimum amount by which a county commissioners court may supplement the state salary of a criminal district attorney.

TRD-855183

★ ★ ★

JM-320 (RQ-518): Request from David Cain, chairman, Committee on Transportation, House of Representatives, Austin, and Carlos Valdez, Nueces County attorney, Corpus Christi, concerning the authority of the Texas Parks and Wildlife Department under the Texas Parks and Wildlife Code, §31.073, the Water Safety Act, to issue citations to persons using sailboards.

Summary of Opinion. The Texas Parks and Wildlife Department may not issue citations, pursuant to the Texas Parks and Wildlife Code, §31.073, to persons using sailboards who do not have on board a Coast Guard approved lifesaving device.

TRD-855182

★ ★ ★

JM-321 (RQ-564). Request from Robert C. Lanier, chairman, State Department of Highways and Public Transportation, Austin, concerning whether interest on constitutionally dedicated funds may be diverted to general revenue by statute or by appropriations act rider.

Summary of Opinion. Interest on constitutionally dedicated funds may not be diverted to general revenue by appropriation act rider in contravention of Texas Civil Statutes, Article 2543d. The legislature lacks authority to enact a statute diverting to the general revenue fund interest on the motor

vehicle fees and motor fuel taxes dedicated to highway purposes by the Texas Constitution, Article VIII, §7-a.

TRD-855179

★ ★ ★

JM-322 (RQ-527). Request from Phillip A. Lohec, CPA, Galveston County auditor, Galveston, concerning whether contributions to FICA under Texas Civil Statutes, Article 695h, constitute a salary supplement to a county court-at-law judge.

Summary of Opinion. Texas Civil Statutes, Article 695h, specifically exclude social security contributions paid by the state under Texas Civil Statutes, Article 695h, §5(b), from the salary of a district judge. These contributions should not be used in compiling the salary basis of a district judge to determine the salaries of the judges of County Courts 1 and 2 and probate court.

TRD-855177

★ ★ ★

JM-323 (RQ-581). Request from William P. Hobby, lieutenant governor; Gib Lewis, speaker, Texas House of Representatives; Grant Jones, chairman, Senate Finance Committee, and Jim Rudd, chairman, House Appropriations Committee, Austin, concerning whether interest on nonconstitutional funds in the state highway fund may be appropriated for general revenue purposes.

Summary of Opinion. Interest earned on nonconstitutional funds in the state highway fund may be appropriated for general revenue purposes.

TRD-855186

★ ★ ★

Open Records Decisions

ORD-429 (RQ-368). Request from William B. Steele III, Locke, Purnell, Boren, Laney, and Neely, attorneys for the Texas Turnpike Authority, Dallas, concerning whether the Texas Turnpike Authority must make available under the Open Rec-

ords Act information regarding municipal right-of-way dedications.

Summary of Decision. Documents held by the Texas Turnpike Authority relevant to right-of-way dedications along the extension of the Dallas North Tollway are not, in general, excepted from disclosure under the Open Records Act, Texas Civil Statutes, Article 6252-17a.

TRD-855185

★ ★ ★

ORD-430 (RQ-475). Request from R. K. Procnier, director, Texas Department of Corrections, Huntsville, concerning whether documents relating to polygraph examinations of an inmate of the Texas Department of Corrections are excepted from disclosure under the Open Records Act.

Summary of Decision. The results of polygraph examinations administered to inmates of the Texas Department of Corrections are excepted from disclosure under Texas Civil Statutes, Article 4413(29cc), §19a. Visitor lists of an inmate are excepted from disclosure under the Open Records Act, §3(a)(1).

TRD-855184

★ ★ ★



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. Also, in the case of substantive rules, a public hearing must be granted if requested by at least 25 persons, a governmental subdivision or agency, or an association having at least 25 members.

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

TITLE 4. AGRICULTURE Part I. Texas Department of Agriculture Chapter 7. Pesticides ★4 TAC §§7.25-7.31

The Texas Department of Agriculture proposes amendments to §§7.25-7.31, concerning pesticide application standards. Amendments to these sections previously were published in the January 1, 1985, issue of the *Texas Register* (10 TexReg 29). Since the January 21, 1985, effective date of those regulations, the commissioner has considered comments received from affected parties throughout the state. These proposed amendments are in response to such comments.

The word "body" is deleted from the definition of "labor intensive activities," in §7.25(d)(5). "Body" contact implies that direct skin contact may cause injury; however, workers wearing inadequate clothing are subject to the same risk of injury and should be protected. Subsection (d)(9) reduces the size of the universal symbol from 24 inches by 24 inches to at least 18 inches in width by 24 inches in length, which will reduce the size and cost of notification flags and reentry signs which must contain the symbol. A definition for "farm labor camp" has been added in subsection (d)(11) to clarify that the notification section is intended to cover all housing provided agricultural workers which is owned, operated, or managed by the farm operator and housing licensed as a farm labor camp by the State of Texas.

Section 7.26(c)(1) is amended to require that the structure in which the adjoining neighbor resides or works must be within ¼ mile of the field on which pesticides may be applied. This amendment makes it easier for the farm operator to identify adjoining neighbors who are entitled to request notification, and it gives adjoining neighbors the same degree of protection afforded medically affected persons and facilities.

Subsection (c)(2) adds persons in charge of licensed day-care centers, primary and secondary schools, hospitals, inpatient clinics, or nursing homes to the list of

persons who may request notification. Subsection (l) now requires the farm operator to notify persons in charge of such facilities even if they do not request notification. Subsection (c)(2) is proposed in response to complaints that farm operators are not able to identify all of such facilities and that the persons in charge of such facilities often do not want notification. A provision is added to enable the department to require notification if the parent of a primary or secondary school student requests notification for good cause and if the person in charge of the school has refused to request notification. Subsection (g) is amended to allow commencement of notification by the farm operator within 10 days of receipt of the request of notification. Provided however, the department may extend the time to begin notification upon a showing of sufficient cause by the farm operator.

Subsection (h)(1)(A) is amended to clarify that if the farm operator uses a flag to give notification to a requesting party, the flag shall be located no farther than 650 yards "from the nearest property line" of any adjoining neighbor requesting notification. Subsection (h)(1)(A)(iii) is added to provide that in the event of unusually tall crops or limited access fields, the farm operator may raise a flag at a distance greater than 650 yards from an adjoining neighbor, if the neighbor is given written notice of the location of such flag and the flag is raised on a permanent pole to a height visible to the adjoining neighbor. A part of subsection (h)(1)(A) is renumbered as (h)(1)(A)(iii) and is amended to require that when giving notification by telephone, writing, or in person, the farm operator shall give the intended date and approximate time of the scheduled application. Subsection (h)(2)(A)(iv) is amended by adding the requirement to give the approximate time of application. Subsection (h)(3) is added and requires that eligible licensed day-care centers, primary and secondary schools, hospitals, inpatient clinics, and nursing homes shall be notified in person or by telephone in English or, when appropriate, Spanish. Alternatively, notification may be given to such facilities by posting a flag at a designated location, if mutually agreed upon by the farm operator and the per-

son in charge of the facility. Subsection (h)(4) is added and provides that certain farm labor camps are entitled to notification without requesting it, and provides the method of notification. Subsection (o), captioned "challenges to request an emergency application," has been deleted, because this provision was a restatement of the departmental procedures covered by the Administrative Procedure and Texas Register Act, and/or covered by subsection (p). Subsection (h)(4) is amended to (h)(5) and adds that it is a violation of this section to provide false information to the department about failure to receive notification.

Section 7.27(b) and (c) are amended to clarify that the prescribed farm operator responsibilities apply to workers who are about to enter a field and not to workers in general. Subsection (d)(1) is amended to delete the requirement that the farm operator's name be on the reentry sign, leaving the requirement that the sign contain at least two telephone numbers where the farm operator and/or applicator may be reached by telephone. Subsection (d)(2) is amended to require that reentry signs should be taken down within 24 hours after the expiration of the reentry interval, and in no event shall such signs be left posted more than 48 hours after the expiration of the reentry interval. The sign loses this significance if left posted too long after the expiration of the reentry interval. Subsection (f), covering unauthorized entry, has been deleted, as the provision was overly broad and probably beyond the department's jurisdiction.

Section 7.28(d) is amended by adding the phrase "contained in the warning" to clarify that the specified information applies to any warnings given pursuant to §7.27(c).

Section 7.29(b) is amended by deleting the second sentence. New subsection (c) requires that persons employed by the farm operator shall not knowingly enter a field to which pesticides have been applied before the reentry interval has expired without the authorization of the farm operator.

Section 7.30(c)(5) is deleted entirely and new paragraphs (5)-(9) substituted. The new language is proposed to make the

standards more consistent with EPA standards and to ease the compliance responsibility for registrants by making the requirements more practical, as indicated by informal comment from registrants and the EPA. Paragraph (6) is changed to paragraph (10), but otherwise remains intact.

The title of §7.31 and subsection (a), concerning purpose, are deleted entirely. A new title is added and subsections (b)-(e) are renumbered accordingly. Other references to the committee are deleted and the department is substituted.

Heather Ball, policy economist, 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. Ball also has determined that for each year of the first five years the rules are in effect the public benefit anticipated as a result of enforcing the rules is reduced workers compensation claims due to reduced illness from pesticide exposure. 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 Ron D White, Assistant Commissioner for Regulatory Affairs, Texas Department of Agriculture, P.O. Box 12847, Austin, Texas 78711.

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

§7.25. Scope of Pesticide Application Standards.

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

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

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

(5) Labor-intensive activities. Labor-intensive activities are those activities requiring a worker to make substantial contact with plants, soil, or other sources of pesticide residue after application of a pesticide but before expiration of the applicable reentry interval. Examples of activities which may require workers to make substantial contact include commonly recognized crop-production, hand-labor activities such as harvesting, detasseling, thinning, weeding, topping, planting, sucker removal, roguing and pruning. Provided, however, walking and/or standing in a

treated field shall not be deemed to be substantial [body] contact with soil if the worker is wearing boots or shoes and socks.

(6)-(8) (No change.)

(9) Universal symbol. The meaning of universal symbol is a figure at least 19 inches in width by 24 inches in length [two feet square] in size, white in color, and which is inscribed a 12-inch diameter red circle with a red diagonal bar one inch in width placed from the two o'clock position to the eight o'clock position across the circle. The legend "Danger Pesticides" shall appear in black letters above the circular prohibitory symbol and the words "Peligro Pesticidas" below; lettering must be no less than 1½ inches high. Enclosed within the circular symbol shall be two figures amid rows of crops, all in black. The symbol should appear substantially as follows:



(10) (No change.)

(11) Farm labor camp—Housing used by one or more seasonal, temporary, permanent, or migrant workers and accompanying dependents which are owned, operated, or managed by the farm operator or licensed by the State of Texas.

§7.26. Notification Requirements.

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

(c) Who may request. The following persons may request prior notification of a pesticide application:

(1) any person who works or resides in a building, house, or other structure located on land adjoining and within ¼ mile of a field on which pesticides may be applied; [and]

(2) persons in charge of licensed day-care centers, primary and secondary schools, hospitals, inpatient clinics or nursing homes within ¼ mile of the field on which pesticides are to be applied. The parent of a primary or secondary school student may for good cause request notification from the department if the person in charge of the school has refused to request notification. If the department determines

that notification should be given, the department shall notify the farm operator to give notification to the person in charge of the school; and

(3)[(2)] any person with chemical hypersensitivities, allergies, or other medical conditions which may be aggravated by pesticide exposure and whose residence or place of employment is within ¼ mile of the field on which pesticides are to be applied; provided there is attached to such request a licensed physician's signed confirmation of the medical condition.

(d) Content of request. Requests [The request] for prior notification under subsection (c)(1) and (2) of this section shall be made in writing to the farm operator, [or the department, as specified in paragraphs (1)-(5) of this subsection,] and should [must] include:

(1) (No change.)

(2) [at least] one home and business telephone number at which the person making the request can be reached and the hours that such person is normally at each number;

(3)-(5) (No change.)

(e) (No change.)

(f) Requests for notification under subsection (c)(3) [(c)(2)] of this section. These requests shall be filed with the nearest district office or Austin office of the Texas Department of Agriculture. The department shall closely review each request and the supporting documentation for accuracy and validity. If the department approves the request, the department shall promptly notify the appropriate farm operator of the requirement to give prior notification to the requesting person. Requests which are not approved shall be returned to the requesting party with a written statement explaining the reasons for the rejection.

(g) Length of effectiveness and commencement of notification. A request for prior notification shall be in effect through December 31 of the year that the request is received. A farm operator shall commence

notifying a requesting party of scheduled pesticide applications within 10 days of receipt of a request for notification. The department may extend the time to begin notifying a requesting party upon a showing of sufficient cause by the farm operator. The department shall notify the requesting party of any such extension.

(h) Notification. The following methods may be used for giving notification of a scheduled pesticide application:

(1) Adjoining neighbor. If the request for notification is made pursuant to subsection (c)(1) of this section, the notification may be made by:

(A) raising a flag.

(i) [With] The universal symbol (flag) shall be raised to a height of at least approximately five feet, with the bottom of such flag always at least two feet above the top of the crop, in or about the field to which pesticides are scheduled to be applied so that the flag is located no farther than 650 yards from the nearest property line of any adjoining neighbor requesting notification.

(ii) In the event of unusually tall crops, such as citrus, corn, and sugar cane, or limited access fields, the farm operator may raise a flag at a distance greater than 650 yards from an adjoining neighbor, if such neighbor is given written notice of the location of such flag and the flag is raised on a permanent pole to a height visible to the adjoining neighbor.

(iii) [Further,] The telephone number of the farm operator shall be on [below] or near the flag. The farm operator shall provide the name of the pesticide and the intended date and approximate time of the scheduled application when requested by the requesting party. [; provided, however, it is not necessary to raise a flag if notification is given pursuant to subsection (h)(1)(B) of this section; or]

(B) giving notification in writing [written,] in person, or by telephone [notification] in English or, when appropriate, Spanish.

(2) Medically affected. If the request for notification is made pursuant to subsection (c)(3) [(c)(2)] of this section, notification may be given in person or by telephone in English or, when appropriate, Spanish.

(A) If the farm operator is unable to reach a person entitled to notification under this section after making reasonable efforts, the farm operator may immediately notify the department by telephone of the following information:

(i)-(iii) (No change.)

(iv) the intended date and approximate time of the pesticide application; and

(v) (No change.)

(B)-(C) (No change.)

(3) Licensed day-care centers, primary and secondary schools, hospitals, inpatient clinics, nursing homes. If the request

for notification is made pursuant to subsection (c)(2) of this section, notification may be given in person or by telephone in English or, when appropriate, Spanish. Alternatively, if mutually agreed by the farm operator and the person in charge of any such facility, notification may be given to such facilities by posting a flag at a designated location.

(4) Farm labor camps. No request is necessary for prior notification of camps owned, managed, or controlled by the farm operator and located on the field; or licensed farm labor camps located on the field or within ¼ mile of the field on which pesticides are to be applied. Notification shall be provided by telephone or in person to the head of each household. Alternatively, the farm operator may provide notification in writing by placing a written notice on a bulletin board to which the camp has access.

(5)[(3)] Record of notification. A farm operator may notify the department that he has given or been unable to give a notification by telephone or in person to establish a record of such notice. The department shall maintain a record of such notification from operators to the department. It is a violation of this section to provide false information to the department about efforts to reach a requesting party or about failure to receive such notification.

(i) Exception. No request is necessary for prior notification of licensed day-care centers, primary and secondary schools (during school hours and scheduled after-school activities), hospitals, inpatient clinics, nursing homes, or farm labor camps within ¼ miles of the field on which pesticides are to be applied. The farm operator shall provide notification in writing, by telephone, or in person to the director, owner, or other person in charge of the site. This person should communicate such notice to all appropriate persons at the site. However, a farm operator is not required to give notice to such facility if the person in charge has stated in writing that notification is not requested.]

(i)(j) Content of notice. Notice given in writing, in person, or by telephone shall include:

(1) the intended date and approximate time of application [if available];

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

(3) (No change.)

(j)(k) Time and receipt of notice. Notice shall be given not later than on the day previous to a scheduled pesticide application.

(1) Notice shall be deemed given pursuant to subsection (h)(1) and (3) of this section;

(A) at the time of delivery (in person, in writing, or by telephone) to the requesting person or at the time of delivery

to the address provided in the request for prior notification; or

(B) (No change.)

(2) (No change.)

(3) Notice shall be deemed given pursuant to subsection (h)(4) of this section at the time of delivery of notification in person, by telephone, or by posting the required notice.

(k)(l) Emergency. Advance notice need not be given on the day before when an immediate application is required and time does not reasonably allow the giving of notice on the day before a pesticide application. Notice of an emergency application shall be given:

(1) by the method selected pursuant to subsection (h)(1), (3), and (4) of this section [to adjoining neighbors] as soon as reasonably possible before the application; or

(2) by telephone or in person to medically affected persons as soon as reasonably possible before the application. In no event shall notice of an emergency application to medically affected persons [pursuant to subsection (c)(2) of this section] be given less than one hour before the scheduled application. However, an emergency application need not be postponed if after reasonable efforts by the farm operator actual notice cannot be given.

(l)(m) Removal of flags. Flags raised under this section should be removed or lowered within 24 hours after the application. However, in no event shall such flags be left posted for more than 48 hours after the application. In the event that a pesticide application is not made when scheduled, the flag may be left posted until after the application has been made.

(m)(n) Duty to notify of address change. A person who has requested notice of a pesticide application under this section shall notify the farm operator promptly and in writing of any change of address or telephone number. Notice need not be given at any vacant structure or premises, or at any structure or premises which is not the place of residence or business of a person entitled to notice under this section.

(o) Challenges to requests and emergency applications. The following persons may challenge notification requests and pesticide applications by filing a written complaint with the department:

(1) a farm operator who challenges a request by a person claiming to be medically or chemically affected; and

(2) a requesting party who challenges the emergency nature of an application.]

(p) All complaints filed under this section shall be reviewed and investigated by the department in the same manner as any other complaints filed under the Administrative Procedure and Texas Register Act.

§7.27. Worker Reentry Into Fields.

(a) (No change.)

(b) Reentry intervals of seven days or less. A farm operator must [may] take either of the following actions when workers are about to enter a field after application of a pesticide for which a reentry interval of seven days or less has been established pursuant to §7.30 of this title (relating to Reentry Intervals):

(1) direct [forbid] those workers not to enter the field until expiration of the reentry interval and make reasonable efforts to obtain compliance therewith; or

(2) (No change.)

(c) Reentry intervals of more than seven days. A farm operator must do the following for all fields treated with any pesticide for which a reentry interval of more than seven days has been established pursuant to §7.30 of this title (relating to Reentry Intervals):

(1) erect signs for the entire reentry interval in accordance with subsection (d) of this section; and

(2) direct [forbid] workers who are about to enter such a field not to enter the field until expiration of the reentry interval and make reasonable efforts to obtain compliance therewith; or

(3) (No change.)

(d) Posting of signs.

(1) Fields may be posted by erecting a sign immediately prior to the scheduled application of a pesticide. The sign should remain posted and be in good condition through the reentry interval. The sign must be large enough to bear the universal symbol and contain the following information: [name of the farm operator and] at least two telephone numbers where the farm operator and/or applicator may be reached by telephone.

(2) Fields scheduled for pesticide application must be posted with signs at points of access and where they may be seen by workers who ordinarily enter such fields. Reentry signs should be taken down within 24 hours after the expiration of the reentry interval. In no event shall such signs be left posted for more than 48 hours after the expiration of the reentry period.

(e) (No change.)

(f) Unauthorized entry. No person shall enter a field without the prior authorization or permission of the farm operator.]

(g) Ordered entry forbidden. No person may order or instruct any worker to engage in any activity that may involve substantial contact with sources of pesticide residue unless the applicable reentry interval has expired or unless such worker is wearing appropriate protective clothing.

§7.28. Reentry Instructions.

(a) (No change.)

(b) Persons performing tasks which are not labor intensive shall be given the following warnings, as appropriate, before entering a field:

(1)-(3) (No change.)

(c) (No change.)

(d) [Before any worker is permitted to enter the field before the reentry interval expires,] The following information shall be contained in the warning given to the worker:

(1) (No change.)

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

(3)-(6) (No change.)

(e) (No change.)

§7.29. *Forbidden Pesticide Practices.* The pesticide applicator shall be responsible for complying with the following standards:

(1) Direct spray forbidden. Pesticides may not be applied if persons not involved with the application of the pesticide are lawfully present in the field.

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

(3) It is a violation of these regulations for any person employed by a farm operator to knowingly enter a field to which pesticides have been applied and the reentry interval has not expired or to which pesticides are being applied without the authority of the farm operator.

§7.30. Reentry Intervals.

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

(c) Specific reentry intervals. The following reentry intervals are hereby established for pesticides when used on crops requiring workers to perform labor-intensive activities:

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

(5) Effective November 1, 1985, an interim 24-hour reentry interval shall be established for all pesticides with registered agricultural uses which are applied to crops whose culture requires labor-intensive activities unless the department receives [One hundred and twenty days following promulgation of these regulations, an interim 24-hour reentry interval is established for all pesticides used on labor-intensive crops, unless pesticide registrants submit to the TDA:]

(A) documentation that all chronic feeding, oncogenicity, teratogenicity, reproduction, neurotoxicity, and subchronic feeding studies required by 40 Code of Federal Regulations Part 158 have been submitted to the EPA and have been accepted in support of federal registration; and [a sworn statement and supporting documentation demonstrating that for each formulation all chronic toxicity data required by the current EPA data requirements for pesticide registration (40 Code of Federal Regulations §158) have been submitted to EPA and that these data demonstrate an absence of undue adverse chronic effects; or]

(B) for all data indicating a possibility of adverse effects, a quantitative risk

assessment or a detailed explanation demonstrating that an unreasonable risk to human health will not occur if workers enter the field within 24 hours after application of the pesticide. [In the event that animal testing indicates the possibility of the occurrence of undue adverse chronic effects, a sworn statement and supporting documentation affirming that required chronic toxicity data have been submitted to the EPA and a risk assessment acceptable to the department which includes supporting documentation demonstrating that an unreasonable risk to human health will not occur if field reentry occurs within 24 hours after application of a pesticide.]

(6) The department shall consider granting an exemption when the following information is received regarding the documentation of chronic feeding, oncogenicity, teratogenicity, reproduction, neurotoxicity, and subchronic feeding studies pursuant to subsection (c)(5) of this section:

(A) identification numbers assigned to the submission to EPA by the registrant or EPA;

(B) the core grade assigned by EPA, or in the absence thereof, for each study a statement that EPA judged it acceptable for registration and/or tolerance purposes. In the event that the study has been submitted to EPA, but has not been reviewed by EPA, the submitter should so indicate;

(C) designation of each study demonstrating possible adverse effects; and

(D) a clear indication of the EPA data requirement (from 40 Code of Federal Regulations Part 158) the study was intended to fulfill.

(7) The following criteria shall be used in determining whether data demonstrate possible adverse effects and should be designated in accord with subsection (c)(6)(C) of this section:

(A) oncogenicity, combined oncogenicity/chronic feeding or subchronic feeding study: when compared with controls, treated animals, show any increase in the incidence of neoplasms or decrease time to tumor development;

(B) neurotoxicity, reproduction, or teratology study: a positive effect when compared with controls.

(8) In the event that data submitted in support of federal registration have been designed as demonstrating possible adverse effects, the submitter must provide either a detailed explanation of why the studies do not support the likelihood of the occurrence of adverse effects in humans and/or a quantitative risk assessment acceptable to the department which demonstrates that an unreasonable risk to human health will not occur if workers enter the field within 24 hours after application of the pesticide.

(9) In the event that data requirements specified for the active ingredient in 40 Code of Federal Regulations Part 158

have not been fulfilled, the submitter should provide an explanation detailing the reasons for the apparent data gap.

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

§7.31. Establishing Reentry Intervals [Technical Advisory Committee].

((a) Purpose. The commissioner shall establish a Technical Advisory Committee that shall have the following functions:

(1) to develop a method for determining appropriate reentry intervals;

(2) to develop a list of chemicals that are likely to involve high worker exposure;

(3) to develop a list of chemicals that require a reevaluation of reentry intervals;

(4) to make a priority listing of chemicals to be reviewed for reentry intervals;

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

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

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

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

(1)-(7) (No change.)

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

(d)(e) Petition for review. Any person may petition the department to review the reentry intervals of a pesticide, class of pesticides, or use of a pesticide or pesticides. [The petition shall be referred to the committee for a recommendation of appropriate action.] A person requesting that reentry intervals be shortened shall at all times bear the burden of proof that shorter reentry intervals will not impose an unreasonable risk to human health.

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

Issued in Austin, Texas, on June 7, 1985.

TRD-855189 Dolores Alvarado Hibbs
Hearings Officer
Texas Department of
Agriculture

Earliest possible date of adoption:

July 15, 1985

For further information, please call
*(512) 478-8886.

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Chapter 11. Herbicide Regulations

★4 TAC §11.1, §11.2

The Texas Department of Agriculture proposes amendments to §11.1 and §11.2, concerning counties regulated and county special provisions. The department is implementing changes to the designated regulations as a result of a commissioners court order promulgated effective January 1, 1985, from each affected county. The amendments to §11.1, concerning counties regulated, remove Fannin County, and add Deaf Smith, Foard, and Lamb Counties in the list of counties being subjected to all provisions of the Texas Agriculture Code, Chapter 75, unless specifically exempted by §11.2, concerning county special provisions. The amendments to §11.2, concerning special provisions, change the provisions for use of ester formulations of 2,4-D in Parmer County, and add special provisions for Foard, Deaf Smith, and Lamb Counties.

Alvin Ashorn, agricultural and environmental sciences assistant director, has determined that for the first five-year period the rules will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rules.

Mr. Ashorn also has determined that for each year of the first five years the rules are in effect the public benefit anticipated as a result of enforcing the rules is enhanced public health, safety, and welfare. 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 Alvin Ashorn, Agricultural and Environmental Sciences, P.O. Box 12847, Austin, Texas 78711.

The amendments are proposed under the Texas Agriculture Code, §75.023(h), which requires the commissioners court to notify the Texas Department of Agriculture of a change in the status of the exemp-

tion of a county which has developed through a public hearing process, and the Code, §75.018 and §75.019, which provides the department with the authority necessary to promulgate rules to enforce the provisions of the Code, Chapter 75.

§11.1. *Counties Regulated.* The following counties shall be subject to all of the provisions of the Texas Agriculture Code, Chapter 75, unless specifically excepted by the provisions of §11.2 of this title (relating to County Special Provisions): Aransas, Austin, Bell, Bexar, Breaoria, Brazos, Burleso, Calhoun, Comal, Collin, Collingsworth, Colorado, Cottle, Culberson, Dallas, Dawson, Deaf Smith, Delta, Denton, Dickens, Dimmit, Donley, El Paso, Falls, [Fannin,] Foard, Fort Bend, Frio, Gaines, Galveston, Hall, Hardin, Harris, Haskell, Hidalgo, Houston, Hudspeth, Jackson, Jefferson, Karnes, Kaufman, King, Knox, Lamar, Lamb, Liberty, Loving, McLennan, Martin, Matagorda, Midland, Milam, Newton, Orange, Parmer, Rains, Reeves, Refugio, Robertson, Rockwall, Runnels, San Patricio, Travis, Tyler, Van Zandt, Waller, Ward, Washington, Wharton, Williamson, Wilson, and Wood.

§11.2. *County Special Provisions.*

(a)-(p) (No change.)

(q) Parmer. No permit or fee is required in Parmer County for spraying hormone-type herbicides between November 1 and March 31 each year. However, the use of all ester formulations of 2,4-D are prohibited between the dates of April 15 and October 1 of each year.

(r)-(aa) (No change.)

(bb) Foard. That portion of Foard County within the area described as follows is regulated by the provisions of the Texas Agriculture Code, Chapter 75, for the period beginning May 25 and ending October 10 of each year: all of that portion of Foard County lying east of a line which has its origins beginning at a point where the Pease River intersects the east boundary line of §509, Block A, H.&T.C.R.R. Co., survey; and thence southward along the eastern boundary lines of §§509, 508, 506, 505, 504, 503, 502, 501, 500, 499, 498, and 497, Block A, H.&T.C.R.R. Co., survey, ending in the southeast portion of §497 at a point where Latitude 33°55' intersects with the southeast portion of §497, Block A, H.&T.C.R.R. Co., survey; then, all of the portion of Foard County lying north of a line which has its origins beginning at a point in the southeast portion of §497, Block A, H.&T.C.R.R. Co., survey where Latitude 33°55' intersects with the southeast portion of §497; and thence due eastward along Latitude 33°55' ending at a point where Latitude 33°55' intersects with the Wilbarger County Line in the northwestern portion of §48, Block 18, A.H.&T.C.R.R. Co., survey.

(cc) Deaf Smith. The use of all butyl ester formulation of 2,4-D and/or all high

volatile formulations of 2,4-D is prohibited between the dates of April 15 until October 1 of each year.

(dd) Lamb.

(1) During the period of September 15 of one calendar year through April 1 of the following year, no permit or permit fee will be required for the following herbicides:

(A) 2-methyl-4 chlorophenoxy-acetic acid (MCPA);

(B) 2-(2, 4, 5-trichlorophenoxy) propionic acid (silvex);

(C) polychlorinated benzoic acids; and

(D) any combinations and derivatives of the herbicides listed in subparagraphs (A)-(C) of this paragraph.

(2) The herbicides listed in paragraph (a)(A)-(D) of this subsection, may be used during the period of April 2 of one calendar year and September 15 of the following calendar year, provided the user obtain a permit, as prescribed by law, prior to such use.

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 June 10, 1985.

TRD-855178

Dolores Alvarado Hibbs
Hearing Examiner
Texas Department of
Agriculture

Earliest possible date of adoption:

July 15, 1985

For further information, please call

(512) 475-8886.

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TITLE 16. ECONOMIC REGULATION

Part I. Railroad Commission of Texas

Chapter 9. LP-Gas Division

Subchapter A. General

Applicability and Requirements

★ 16 TAC §9.2

The Railroad Commission of Texas proposes new §9.2, concerning uniform definitions for use with the LP-Gas Division safety rules. The new section updates definitions and locates them in one single section.

Thomas D. Petru, division director, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rule.

Mr. Petru also has determined that for each year of the first five years the rule is in effect the public benefit anticipated

as a result of enforcing the rule is greater clarity in regulation and a reduction in the numbers of times a word or phrase must be explained in the text of the safety rules. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Donn G. Miller, Hearings Examiner, LP-Gas Division, Railroad Commission of Texas, P.O. Drawer 12887, Austin, Texas 78711-2967.

The new section is proposed under the Texas Natural Resources Code, §113.051, which provides the Railroad Commission of Texas with the authority to promulgate and adopt rules and standards to govern the LP-gas industry in Texas, which promote or tend to promote the health, safety, and welfare of the general public.

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

Appliance—Any apparatus or fixture that uses or consumes LP-gas furnished or supplied by an LP-gas system to which it is connected or attached.

Approved—Acceptable to the LP-Gas Division or to the Railroad Commission of Texas.

ASME container—Any LP-gas container manufactured to the specifications of the American Society of Mechanical Engineers.

Automatic dispenser—A dispensing device to which access is controlled by a key, a card, or a code locking system, without which the dispenser cannot be operated.

Certified—Authorized to perform LP-gas related work as set forth in the Texas Natural Resources Code. Employee certification alone does not allow an individual to perform those activities which require licensing.

Commission—The Railroad Commission of Texas.

Container—Any receptacle designed for the transportation or storage of LP-gas or any receptacle designed for the purpose of receiving injections of LP-gas for use or consumption by or through an LP-gas system.

Dispensing system—That combination of valves, meters, hoses, piping, electrical connections, and/or fuel connections used to distribute LP-gas to portable DOT containers or DOT/ASME mobile or motor fuel containers. (This definition does not include a system used to transfer LP-gas from a transport to a stationary storage container.)

Division—The Liquefied Petroleum Gas Division of the commission.

DOT container—Any LP-gas container manufactured to the specifications of the United States Department of Transportation and/or the United States Interstate Commerce Commission, regardless of

whether those standards are still in effect or whether those agencies assert jurisdiction over a particular container.

Employee—Any individual who renders or performs any services or labor for compensation and includes individuals hired on a part-time or temporary basis or on a full-time or permanent basis including an owner-employee.

Gallons—Standard United States water gallons.

Licensee—A person, partnership, corporation, joint venturership, or other entity which has applied for and been granted an LP-gas license by the commission.

Liquefied petroleum gas, LPG, or LP-gas—Any material that is composed predominantly of any of the following hydrocarbons or mixtures of hydrocarbons: propane, propylene, normal butane, isobutane, and butylenes.

LP-gas system—All piping, fittings, valves, and equipment, excluding containers and appliances, that connect one or more containers to one or more appliances that use or consume LP-gas.

Outlet—A site operated by a LP-gas licensee at which the business conducted materially duplicates the operations for which the licensee is initially granted a license. Elements to be considered in determining the existence of an outlet include, but are not limited to, the following:

(A) storage of LP-gas on the site;

(B) sale or distribution of LP-gas from the site;

(C) licensee supervision of employees at the site;

(D) proximity of the site to other outlets;

(E) communication between the site and other outlets; and

(F) nature of licensee activities.

(DGM/CNG Rules)
Person—An individual, partnership, corporation, joint venturership, or licensee.

Property line—That intangible boundary demarcating the position of two pieces of land. A property line designates the point at which one property interest ends and another begins, but this definition does not apply to lines designating easements or rights-of-way unless a particular rule so states in its text.

Repair to container—The correction of damage or deterioration to an LP-gas container, or the alteration of the structure of such a container, or the welding on such container in a manner which causes the temperature of the container to rise above 400°F.

Representative—The person designated by a license applicant or licensee as the principal person in authority and responsibility actively supervising the conduct of the licensee's LP-gas activities.

Subframing—The attachment of supporting structural members to the pads

of a container, but does not include welding directly to or on the container.

Transfer system—All piping, fittings, valves, and equipment utilized in dispensing LP-gas between containers.

Transport—Any bobtail or semi-trailer equipped with one or more containers.

Transport system—Any and all piping, fittings, valves, and equipment on a transport, excluding the container.

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 June 7, 1985.

TRD-855113 Walter Earl Lillie
Special Counsel
Railroad Commission of
Texas

Earliest possible date of adoption:
July 15, 1985
For further information, please call
(512) 475-1301.

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★ 16 TAC §9.14

(Editor's note: The text of the following rule proposed for repeal will not be published. The rule may be examined in the offices of the Railroad Commission of Texas, 1124 IH 35 South, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The Railroad Commission of Texas proposes the repeal of §9.14, concerning uniform definitions used in the LP-Gas Division safety rules. The repeal is proposed simultaneously with the proposal of new §9.2, which contains most of the definitions found in §9.14.

Thomas D. Petru, division director, 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 or small businesses as a result of the repeal.

Mr. Petru 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 clarification of regulations and a reduction in the number of potential conflicts between this new section and the new proposed §9.2, which describes definitions. There is no anticipated economic cost to individuals as a result of the repeal.

Comments on the proposal may be submitted to Donn G. Miller, Hearings Examiner, LP-Gas Division, Railroad Commission of Texas, P.O. Drawer 12967, Austin, Texas 78711-2967

The repeal is proposed under the Texas Natural Resources Code, §113.051, which provides the Railroad Commission of Tex-

as with the authority to promulgate and adopt rules and standards to govern the LP-gas industry in Texas, which promote or tend to promote the health, safety, and welfare of the general public.

§9.14. Definitions.

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 June 7, 1985.

TRD-855114 Walter Earl Lillie
Special Counsel
Railroad Commission of
Texas

Earliest possible date of adoption:
July 15, 1985
For further information, please call
(512) 475-1301.

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★ 16 TAC §§9.16, 9.22, 9.23, 9.26, 9.27

(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 Railroad Commission of Texas, 1124 IH 35 South, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The Railroad Commission of Texas proposes the repeal of §§9.16, 9.22, 9.23, 9.26, and 9.27, concerning examinations, qualifications, and seminar requirements for those who perform LP-gas related activities under the Texas Natural Resources Code, Chapter 113. The repeal of these sections is proposed simultaneously with the proposal of new §§9.6-9.10.

Thomas D. Petru, division director, 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 or small businesses as a result of the repeal.

Mr. Petru 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 clarification in the examination, qualification, and seminar requirements of the LP-gas safety rules, since the removal of these sections will eliminate potential conflict with the new sections proposed. There is no anticipated economic cost to individuals as a result of the repeal.

Comments on the proposal may be submitted to Donn G. Miller, Hearings Examiner, LP-Gas Division, Railroad Commission of Texas, P.O. Drawer 12967, Austin, Texas 78711-2967.

The repeal is proposed under the Texas Natural Resources Code, which provides the Railroad Commission of Texas with the authority to promulgate and adopt rules and standards for examination, qualification, and seminar attendance, and which authorizes the collection of fees to offset the costs of examination and seminars.

§9.16. Examination of Representative.

§9.22. Original Testing of Operations Supervisors.

§9.23. Reexamination of Operations Supervisors.

§9.26. Examination of Employees.

§9.27. Examination 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 June 7, 1985.

TRD-855115 Walter Earl Lillie
Special Counsel
Railroad Commission of
Texas

Earliest possible date of adoption:
July 15, 1985
For further information, please call
(512) 475-1301.

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Subchapter B. Basic Rules

★ 16 TAC §9.48

The Railroad Commission of Texas proposes amendments to §9.48, concerning safety requirements for the transfer of liquid LP-gas. The amendment removes language concerning possible points of ignition within the vicinity of gas distribution. This language becomes unnecessary as the same substantive regulations are in new §9.64.

Thomas D. Petru, division director, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rule.

Mr. Petru also has determined that for each year of the first five years the rule is in effect the public benefit anticipated as a result of enforcing the rule is clarification in regulation, since the terms deleted from this section regarding the transfer of liquid will be found in the new uniform regulation. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Donn G. Miller, Hearings Exam-

iner, LP-Gas Division, Railroad Commission of Texas, P.O. Drawer 12967, Austin, Texas 78711-2967.

The amendments are proposed under the Texas Natural Resources Code, §113.051, which provides the Railroad Commission of Texas with the authority to promulgate and adopt rules and standards to govern the LP-gas industry in Texas which promote or tend to promote the health, safety, and welfare of the general public.

§9.48. Transfer of Liquid.

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

[(d) During the process of transferring liquid, at least one man shall remain in the immediate vicinity of the filling connection at all times.

[(e) During the process of transferring liquids, no open flames, nonexplosion proof lights, or other sources of ignition shall be allowed in the vicinity. No smoking shall be allowed anywhere in the vicinity during the process of transferring liquid.]

(d)[(f)] Truck and trailer containers shall be filled by weight, by meter, or by an approved liquid level gauging device.

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 June 7, 1985.

TRD-855116 Walter Earl Lillie
Special Counsel
Railroad Commission of
Texas

Earliest possible date of adoption:
July 15, 1985
For further information, please call
(512) 475-1301.

★ ★ ★

★ 16 TAC §9.55

(Editor's note: The text of the following rule proposed for repeal will not be published. The rule may be examined in the offices of the Railroad Commission of Texas, 1124 IH 35 South, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The Railroad Commission of Texas proposes the repeal of §9.55, concerning the restriction on open flames in the area of LP-gas storage and use. The repeal removes language concerning possible points of ignition within the vicinity of gas distribution. This language becomes unnecessary as the same substantive regulations are in new §9.64.

Thomas D. Petru, division director, 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 or small businesses as a result of the repeal.

Mr. Petru 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 clarification in regulation, since the substantive provisions of this section will be contained in the new uniform regulation. There is no anticipated economic cost to individuals as a result of the repeal.

Comments on the proposal may be submitted to Donn G. Miller, Hearings Examiner, LP-Gas Division, Railroad Commission of Texas, P.O. Drawer 12967, Austin, Texas 78711-2967.

The repeal is proposed under the Texas Natural Resources Code, §113.051, which provides the Railroad Commission of Texas with the authority to promulgate and adopt rules and standards to govern the LP-gas industry in Texas, which promote or tend to promote the health, safety, and welfare of the general public.

§9.55. Open Flames.

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 June 7, 1985.

TRD-855117 Walter Earl Lillie
Special Counsel
Railroad Commission of
Texas

Earliest possible date of adoption:
July 15, 1985
For further information, please call
(512) 475-1301.

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★ 16 TAC §9.64

The Railroad Commission of Texas, proposes new §9.64, concerning uniform safety requirements. This new section consolidates safety requirements formerly found in many various sections of the safety rules. The new section provides uniform standards for fire extinguishers and warning signs, as well as prohibiting smoking and the accumulation of flammable materials in the vicinity of LP-gas containers

Thomas D. Petru, division director, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rule.

Mr. Petru also has determined that for each year of the first five years the rule is in effect the public benefit anticipated as a result of enforcing the rule is a uniform standard of safety required of all those subject to the section. This uniformity clarifies the level of safety re-

quired in every type of installation and provides a high level of protection and information to the general public. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Donn G. Miller, Hearings Examiner, LP-Gas Division, Railroad Commission of Texas, P.O. Drawer 12967, Austin, Texas 78711-2967.

The new section is proposed under the Texas Natural Resources Code, §113.051, which provides the Railroad Commission of Texas with the authority to promulgate and adopt rules and standards to govern the LP-gas industry in Texas, which promote or tend to promote the health, safety, and welfare of the general public.

§9.64. Uniform Safety Requirements.

(a) Smoking prohibited. No person may smoke within the vicinity of an LP-gas container, an LP-gas transport, an LP-gas system (excluding piping), or an LP-gas transfer system in accordance with the distances set forth in Figure 1 of this section.

(b) Open flames and other sources of ignition. No sources of ignition may be located within the vicinity of an LP-gas container, an LP-gas system (excluding piping), or an LP-gas transfer system in accordance with the distances set forth in Figure 1 of this section. Potential sources of ignition include, but are not limited to, open flames, pilot lights, nonexplosion proof lights, and electrical connections not constructed in accordance with Class I, Group D: Hazardous Locations of the National Electric Code. This provision does not prevent the proper installation and use of vaporizers or tank heaters.

(c) Combustible materials.

(1) The vicinity of an LP-gas container, a point of transfer, or a point of dispensing shall be kept clear of all types of combustible materials (i.e., trash, weeds, untreated wood, etc.), in accordance with the distances set forth in Figure 1 of this section.

(2) Any LP-gas appliance which utilizes an open flame shall be installed in a way which reasonably prevents contact of the flames with combustible material.

Figure 1

Aggregate Capacity of LP-gas Container	Required Distance from Containers and Systems
0-500 gallons	10 feet
501-1,000 gallons	15 feet
1,001 gallons and over	25 feet

(d) Transfer or dispensing of fuel.

(1) During the transfer or dispensing of LP-gas in its liquid state, at least one person shall remain in the vicinity of the transfer or dispensing equipment in a posi-

tion to monitor the flow of fuel and to control the transfer or dispensing equipment.

(2) No vehicle which uses LP-gas as a motor fuel or otherwise, may be fueled with LP-gas while occupied.

(e) Use of chock blocks required. Each LP-gas transport shall carry no fewer than two chock blocks designed to effectively prevent the rolling of transport tires. These blocks shall be used any time the transport is parked and during the transfer of fuel regardless of the level of the surrounding terrain.

(f) Warning signs to be posted.

(1) Any LP-gas installation of over 4,000 gallons aggregate capacity which is not protected by continuous fencing, pursuant to this chapter, shall have posted the following warning, printed in letters not less than four inches high: "WARNING—FLAMMABLE GAS," printed in red letters; "NO TRESSPASSING," printed in black letters; and "NO SMOKING," printed in red letters. The background for such lettering shall be white. Any installation required to post this warning shall have the same posted in no fewer than two locations, each readily visible to any person approaching such an installation. This provision does not apply to installations at single family residences.

(2) Any LP-gas installation which is equipped to dispense fuel on the premises shall have posted the following warning, printed in letters not less than two inches high: "TURN OFF ENGINE," printed in red letters; "EXTINGUISH ALL PILOT LIGHTS AND OPEN FLAMES," printed in black letters; "VEHICLES MUST BE VACATED DURING THE FILLING PROCESS," printed in red letters; and "NO SMOKING," printed in black letters. The background for such lettering shall be white. Any installation required to post this warning shall have the same posted in no fewer than two locations, each readily visible to any person approaching such an installation. These warnings shall be posted in addition to any requirement of subsection (a) of this section. This provision does not apply to installations at single family residences.

(g) Extinguishers required on site.

(1) Each LP-gas installation which is equipped to dispense fuel shall have at least two hand-held fire extinguishers on site. One extinguisher must be at least 20 pounds capacity and the other at least five pounds capacity. Such extinguishers shall be kept in at least two separate locations and mounted in such a way that they are immediately available in case of an emergency. Such extinguishers must be kept fully charged and in good operating condition. This provision does not apply to installations at single family residences.

(2) Each LP-gas transport shall be provided with at least two hand-held fire extinguishers. One extinguisher must be at least 20 pounds capacity and the other at

least five pounds capacity. Such extinguishers shall be mounted in at least two separate locations, in such a way that they are immediately available in case of emergency. Such extinguishers must be kept fully charged and in good operating condition.

(h) Storage of LP-gas next to flammable liquids.

(1) At all aboveground LP-gas installations, LP-gas containers shall be protected from the accumulation of flammable liquids by an appropriate system of diking, diversion curbs, or grading. However, no LP-gas container may be encircled by a dike or diversion curb.

(2) No aboveground container at any installation shall be closer than 20 feet to a container used for the storage of a flammable liquid.

(i) Valves in closed position. Except in completely closed vapor systems, all vapor and liquid shutoff valves shall be kept in the fully closed position when the subject of LP-gas installation is unattended. All valves on any transport shall be kept in the fully closed position except during the transfer of fuel to or from the transport.

(j) Container protection. LP-gas containers, valves, fittings, and piping shall be adequately protected from physical damage.

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 June 7, 1985.

TRD-855118

Walter Earl Lille
Special Counsel
Railroad Commission
of Texas

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July 15, 1985

For further information, please call
(512) 475-1301.

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Subchapter F. Division IV

★ 16 TAC §9.147

The Railroad Commission of Texas proposes amendments to §9.147, concerning the transfer of liquid LP-gas. The amendment removes language concerning possible points of ignition within the vicinity of gas distribution. This language becomes unnecessary as the same substantive regulations are in new §9.64.

Thomas D Petru, division director, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rule.

Mr. Petru also has determined that for each year of the first five years the rule

is in effect the public benefit anticipated as a result of enforcing the rule is greater clarity in regulation, since the provisions deleted will be found in the new uniform regulation. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Donn G. Miller, Hearings Examiner, LP-Gas Division, Railroad Commission of Texas, P.O. Drawer 12967, Austin, Texas 78711-2967.

The amendments are proposed under the Texas Natural Resources Code, §113.051, which provides the Railroad Commission of Texas with the authority to promulgate and adopt rules and standards to govern the LP-gas industry in Texas, which promote or tend to promote the health, safety, and welfare of the general public.

§9.147. Transfer of Liquids.

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

[(d) During the process of transferring liquid at least one operator shall remain in the immediate vicinity of the filling connection at all times.

[(e) During the process of transferring liquids, no open flames, nonexplosion proof lights or motors shall be allowed in the vicinity. Smoking shall not be allowed anywhere in the vicinity during the process of transferring liquid. The use of power take-off, powered by truck motor, is not prohibited.]

(d)[(f)] Truck and trailer containers shall be loaded by weight, by meter, or any approved liquid level gauging device.

[(g) Each tank truck or trailer shall carry chock blocks which shall be used to prevent rolling of the vehicle whenever it is parked, including when loading and unloading.]

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 June 7, 1985.

TRD-855119

Walter Earl Lille
Special Counsel
Railroad Commission of
Texas

Earliest possible date of adoption:

July 15, 1985

For further information, please call
(512) 475-1301.

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★ 16 TAC §9.159, §9.162

(Editor's note: The text of the following rules proposed for repeal will not be published. The rule may be examined in the offices of the Railroad Commission of Texas, 1124 IH 35 South, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The Railroad Commission of Texas proposes the repeal of §9.159 and §9.162, concerning the requirements for fire extinguishers and the prohibition of smoking as they relate to LP-gas transports. The sections require that fire extinguishers be located on LP-gas transports and prohibits smoking in the vicinity of a transport. This language becomes unnecessary, since the same substantive regulations are in new §9.64.

Thomas D. Petru, division director, 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 or small businesses as a result of the repeal.

Mr. Petru 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 elimination of sections which are being replaced by a new section concerning uniform regulation. There is no anticipated economic cost to individuals as a result of the repeal.

Comments on the proposal may be submitted to Donn G. Miller, Hearings Examiner, LP-Gas Division, Railroad Commission of Texas, P.O. Drawer 12967, Austin, Texas 78711-2967.

The repeal is proposed under the Natural Resources Code, §113.051, which provides the Railroad Commission with the authority to promulgate and adopt rules and standards to govern the LP-gas industry in Texas, which promote or tend to promote the health, safety, and welfare of the general public.

§9.159. *Extinguishers Required.*

§9.162. *Smoking.*

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 June 7, 1985.

TRD-855120 Walter Earl Lillie
Special Counsel
Railroad Commission of
Texas.

Earliest possible date of adoption:
July 15, 1985
For further information, please call
(512) 475-1301.

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Subchapter G. Division V

★ 16 TAC §9.190

The Railroad Commission of Texas proposes amendments to §9.190, concerning the filling of motor and mobile fuel containers. The amendment removes language which requires the posting of safety signs in the area of refueling. This language becomes unnecessary as the same substantive regulations are in new §9.64.

Thomas D. Petru, division director, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rule.

Mr. Petru also has determined that for each year of the first five years the rule is in effect the public benefit anticipated as a result of enforcing the rule is greater clarity in regulation, since the provisions deleted will be found in the new uniform regulation. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Donn G. Miller, Hearings Examiner, LP-Gas Division, Railroad Commission of Texas, P.O. Drawer 12967, Austin, Texas 78711-2967.

The amendments are proposed under the Texas Natural Resources Code, §113.051, which provides the Railroad Commission of Texas with the authority to promulgate and adopt rules and standards to govern the LP-gas industry in Texas, which promote or tend to promote the health, safety, and welfare of the general public.

§9.190. *Filling of Motor Fuel and Mobile Fuel Containers.*

(a) (No change.)

[(b) Any vehicle used in public transportation service or any recreational vehicle shall not be refueled while occupied. Any vehicle containing appliances shall have all pilot lights extinguished prior to refueling. Signs shall be prominently displayed stating:

[(1) turn off engine.

[(2) extinguish all pilot lights and open flames.

[(3) vehicles must be vacated during the filling process.]

(b)[(c)] The use of a vapor return coupling to vent LP-gas to the atmosphere is prohibited. This, however, does not prohibit the use of a vapor return hose to equalize pressure when properly connected

between the supply container and the container to be filled.

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 June 7, 1985.

TRD-855121 Walter Earl Lillie
Special Counsel
Railroad Commission of
Texas

Earliest possible date of adoption:
July 15, 1985
For further information, please call
(512) 475-1301.

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Subchapter J. Division VIII

★ 16 TAC §9.236

(Editor's note: The text of the following rule proposed for repeal will not be published. The rule may be examined in the offices of the Railroad Commission of Texas, 1124 IH 35 South, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The Railroad Commission of Texas proposes the repeal of §9.236, concerning the installation of open-flame appliances. The section sets the standard by which appliances utilizing an open flame are to be installed. This standard is no longer necessary as the same substantive regulation will be in new §9.64.

Thomas D. Petru, division director, 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 or small businesses as a result of the repeal.

Mr. Petru 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 greater clarity in the sections, since the provisions of the repealed section will be found in the new uniform regulation. There is no anticipated economic cost to individuals as a result of the repeal.

Comments on the proposal may be submitted to Donn G. Miller, Hearings Examiner, LP-Gas Division, Railroad Commission of Texas, P.O. Drawer 12967, Austin, Texas 78711-2967.

The repeal is proposed under the Texas Natural Resources Code, §113.051, which provides the Railroad Commission of Texas with the authority to promulgate and adopt rules and standards to govern the LP-gas industry in Texas, which promote or tend to promote the health, safety, and welfare of the general public.

§9.236. *Open Flame Appliances.*

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 June 7, 1985.

TRD-855122 Walter Earl Lille
Special Counsel
Railroad Commission of
Texas

Earliest possible date of adoption:
July 15, 1985
For further information, please call
(512) 475-1301.

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★ 16 TAC §9.271, §9.275

(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 Railroad Commission of Texas, 1124 IH 35 South, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The Railroad Commission of Texas proposes the repeal of §9.271 and §9.275, concerning the required use of fire extinguishers and the prohibition of smoking in LP-gas service stations. These sections require the use of fire extinguishers at dispensing sites, as well as the posting of warning signs. In addition, they prohibit smoking and restrict potential sources of ignition during the transfer operations. This language is unnecessary since the same substantive regulations are found in new §9.64.

Thomas D. Petru, division director, 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 or small businesses as a result of the repeal.

Mr. Petru 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 greater clarity in regulation since the provisions of the sections repealed will be contained in the new uniform regulation. There is no anticipated economic cost to individuals as a result of the repeal.

Comments on the proposal may be submitted to Donn G. Miller, Hearings Examiner, LP-Gas Division, Railroad Commission of Texas, P.O. Drawer 12967, Austin, Texas 78711-2967.

The repeal is proposed under the Texas Natural Resources Code, §113.051, which provides the Railroad Commission of Texas with the authority to promulgate and adopt rules and standards to govern the LP-gas industry in Texas, which promote or tend to promote the health, safety, and welfare of the general public.

§9.271. *Extinguishers Required.*
§9.275. *Safety.*

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 June 7, 1985.

TRD-855123 Walter Earl Lille
Special Counsel
Railroad Commission of
Texas

Earliest possible date of adoption:
July 15, 1985
For further information, please call
(512) 475-1301.

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Subchapter L. Division X

★ 16 TAC §9.285

The Railroad Commission of Texas proposes amendments to §9.285, concerning the transfer of LP-gas in its liquid state. The amendment removes language concerning possible points of ignition during the transfer of LP-gas. This language becomes unnecessary as the same substantive regulations are in new §9.64.

Thomas D. Petru, division director, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rule.

Mr. Petru also has determined that for each year of the first five years the rule is in effect the public benefit anticipated as a result of enforcing the rule is greater clarity in regulation, since the provisions deleted will be found in the new uniform regulation. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Donn G. Miller, Hearings Examiner, LP-Gas Division, Railroad Commission of Texas, P.O. Drawer 12967, Austin, Texas 78711-2967.

The amendments are proposed under the Texas Natural Resources Code, §113.051, which provides the Railroad Commission of Texas with the authority to promulgate and adopt rules and standards to govern the LP-gas industry in Texas, which promote or tend to promote the health, safety, and welfare of the general public.

§9.285. *Transfer of Liquids.*

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

[(d) During the process of transferring liquid at least one operator shall remain in the immediate vicinity of the filling connection at all times.

[(e) During the process of transferring liquids, neither open flames nor nonexplosion proof lights shall be allowed in the immediate vicinity of the transfer. Smoking shall not be allowed anywhere in the immediate vicinity during the process of transferring liquid.]

[(d)](f) Farm cart containers shall be loaded by weight, by meter, or any approved liquid level gauging device.

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 June 7, 1985.

TRD-855124 Walter Earl Lille
Special Counsel
Railroad Commission of
Texas

Earliest possible date of adoption:
July 15, 1985
For further information, please call
(512) 475-1301.

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TITLE 25. HEALTH SERVICES

Part I. Texas Department of Health

Chapter 157. Emergency Medical Care

Emergency Medical Services

(Editor's note: A notice appeared in the June 11, 1985, issue of the Texas Register indicating that the following proposals submitted by the Texas Department of Health would be serialized in this issue. The proposed date of adoption for the documents is September 14, 1985.)

★ 25 TAC §157.80

The Texas Department of Health proposes new §157.80, concerning emergency medical services (EMS) personnel certification for the registered nurse (RN).

Stephen Seale, chief accountant III, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state or local governments or small businesses as a result of enforcing or administering the rule.

Mr. Seale also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is the establishment of statewide minimum standards for the EMS certification of the RN who is providing prehospital emergency care on a regular basis. The anticipated economic cost to individuals who are required to

comply with the rule as proposed is the fee for examination. The fee for specially skilled emergency medical technician or paramedic emergency medical technician is \$30 for a four-year certification or recertification period and for emergency care attendant or basic emergency medical technician is \$20 for a four-year certification or recertification period.

Comments on the proposal may be submitted to Charles H. Gregory, M.D., Chief, Bureau of Emergency Management, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756. Comments will be accepted for 90 days after publication of the rule in *Texas Register*. In addition, a public hearing on this rule will be held at 10 a.m. on Thursday, July 18, 1985, in the auditorium, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756.

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

§157.80. Emergency Medical Services Personnel Certification for the Registered Nurse.

(a) Purpose. The purpose of this section is to establish the requirements for the Emergency Medical Services (EMS) personnel certification of the Registered Nurse (RN) licensed to practice in Texas. The requirements of this section are not intended to, and shall not be construed to, replace the requirements of the Nurse Practice Act, Texas Civil Statute., Article 4513, or the rules promulgated under 22 TAC Part XI (relating to Board of Nurse Examiners).

(b) Registered nurses covered. Registered nurses licensed to practice in Texas and who staff an EMS vehicle on a regular basis shall obtain EMS personnel certification. Regular basis shall refer to those individuals whose primary responsibility is to provide staffing for a ground or air EMS vehicle.

(c) Levels of EMS personnel certification authorized. An RN may be certified as an emergency care attendant (ECA), basic emergency medical technician (B-EMT), specially skilled emergency medical technician (SS-EMT), or paramedic emergency medical technician (P-EMT) as defined in §157.62 of this title (relating to Definitions). B-EMT certification shall be required for RNs requesting SS-EMT or P-EMT certification.

(d) Certification requirements. The RN shall:

(1) complete the requirements of §157.63(a)(3) and (4) of this title (relating to Certification) and, in addition:

(A) send a copy of current RN license;

(B) send a copy of current American Heart Association (AHA) Basic Life Support (BLS) cardiopulmonary

resuscitation (CPR) certificate for ECA and B-EMT or current AHA advanced cardiac life support (ACLS) certificate for SS-EMT or P-EMT; and

(C) send a copy of work history for the 36 months preceding date of application, including positions held and place of employment;

(2) achieve a passing grade on all department skills examinations as required in §157.63(a)(5) of this title (relating to Certification) for the level of certification requested;

(3) achieve a passing grade of 70 on the department's written examination and in addition, achieve a passing grade of 70 on the critical components of the examination for the level of certification requested.

(4) complete extrication, clinical, in-hospital, and EMS vehicle requirements for B-EMT certification or complete clinical, in-hospital, and EMS vehicle requirements for SS-EMT or P-EMT certification as required in §157.77 of this title (relating to EMS Training Program and Course Approval).

(A) Clinical, in-hospital, and/or EMS vehicle requirements may be waived by a department evaluation of the 36-month work history. An RN who has 12 months combined experience in an emergency department, operating/recovery department or other critical care unit(s) or EMS vehicle experience, may have the requirements for like clinical experience waived for the level of certification requested.

(B) The applicant shall complete the requirements of paragraph (4) of this subsection within one year of approval of application.

(e) Certification period.

(1) After verification by the department of the information submitted by the RN, the RN who meets the requirements in subsection (d) of this section shall be certified for four years commencing on the date of issuance of a certificate and wallet-sized card signed by department officials.

(f) The RN who fails either the department skills examination or the written examination shall complete a course of instruction in the area failed and may retest one time within one year of the initial examination date. A request for retest of the written examination shall be made to the department at least 30 days in advance of the expiration of the one year period. The RN who fails the retest shall complete the EMS training course as required in §157.77 of this title (relating to EMS Training Program and Course Approval) prior to being eligible for EMS certification.

(g) Recertification requirements. The RN who receives EMS personnel certification shall comply with the requirements of §157.64 of this title (relating to Recertification) and §157.76 of this title (relating to Continuing Education) to recertify.

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 June 4, 1985.

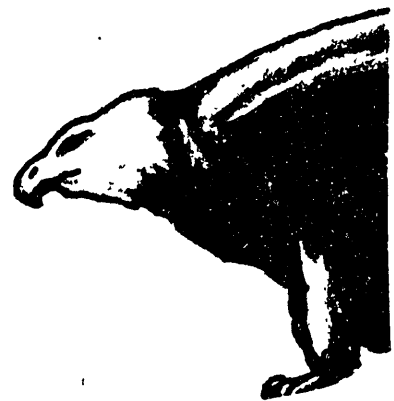
TRD-854985

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

Proposed date of adoption:
September 14, 1985

For further information, please call
(512) 465-2601.

★ ★ ★



★ 25 TAC §157.81

The Texas Department of Health proposes new §157.81, concerning emergency medical services (EMS) personnel certification for the licensed vocational nurse (LVN).

Stephen Seale, chief accountant III, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications on state or local governments or small businesses as a result of enforcing or administering the rule.

Mr. Seale also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed will be the establishment of statewide minimum standards for the EMS certification of the LVN who is providing prehospital emergency care on a regular basis. The anticipated economic cost to individuals who are required to comply with the rule as proposed is the fee for examination. The fee for specially skilled emergency medical technician or paramedic emergency medical technician is \$30 for a four-year certification or recertification period and for emergency care attendant or basic emergency medical technician is \$20 for a four-year certification or recertification period.

Comments on the proposal may be submitted to Charles H. Gregory, M.D., Chief, Bureau of Emergency Management, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756. Comments will be accepted for 90 days after publication of the rule in *Texas Register*. In addition, a public hearing on this rule will be held at 10 a.m. on Thursday, July 18, 1985, in the auditorium, Texas Department of Health, 1100 West 49th Street, Austin.

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

§157.81. Emergency Medical Services Personnel Certification for the Licensed Vocational Nurse.

(a) **Purpose.** The purpose of this section is to establish the requirements for the emergency medical services (EMS) personnel certification of the licensed vocational nurse (LVN) licensed to practice in Texas. The requirements of this section are not intended to, and shall not be construed to, replace the requirements of the Vocational Nurse Act, Texas Civil Statutes, Article 4528c, or the rules promulgated under 22 TAC Part XII (relating to the Texas Board of Vocational Nurse Examiners.)

(b) Licensed vocational nurses covered. LVNs licensed to practice in Texas and who staff an EMS vehicle on a regular basis shall obtain EMS personnel certification. Regular basis shall refer to those individuals whose primary responsibility is to provide staffing for an EMS vehicle.

(c) Levels of EMS personnel certification authorized. The LVN may be certified as an emergency care attendant (ECA), a basic emergency medical technician (B-EMT), a specially skilled-emergency medical technician (SS-EMT), or a paramedic-emergency medical technician (P-EMT) as defined in §157.62 of this title (relating to Definitions).

(d) Certification requirements:

(1) complete a department approved EMS training course as described in §157.77 of this title (relating to EMS Training Program and Course Approval);

(2) complete the application for examination;

(3) submit to the department the application and the applicable nonrefundable fee;

(A) SS-EMT and P-EMT—\$30;

(B) ECA and B-EMT—\$20;

(C) EMS volunteer personnel—no fee;

(4) achieve a passing grade on all department skills examinations:

(A) ECA and B-EMT skills shall consist of:

(i) dressing and bandaging/splinting;

(ii) traction splints;

(iii) mechanical aids to breathing;

(iv) vital signs; and

(v) basic cardiopulmonary resuscitation;

(B) SS-EMT skills examinations shall consist of the skills examination requirements for ECA and B-EMT in paragraph (4)(A) of this subsection, and in addition:

(i) intravenous fluid therapy administration;

(ii) utilization of the antishock trousers; and

(iii) utilization of the endotracheal tube and esophageal obturator for airway control;

(C) P-EMT skills examinations shall consist of the skill examination requirements for ECA, B-EMT, and SS-EMT in paragraphs (4)(A) and (B) of this subsection, and in addition:

(i) emergency drug administration;

(ii) dysrhythmia recognition; and

(iii) defibrillation and cardioversion;

(5) achieve a passing grade of 70 on the department's written examination and in addition, achieve a passing grade of 70 on the critical components of the examination.

(e) Certification length. After verification by the department of the information submitted by the LVN, the LVN who meets the requirements in subsection (d) of this section shall be certified for four years commencing on the date of issuance of a certificate and wallet-sized card signed by department officials. A certificate is not transferable. The wallet-sized certificate shall be carried by all EMS personnel while on duty.

(f) Examination failure. The LVN who fails either the skills examination or the written examination may retest one time within 90 days of the initial examination date. A request for a retest of the written examination shall be made to the department at least 30 days in advance of the expiration date of the 90-day period.

(g) Allowable procedures. The LVN shall perform emergency care procedures as authorized by the Vocational Nurse Act, Texas Civil Statutes, Article 4528c, and rules adopted thereunder in 22 TAC Part XII (relating to the Texas Board of Vocational Nurse Examiners) and as authorized by the Medical Practices Act, Texas Civil Statutes, Article 4495b, and rules adopted thereunder in 22 TAC Chapter 193 (relating to Standing Delegation Orders) and 22 TAC Chapter 197 (relating to Emergency Medical Service).

(h) Recertification. The LVN who receives EMS personnel certification shall comply with the requirements of §157.64 of this title (relating to Recertification) and

§157.76 of this title (relating to Continuing Education) to recertify.

(i) Exception requirements. The LVN who has been providing staffing on a basic life support vehicle for at least six months prior to the adoption of these rules shall be considered to have met the ECA training requirements as required in subsection (d)(1) of this section. This exception shall be valid for one year following the adoption of this rule.

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 June 4, 1985.

TRD-854936

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

Proposed date of adoption:
September 14, 1985

For further information, please call
(512) 465-2501.

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TITLE 31. NATURAL RESOURCES AND CONSERVATION
Part II. Texas Parks and Wildlife Department
Chapter 57. Fisheries
Issuance of Oyster Leases

★ 31 TAC §57.242

The Texas Parks and Wildlife Commission proposes amendments to §57.242, concerning the permanent marking of private oyster leases. Protection of public health and oysters located on public reefs requires that leases be identified with markers as permanent as possible. It has been several years since most private leases have been surveyed, and markers may have been inadvertently relocated from time to time without resurveying and identifying the points to be marked. Recent observations indicated that many leases were inappropriately marked. There has been an increase in the number of leases in Galveston Bay, as well as inquiries for additional leases in most bay systems along the coast. Leases must be resurveyed and standardized permanent markers must be defined and placed in the correct positions on each lease. The Texas Parks and Wildlife Commission promulgated these rules on an emergency basis effective March 19, 1985.

Jim Dickinson, finance director, has determined that for the first five-year period the rule will be in effect there will

be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rule.

Mr. Dickinson also has determined that for each year of the first five years the rule is in effect the public benefit anticipated as a result of enforcing the rule is the assurance that oysters transplanted from polluted water to properly marked leases and subsequently harvested, after approval from the Texas Department of Health, are safe for human consumption. The anticipated economic cost to individuals who are required to comply with the rule as proposed is \$1,500 per lease in 1985 for the cost of surveying; \$1,200 per lease in 1986 for the cost of marking; and \$120 per lease each year in 1986-1989.

Comments on the proposal may be submitted to Gary C. Matlock, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Texas 78744, (512) 479-4863.

The amendments are proposed under the Texas Parks and Wildlife Code, Chapter 76, which authorizes the Texas Parks and Wildlife Commission to provide rules for the marking of private oyster beds.

§57.242. Approved Application for Oyster Lease.

(a) (No change.)

(b) The applicant or his agent will mark the boundaries of each lease [with piling at least four inches in diameter at the top and/or] with well anchored buoys at the time of the original survey or subsequent surveys. Subsequent surveys may be required by the executive director to assure markers are in their proper location. Markers should be placed at all corners, and supplementary markers may be required along the lease boundaries if one corner marker is not clearly visible from another corner marker. Buoys must be anchored with a 30-foot long screw anchor with a minimum 12-inch head, one-inch galvanized sucker-rod. Buoys must be at least six inches in diameter, must extend at least three feet out of the water at mean high tide, and be of a shape and color so as to be visible at least ½ mile under normal weather conditions. Each marker must be marked with the lease number, in letters at least two inches high in plain Arabic block letters, in a location where it will not be obscured by water or marine growth, and must have all other markings required by the U.S. Coast Guard. Markers common to two or more leases must be marked with all lease numbers.

(c) After the markers have been installed, the applicant will submit the application form with the survey notes, [and] plat, and Loran coordinates for all lease markers in areas where such coordinates are available to the regional director. Following the resurvey necessary to implement these sections or the initial survey on any

leases approved after adoption of these sections, submitted Loran coordinates may be used to relocate corner markers that have been moved. It shall be the responsibility of the lease holder to maintain all lease markers in their proper location and in compliance with all portions of these sections.

(d)-(j) (No change.)

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

Issued in Austin, Texas, on June 6, 1985.

TRD-855068 Boyd Johnson
General Counsel
Texas Parks and Wildlife
Department

Earliest possible date of adoption:
July 15, 1985
For further information, please call
(512) 479-4806.

★ ★ ★



**Chapter 65. Wildlife
Subchapter N. Early Season
Migratory Game Bird**

★ 31 TAC §§65.311-65.313

The Texas Parks and Wildlife Commission proposes amendments to §§65.311-65.313, concerning the early season for migratory game birds. The amendments modify the boundary between the central and south dove hunting zones, define a legal shotgun, modify the description of legal and illegal weapons to conform with federal statutes, and clarify legal species of teal ducks and gallinules.

The commission is responsible for establishing seasons, bag limits, means, methods, and devices for taking and possessing migratory game birds. Regulations for hunting migratory game birds may be set by the state only within a framework established by the U.S. Fish and Wildlife Service. The general framework issued by the Fish and Wildlife Service allows states within major flyway systems to adjust seasons and bag limits to take into consideration their localized circumstances.

The proposals for migratory species are based upon the most current data available. The seasons, bag limits, means, and methods are tentative and subject to modification. The proposed rules may be modified by Texas Parks and Wildlife

Commission action as a result of changes in migratory game bird populations as determined by annual surveys, public hearings concerning regulation frameworks held by the Fish and Wildlife Service in Washington, D.C., public hearings held by the Texas Parks and Wildlife Commission, and comments solicited from this proposal.

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

Mr. Dickinson also has determined that for each year of the first five years the rules are in effect the public benefit anticipated as a result of enforcing the rules is the taking of migratory wildlife resources consistent with their populations and the clarification of the migratory game bird rules. 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 Ronnie R. George, Program Leader, Migratory Shore and Upland Game Birds, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Texas 78744, (512) 479-4979 or (800) 792-1112.

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

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

Legal shotgun—A shotgun not larger than 10 gauge, fired from the shoulder, and incapable of holding more than three shells (guns capable of holding more than three shells must be plugged with a one-piece filler which is incapable of removal without disassembling the gun, so the gun's total capacity does not exceed three shells).

§65.312. Means, Methods, and Special Requirements.

(a) The following means and methods are lawful, subject to control of subsection (b) of this section, in the taking of migratory game birds:

(1) dogs, artificial decoys, manual or mouth-operated birdcalls, longbow and arrows, legal shotguns as defined in §65.311 of this title (relating to Definitions) [shotgun not larger (in barrel diameter) than 10 gauge and incapable of holding more than three shells, which includes one in the firing chamber, fired from the shoulder], and by means of falconry:

(2)-(6) (No change.)

(b) The following means and methods are unlawful in the taking of migratory birds:

(1) trap, snare, net, crossbow, fish hook, poison, drug, explosive or stupefying substance [rifle, pistol, swivel gun, or machine gun];

(2) any firearm other than legal shotgun as defined in §65.311 of this title (relating to Definitions) [shotgun larger in diameter than 10 gauge, or a shotgun not permanently plugged to three shell or less capacity, including both magazine and chamber];

(3)-(9) (No change.)

(c)-(e) (No change.)

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

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

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

(1) (No change.)

(2) Mourning doves.

(A) (No change.)

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

(i)-(iii) (No change.)

(C) South zone: that portion of the state south and west of a line beginning at the International Bridge south of Fort Hancock; thence north along FM Road 1088 to State Highway 20; thence west along State Highway 20 to State Highway 148; thence north along State Highway 148 to IH 10 at Fort Hancock; thence east along

IH 10 to U.S. Highway 90 at Van Horn; thence southeast along U.S. Highway 90 to IH 10 [U.S. Highway 87] at San Antonio; thence east [southeast] along IH 10 [U.S. Highway 87] to the Texas-Louisiana state line [Port Lavaca Channel at Port Lavaca; thence southeast along the Port Lavaca Channel to the Gulf of Mexico].

(i)-(iii) (No change.)

(3) (No change.)

(4) Gallinules. (Moorhen or common gallinule and purple gallinule) statewide:

(A)-(C) (No change.)

(5) Teal ducks. [All species] (blue winged, green-winged, and cinnamon). Statewide:

(A)-(C) (No change.)

(6)-(7) (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 June 6, 1985.

TRD-865067

Boyd M. Johnson
General Counsel
Texas Parks and Wildlife
Department

Earliest possible date of adoption:

July 15, 1985

For further information, please call

(512) 479-4805 or (800) 792-1112.

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TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Resources Chapter 15. Medicaid Eligibility

The following proposals submitted by the Texas Department of Human Resources will be serialized in the June 18, 1985, issue of the *Texas Register*. The earliest possible date of adoption for the documents is July 15, 1985.

Subchapter U. Eligible Recipients for Title XIX (Medicaid)
§15.2001
amendment

Subchapter EE. Individuals for Whom SSI Eligibility Criteria are Used
§15.3001
amendment

Subchapter FF. SSI Basic Program Requirements
§15.3108
repeal
§15.3108
new

Subchapter HH. Income for Individuals Related to the SSI Program
§15.3303
amendment

Subchapter II. Budgeting for Individuals Related to the SSI Program
§§15.3403, 15.3404, 15.3408
amendment
§§15.3409-15.3412, 15.3416
repeal
§§15.3409-15.3412, 15.3416
new

Subchapter AAA. Procedures for Application for Medical Assistance
§15.5205, §15.5208
repeal
§15.5205, §15.5208
new

Subchapter CCC. Vendor Payments in Title XIX Long-Term Care Facilities
§15.6403
amendment

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 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 and a notice of the withdrawal will appear in the *Register*.

TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part X. Texas Water Development Board

Chapter 311. Water Districts General Provisions

★31 TAC §311.1, §311.3

Pursuant to Texas Civil Statutes, Article 6252-13a, §5(b), and 1 TAC §91.24(b), the proposed amendments to §311.1 and §311.3 submitted by the Texas Water Development Board have been automatically withdrawn, effective June 10, 1985. The amendments as proposed appeared in the December 7, 1984, issue of the *Texas Register* (9 TexReg 6174).

TRD-855260
Filed: June 10, 1985

★ ★ ★

Creation of Water Districts

★31 TAC §311.11, §311.12

Pursuant to Texas Civil Statutes, Article 6252-13a, §5(b), and 1 TAC §91.24(b), the

proposed amendments to §311.11 and §311.12 submitted by the Texas Water Development Board have been automatically withdrawn, effective June 10, 1985. The amendments as proposed appeared in the December 7, 1984, issue of the *Texas Register* (9 TexReg 6175).

TRD-855259
Filed: June 10, 1985

★ ★ ★

Appointment of Directors

★31 TAC §311.31

Pursuant to Texas Civil Statutes, Article 6252-13a, §5(b), and 1 TAC §91.24(b), the proposed amendments to §311.31 submitted by the Texas Water Development Board have been automatically withdrawn, effective June 10, 1985. The amendments as proposed appeared in the December 7, 1984, issue of the *Texas Register* (9 TexReg 6176).

TRD-855258
Filed: June 10, 1985

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TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part XI. Texas Commission on Human Rights

Chapter 327. Administrative Review

★40 TAC §327.1

The Texas Commission on Human Rights has withdrawn from consideration for permanent adoption the proposed amendment to §327.1, concerning administrative review. The text of the amended section appeared in the March 8, 1985, issue of the *Texas Register* (10 TexReg 624).

Issued in Austin, Texas, on June 4, 1985.

TRD-855088

William M. Hale
Executive Director
Texas Commission on
Human Rights

Filed: June 6, 1985
For further information, please call
(512) 459-0944.

★ ★ ★



Adopted

Rules An agency may take final action on a rule 30 days after a proposal has been published in the *Texas 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.

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. If an agency adopts the rule with changes to the proposed text, the proposal will be republished with the changes.

TITLE 16. ECONOMIC REGULATION

Part I. Railroad Commission of Texas

Chapter 7. Gas Utilities Division

Special Rules of Practice and Procedure

★ 16 TAC §§7.1, 7.4, 7.6, 7.8, 7.9, 7.12

The Railroad Commission of Texas adopts amendments to §§7.1, 7.4, 7.6, 7.8, 7.9, and 7.12, without changes to the proposed text published in the January 4, 1985, issue of the *Texas Register* (10 TexReg 71). Pursuant to Texas Civil Statutes, Article 6252-13a, §5(c), the commission adopts the amendments because the special rules of the Gas Utilities Division need to be grammatically correct. Further, the special rules must substantively conform to the Gas Utility Regulatory Act. The proposed amendments conform citations in the text to the Gas Utility Regulatory Act, and Texas Civil Statutes, Article 1446e, which became effective September 1, 1983. The amendments also correct typographical and grammatical errors in the text of the sections.

Section 7.6(c)(4), relating to notice requirements, is amended to authorize the gas utility to file an affidavit with the commission stating the manner in which notice was given, if an alternative means of notice was used, as authorized by Texas Civil Statutes, Article 1446e, §5.08(a). The notice requirements set out in §7.8(b) are amended to authorize alternative means of providing notice to affected customers of a proposed rate change by mailing notices directly to the affected customers or by including the notice in each customer's bill.

The amendments implement the provisions of Texas Civil Statutes, Article 1446e, as enacted by the 68th Legislature, 1983.

The Gas Utilities Division received written comments from Valero Transmission Company. The comments highlighted several words which were omitted in the text of the rules. These words were originally adopted in the text of the rules

and were inadvertently omitted in the publication of the proposed amendments. No other substantive comments were made.

The amendments are adopted under Texas Civil Statutes, Article 6053, which authorize the Railroad Commission of Texas to prescribe rules for the regulation of natural gas.

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 May 30, 1985.

TRD-855112

Buddy Temple,
Chairman
Jim Nugent and
Mack Wallace,
Commissioners
Railroad Commission of
Texas

Effective date: June 28, 1985
Proposal publication date: January 4, 1985
For further information, please call
(512) 445-1186.

★ ★ ★

Chapter 9. LP-Gas Division

Subchapter A. General Applicability and Requirements

★ 16 TAC §9.12

The Railroad Commission of Texas, adopts new §9.12, without changes to the text published in the April 26, 1985, issue of the *Texas Register* (10 TexReg 1312).

The new section outlines the qualifications required of those persons who perform inspections in shops certified by the American Society of Mechanical Engineers (ASME) to fabricate and repair LP-gas pressure vessels. The adoption of the standard found in §9.12 is justified by the need to ensure that those persons inspecting LP-gas containers meet minimal educational and professional standards. The adoption by reference of the ASME standards is specifically authorized in the Texas Natural Resources Code.

The new section requires all persons performing inspections in ASME shops to file proof of their qualifications with the LP-Gas Division of the Texas Railroad Commission before they inspect any container manufactured or repaired for use in Texas.

No comments were received regarding adoption of the new section.

The new section is adopted under the Texas Natural Resources Code, §113.051, which authorizes the Railroad Commission of Texas to promulgate and adopt rules and standards which protect or tend to protect the health, safety, and welfare of the general public. Section 113.052 authorizes the adoption by reference of national standards to be used in conjunction with the rules promulgated under Chapter 113 of the Code.

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 June 7, 1985.

TRD-855125

Walter Earl Lillie
Special Counsel
Railroad Commission
of Texas

Effective date: November 1, 1985
Proposal publication date: April 26, 1985
For further information, please call
(512) 445-1186.

★ ★ ★

Subchapter B. Basic Rules

★ 16 TAC §9.39

The Railroad Commission of Texas adopts the repeal of §9.39, without changes to the proposal published in the April 26, 1985, issue of the *Texas Register* (10 TexReg 1313).

The repeal is necessary because of the proposal of §9.12, which contains identical text. The repeal of §9.39 and the simultaneous adoption of §9.12 change the numeration of the section. The repeal moves the requirements of §9.39 to §9.12.

No comments were received regarding adoption of the repeal.

The repeal is adopted under the Texas Natural Resources Code, §113.051, which provides the Railroad Commission of Texas with the authority to promulgate and adopt rules and standards in the LP-gas industry which protect or tend to protect the health, safety, and welfare of the general 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 June 7, 1985.

TRD-855126 Walter Earl Lille
Special Counsel
Railroad Commission of
Texas

Effective date: November 1, 1985
Proposal publication date: April 26, 1985
For further information, please call
(512) 475-1301.

★ ★ ★

Subchapter N. Division XII Manual Dispensers

★ 16 TAC §9.385

The Railroad Commission of Texas, adopts new §9.385, with changes to the proposed text published in the April 26, 1985, issue of the *Texas Register* (10 TexReg 1314).

The new section requires the use of pull-away adapters on any LP-gas line used for dispensing the fuel in its liquid form. The consistent industry-wide use of this kind of adapter can significantly reduce the incidence of accidents caused by the unplanned pulling away from the dispensing unit. This, in turn, can reduce injury and the loss of property which might otherwise result from the uncontrolled discharge of LP-gas under such circumstances.

The new section requires the installation of an approved pull-away adapter at each site where LP-gas is dispensed in its liquid state, and affects each new dispensing system installed after November 1, 1985.

The division received three written comments on the proposed new section from Hershel Welch of Welchgas, John W. Hicks of Pargas, and Dan T. Moody of Eddins-Walcher Company. Each endorsed the use of the pull-away adapter, citing safety as the motivation for this support.

The division agrees with all comments received. The division, at its own motion, changed the effective date of this section to November 1, 1985, to provide lead time for both the division and the LP-gas industry.

The new section is adopted under the Texas Natural Resources Code, §113.051,

which allows the Railroad Commission of Texas to promulgate and adopt rules and standards which protect or tend to protect the health, safety, and welfare of the general public.

§9.385. Protection of Manual Dispensers.

(a) Each LP-gas storage installation installed on or after November 1, 1985, which includes a liquid dispensing system, which is not an automatic dispenser as set forth in this subchapter, shall incorporate into that dispensing system an approved pull-away device to stop the uncontrolled discharge of LP-gas.

(b) The pull-away device shall be adequately secured against displacement and shall be installed in accordance with manufacturer's instructions.

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 June 7, 1985.

TRD-855127 Walter Earl Lille
Special Counsel
Railroad Commission
of Texas

Effective date: November 1, 1985
Proposal publication date: April 26, 1985
For further information, please call
(512) 475-1301.

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TITLE 22. EXAMINING BOARDS

Part V. Texas State Board of Dental Examiners

Chapter 109. Conduct Anesthesia and Anesthetic Agents

★ 22 TAC §109.178

The Texas State Board of Dental Examiners adopts amendments to §109.178, without changes to the proposed text published in the April 23, 1985, issue of the *Texas Register* (10 TexReg 1289).

The amendments provide better protection for the public through the investigation and enforcement process. This agency will have the authority to request additional patient records in injury or death causes in a dental office.

No comments were received regarding adoption of the amendments.

The amendments are adopted under Texas Civil Statutes, Article 4551d, which provide the Texas State Board of Dental Examiners with the authority to adopt and enforce such rules and regulations not inconsistent with the laws of the state, as may be necessary for the performance of its duties and/or to ensure

compliance with the state laws relating to the practice of dentistry to protect the public health and safety.

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 June 7, 1985.

TRD-855158 William S. Nail
Executive Director
Texas State Board of
Dental Examiners

Effective date: June 28, 1985
Proposal publication date: April 23, 1985
For further information, please call
(512) 475-2443.

★ ★ ★

Chapter 115. Extension of Duties of Auxiliary Personnel

Dental Hygiene

★ 22 TAC §115.1

The Texas State Board of Dental Examiners adopts amendments to §115.1, without changes to the proposed text published in the April 23, 1985, issue of the *Texas Register* (10 TexReg 1290).

The board is adopting these definitions because of certain proposed rules and legislation, and they want to have these definitions in the rules for clarification. These definitions clarify the procedures of scaling and root planing.

No comments were received regarding adoption of the amendments.

The amendments are adopted under Texas Civil Statutes, Article 4551d, which provide the Texas State Board of Dental Examiners with the authority to adopt and enforce such rules and regulations not inconsistent with the laws of the state as may be necessary for the performance of its duties and/or to ensure compliance with the state laws relating to the practice of dentistry to protect the public health and safety.

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 June 7, 1985.

TRD-855157 William S. Nail
Executive Director
Texas State Board of
Dental Examiners

Effective date: June 28, 1985
Proposal publication date: April 23, 1985
For further information, please call
(512) 475-2443.

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**Part XXXI. Texas State
Board of Examiners of
Dietitians
Chapter 711. Dietitians
Licensure**

**★ 22 TAC §§711.1-711.9, 711.12,
711.13**

The Texas State Board of Examiners of Dietitians, adopts amendments to §§711.2, 711.7, and 711.9, with changes to the proposed text published in the March 26, 1985, issue of the *Texas Register* (10 TexReg 1013). Sections 711.1, 711.3-711.6, 711.8, 711.12, and 711.13 are adopted without changes and will not be republished.

The amendments augment existing §§711.1-711.9, 711.12, and 711.13, ensuring that the licensing and regulation of dietitians will identify competent practitioners and guarantee to the public seeking dietetic and nutritional services that licensees have met thorough academic and preprofessional experience requirements, and have agreed to comply with a Code of Ethics. The amendments pertaining to procedures for petitioning the Board of Examiners for a rule change and those pertaining to disapproval of applications for licenses and reciprocal licenses are consistent with the policies of the Texas Board of Health and the Texas Department of Health, and the provisions of the Administrative Procedure Act, Texas Civil Statutes, Article 6252-13a.

The amendments provide for clarification of terms used in the rules, a procedure for petitioning the Board of Examiners for a rule change, establishment of standing committees, addition of an ethical standard, more specific academic requirements, procedures and criteria for disapproving applications for licenses and reciprocal licenses, and deletion of the special provisions under the initial licensing period.

Concerning §711.2(m)(1), a commenter advised that the proper citation for the Family Educational Rights and Privacy Act of 1974 is 20 United States Code §1232g, and the board has made this correction. Concerning §711.9(c)(6)(D), a commenter remarked about an error in the reference to §711.11 (relating to licensing of persons with criminal backgrounds to be dietitians and provisional (not professional dietitians), and this error has been corrected. Another commenter suggested that the board provide for a procedure for reapplication when a license application is disapproved according to the amendments in §711.7(c)(6)(A)(i)-(vii) and §711.8(c)(6)(A)-(D), if the reason for such action did not pertain to the academic, experience or examination requirements. The board agrees and has

added a provision and time period for reapplication. All other comments received were in support of the amendments, especially the amendments to §711.4 (relating to the academic requirements for examination and licensure).

The amendments are adopted under the Licensed Dietitian Act, Texas Civil Statutes, Article 4512h, §6, which authorizes the Texas State Board of Examiners of Dietitians, with the approval of the Texas Board of Health, to adopt rules to implement the Act.

§711.2. The Board's Operation.

(a) (No change.)
(b) Officers.
(1) Chairman.
(A)-(B) (No change.)
(C) The chairman shall serve as an *ex officio* member of all committees except the Complaint Committee.

(2) (No change.)
(c)-(l) (No change.)
(m) Official records.
(1) All official records of the board including application materials, except files containing information considered confidential under the provisions of the Texas Open Records Act, Texas Civil Statutes, Article 6252-17a, and the Family Educational Rights and Privacy Act of 1974, 20 United States Code §1232g, shall be open for inspection during regular office hours.

(2)-(3) (No change.)
(n) Elections.
(1) (No change.)
(2) A vacancy which occurs in the offices of chairman and vice-chairman may be filled, for the duration of the unexpired term, by a majority vote of those members present and voting at the next board meeting.

(o) Committees.
(1)-(6) (No change.)
(7) The following standing committees shall be appointed by the newly elected chairman each odd-numbered year to serve a term of two years.

(A) The Rules Committee shall be composed of two board members who are licensed dietitians and one public member of the board. The committee shall review all board rules at least once annually to ensure that the rules are current in relation to dietetic practice, and may recommend and propose adoption of rules to the board. The committee shall consider all petitions for adoption of rules and shall recommend disposition of these petitions to the board in accordance with subsection (v) of this section.

(B) The Complaint Committee shall be composed of two board members who are licensed dietitians and one public member of the board. The committee shall process all complaints received by the board and shall recommend to the board action to be taken on complaints in accordance with §711.12 of this title (relating to Viola-

tions, Complaints, and Subsequent Board Actions).

(C) The Program Approval Committee shall be composed of three board members who are licensed dietitians. The committee shall review all applications for internship and preplanned professional experience programs received by the board and shall either approve the applications or recommend to the board denial of the applications in accordance with §711.5(d)-(h) of this title (relating to Experience Requirements for Examination and Licensure as a Dietitian).

(D) The Consumer Information Committee shall be composed of two board members who are licensed dietitians and one public member of the board. The committee shall recommend to the executive secretary the publication of consumer information related to the board and shall guide the preparation of all consumer information related publications. The committee shall recommend to the board action to be taken regarding proposed publications.

(p)-(u) (No change.)
(v) Petition for adoption of a rule.
(1) Purpose. The rule's purpose is to delineate the board's procedures for the submission, consideration, and disposition of a petition to the board to adopt a rule.
(2) Submission of the petition.

(A) Any person may petition the board to adopt a rule.

(B) The petition shall be in writing, shall contain the petitioner's name and address, and shall describe the rule and the reason for it; however, if the executive secretary determines that further information is necessary to assist the board in reaching a decision, the executive secretary may require that the petitioner resubmit the petition and that it contain:

(i) a brief explanation of the proposed rule;
(ii) the text of the proposed rule prepared in a manner to indicate the words to be added or deleted from the current text, if any;
(iii) a statement of the statutory or other authority under which the rule is to be promulgated; and
(iv) the public benefits anticipated as a result of adopting the rule or the anticipated injury or inequity which would result from the failure to adopt the proposed rule.

(C) The board may deny a petition which does not contain the information in subparagraph (B) of this paragraph or the information in clauses (i)-(iv) of subparagraph (B) of this paragraph if the executive secretary determines that the latter is necessary.

(D) The petition shall be mailed or delivered to the executive secretary, Texas State Board of Examiners of Dietitians, 1100 West 49th Street, Austin, Texas 78756-3183.

(3) Consideration and disposition of the petition.

(A) The executive secretary shall submit the petition to the board for its consideration.

(B) Within 60 days after receipt of the petition by the executive secretary, or within 60 days after receipt of a resubmitted petition in accordance with paragraph (2)(B)(i)-(iv) of this subsection, the board shall either:

(i) deny the petition; or

(ii) initiate rule-making procedures by referring the petition to the Rules Committee for its recommendation. The committee shall report its recommendations to the board at its next regular meeting.

(C) The board may deny parts of the petition and/or institute rule-making procedures on parts of the petition.

(D) If the board denies the petition, the executive secretary shall give the petitioner written notice of the board's denial, including the reason(s) for the denial.

(E) If the board initiates rule-making procedures in accordance with the APTRA, §5, the version of the rule which the board proposes may differ from the version proposed by the petitioner.

§711.7. Application Procedures.

(a) (No change.)

(b) General.

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

(c) Required application materials.

(1) Application form. The application form shall contain:

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

(C) the applicant's permission to the board to seek any information or references it deems fit to determine the applicant's qualifications;

(D) a statement that the applicant, if issued a license, shall return the license certificate and license identification card to the board upon the revocation or suspension of the license;

(E) a statement that the applicant understands that fees submitted in the licensure process are nonrefundable;

(F) a statement that the applicant understands that materials submitted in the licensure process become the property of the board and are nonreturnable;

(G) the signature of the applicant which has been dated and notarized.

(2) Internship or preplanned professional experience program documentation form. The board-approved form shall contain:

(A)-(D) (No change.)

(E) the type of setting, the type of clients served, and the type of work performed;

(F) the credentials of the director or coordinator of each program; and

(G) the signed statement(s) of endorsements from the person(s) who can formally attest to the applicant's successful

completion of experience as set out in §711.5(b)(2) and (3) of this title (relating to Experience Requirements for Examination and Licensure as a Dietitian).

(3) Transcripts. Applicants must submit official transcript(s) of all relevant college work. Transcripts will not be required for those persons who are registered by the commission.

(4) Other documents. Vitae, resumes, and other documentation of the applicant's credentials may be submitted.

(5) Determination of eligibility. The board shall make the final determination on the eligibility of all applicants.

(A) The board may delegate approval of applications for licensing to a committee of the board.

(B) The board may delegate to the executive secretary the approval of applications for licensing from registered dietitians, or from applicants currently licensed by, and in good standing with, other states with whom this board has entered into a reciprocity agreement.

(C) All applications approved by a committee of the board or the executive secretary are subject to ratification at the next regular meeting of the board.

(6) Disapproved applications.

(A) The board shall disapprove the application if the person has:

(i) not completed the requirements in §711.4 of this title (relating to Academic Requirements for Examination and Licensure); or

(ii) not completed the requirements in §711.5 of this title (relating to Experience Requirements for Examination and Licensure as a Dietitian), if applicable; or

(iii) failed to pass the examination prescribed by the board as set out in §711.8 of this title (relating to Examination for Dietitian Licensure), if applicable; or

(iv) failed to remit any applicable fees required in §711.2(u) of this title (relating to the Board's Operations); or

(v) failed or refused to properly complete or submit any application form(s) or endorsements, or deliberately presented false information on the application form, or any other form or document required by the board to verify the applicant's qualifications for licensure; or

(vi) been in violation of the Act, the Code of Ethics, §711.3(d)(1)(A)-(G) and (J)-(K) of this title (relating to the Profession of Dietetics), or any other applicable provision of this title; or

(vii) been convicted of a felony or misdemeanor if the crime directly relates to the duties and responsibilities of a licensee as set out in §711.11 of this title (relating to Licensing of Persons with Criminal Backgrounds to be Dietitians and Provisional Licensed Dietitians).

(B) If after review the executive secretary determines that the application

should not be approved, the executive secretary will ask the Complaint Committee to review the application. The Complaint Committee shall take either one of the following actions:

(i) If the Complaint Committee concurs that the application should not be approved, the Complaint Committee shall instruct the executive secretary to give the applicant written notice of the reason for the proposed decision and of the opportunity for a formal hearing. The formal hearing shall be conducted according to the formal hearing procedures in §711.13 of this title (relating to Formal Hearings). Within 10 days after receipt of the written notice, the applicant shall give written notice to the executive secretary that the applicant either waives the hearing, or wants the hearing. If the applicant fails to respond within 10 days after receipt of the notice of opportunity, or if the applicant notifies the executive secretary that the hearing be waived, the applicant is deemed to have waived the hearing. If the hearing has been waived, the board shall disapprove the application; or

(ii) If the Complaint Committee determines that the application should be approved, the board shall approve the application.

(C) An applicant whose application has been disapproved under subparagraph (A) (vi) and (vii) of this paragraph shall be permitted to reapply after a period of not less than one year from the date of the disapproval and shall submit with the reapplication, proof satisfactory to the board, of compliance with all rules of the board and the provisions of the Act in effect at the time of reapplication.

(d) Upgrading a provisional license.

(1)-(3) (No change.)

(4) If the provisional licensed dietitian is not eligible for examination, the executive secretary shall notify the provisional licensed dietitian in writing of the reasons for denial and the additional experience or documentation needed to meet the minimum requirements for examination and licensure as a licensed dietitian. The provisional licensed dietitian is entitled to a formal hearing on the proposed denial as specified in subsection (c)(6)(B)(i) of this section.

§711.9. Licensing.

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

(c) Reciprocity.

(1) The board shall waive the examination requirement for an applicant who:

(A) holds at the time of application a valid license or certificate as a dietitian issued by another state whose minimum requirements for licensure are equivalent to or exceed the licensing requirements of the board which are in effect at the time of application and with whom the board has entered into a reciprocity agreement; or

(B) is registered at the time of application by the commission as a registered dietitian.

(2) Reciprocity agreements with licensing bodies of other states shall include a written agreement to provide this board with the following:

(A) information regarding all disciplinary actions or alleged violations relating to each applicant;

(B) a current copy of the body's proposed (if any) and adopted rules governing its operations and application and licensing procedures;

(C) a copy of the legal authority (law, act, code, section, or otherwise) for the licensing program including any proposed and final amendments;

(D) the names, addresses, and phone numbers of the licensing body's chairman and executive administrator; and

(E) any other information deemed necessary by the board, or its legal counsel.

(3)-(5) (No change.)

(6) The board may propose to deny approval of an application from an applicant who is either licensed by another state with which this board has a reciprocity agreement, or a registered dietitian, if the executive secretary has determined that the applicant may be either:

(A) in violation of that state's act or rules of the licensing body, if applicable; or

(B) in violation of the Code of Ethics adopted by the commission or the association, if applicable; or

(C) engaged in, or has previously engaged in, conduct which constitutes a violation of the Act, the Code of Ethics, §711.3(d)(1)(A)-(G) and (J)-(K) of this title (relating to the Profession of Dietetics), or any other applicable provision of this title; or

(D) convicted of a felony or misdemeanor if the crime directly relates to the duties and responsibility of a licensee as set out in §711.11 of this title (relating to Licensing of Persons with Criminal Backgrounds to be Dietitians and Provisional Dietitians).

(7) If after review the executive secretary determines that the application should not be approved, the executive secretary will ask the Complaint Committee to review the application. The Complaint Committee shall take either one of the following actions.

(A) If the Complaint Committee concurs that the application should not be approved, the Complaint Committee shall instruct the executive secretary to give the applicant written notice of the reason for the proposed decision and of the opportunity for a formal hearing. The formal hearing shall be conducted according to the formal hearing procedures in §711.13 of this title (relating to Formal Hearings). Within 10 days after receipt of the written notice,

the applicant shall give written notice to the executive secretary that the applicant either waives the hearing, or wants the hearing. If the applicant fails to respond within 10 days after receipt of the notice of opportunity, or if the applicant notifies the executive secretary that the hearing be waived, the applicant is deemed to have waived the hearing. If the hearing has been waived, the board shall disapprove the application.

(B) if the Complaint Committee determines that the application should be approved, the board shall approve the application.

(C) An applicant whose application has been disapproved under paragraph (6) of this subsection shall be permitted to reapply after a period of not less than one year from the date of the disapproval and shall submit with the reapplication, proof satisfactory to the board, of compliance with all rules of the board and the provisions of the Act in effect at the time of reapplication.

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 June 6, 1985.

TRD-855091

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

Effective date: June 28, 1985

Proposal publication date: March 26, 1985

For further information, please call
(512) 458-7501.

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TITLE 25. HEALTH SERVICES

Part I. Texas Department of Health

(Editor's note: A notice appeared in the June 11, 1985, issue of the Texas Register indicating that the following adoptions submitted by the Texas Department of Health would be serialized in this issue. The effective date for the documents is June 25, 1985.)

Chapter 1. Texas Board of Health

Clinical Health Services

★ 25 TAC §1.91

The Texas Department of Health adopts new §1.91, with changes to the proposed

text published in the March 29, 1985, issue of the Texas Register (10 TexReg 1061).

New §1.91 incorporates the provisions of repealed §37.191 and covers a wider range of services for which fees will be charged.

The department is authorized to charge fees to persons who receive public health services from the department and from local health departments which have contracts with the department.

Section 1.91 establishes a schedule of fees for personal health services provided at public health clinics. It is anticipated that §1.91 will reduce the cost to the State of Texas for public health services provided at public health clinics.

Section 1.91 establishes a schedule of fees for personal health services provided at public health clinics, procedures for collecting the fees, and procedures for modifying, suspending, or terminating public health services.

A commenter suggested that the proposed new rule should be under the chapter title of the Texas Board of Health and not the chapter title of Maternal and Child Health Services, the reason being that the repealed rule covered programs limited to the area of maternal and child health services. The new section, however, covers fees for various programs throughout the department and should be under the more broad chapter heading of the Texas Board of Health. The department agrees and has placed the rule under the chapter title of the Texas Board of Health.

The change made it necessary to change the section number of the rule from the proposed number of §37.191 to the final number of §1.91.

A commenter objected to the requirement of §1.91(b)(3) that patients or clients whose incomes are above the 200% + poverty level will be referred to the private sector for care unless extenuating circumstances exist. The commenter considers this provision to be punitive to individuals in the 200%+ category. The department disagrees because patients or clients in this category should have no difficulty obtaining services from the private sector.

The City of Houston Health Department and one individual commented on the proposed rule. Neither the city nor the individual were against the adoption of the rules but each recommended a change.

The new section is adopted under Texas Civil Statutes, Article 4414c, §2, which provide the Texas Board of Health with the authority to charge fees to persons who receive public health services from the department.

§1.91. Fees for Clinical Health Services.

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 June 4, 1985.

TRD-854982

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

Effective date: June 25, 1985

Proposal publication date: March 29, 1985

For further information, please call
(512) 458-7700.

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Chapter 37. Maternal and Child Health Services

Family Planning Services

★25 TAC §37.191

The Texas Department of Health adopts the repeal of §37.191, without changes to the proposal published in the March 29, 1985, issue of the *Texas Register* (10 TexReg 1061).

The proposed action also contained a new §37.191, concerning clinical health services, which is also adopted in this issue of the *Texas Register*; however, the section has been placed under the more appropriate heading of the Texas Board of Health and has been renumbered to §1.91.

The section is repealed because it is being replaced by the new §1.91, concerning fees for clinical health services. The repeal of §37.191 deletes the schedule of fees for family planning services and replaces it with the schedule of fees contained in new §1.91.

No comments were received regarding adoption of the repeal.

The repeal is adopted under Texas Civil Statutes, Article 4414c, §2, which provide the Texas Board of Health with the authority to charge fees to persons who receive public health services from the department.

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 June 4, 1985.

TRD-854983

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

Effective date: June 25, 1985

Proposal publication date: March 29, 1985

For further information, please call
(512) 458-7700.

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Chapter 157. Emergency Medical Care

Emergency Medical Services

★25 TAC §157.75

The Texas Department of Health adopts new §1.91, with changes to the proposed text published in the March 29, 1985, issue of the *Texas Register* (10 TexReg 1061).

The section provides requirements for specialized emergency medical services (EMS) vehicles, particularly helicopters and fixed-wing aircraft. The section establishes statewide minimum standards for aircraft providing prehospital care.

A number of commenters recommended that registered nurses should be allowed to serve as a member of the medical flight crew.

The department agrees with the comments and is proposing §157.60, which establishes the EMS personnel certification for the registered nurse because the EMS Act, Texas Civil Statutes, Article 4447o, §3.02, requires an EMS vehicle to be staffed with certified personnel.

One commenter said that the department should have a provision which would require equal or better compliance from out-of-state air ambulances operating in Texas. The department agrees with the comment, and the EMS Act, Texas Civil Statutes, Article 4447o, §3.02, requires a vehicle to be permitted and staffed by EMS personnel in accordance with the Act.

Other minor miscellaneous editorial changes have been made in subsections (a)(4)(D)(iii)(II), (b)(4)(D)(i)(II), (b)(1)(C)(i), and (b)(3)(D)(iv)(VI).

The following groups or associations commented on the rule: University of Texas Health Science Center at Houston, Texas Air-Evac, CareFlite, McAllen Aviation, East Texas Council of Governments, National Air Service, Air Ambulance Network, Inc., and Life Flight. No commenters were against the rule; however, those organizations making comments had questions or concerns and made recommendations for changes to certain subsections of the rule.

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

§157.75. Specialized Vehicle Requirements for a Permit.

(a) Helicopter emergency medical services (EMS) vehicle.

(1) General requirements.

(A) The aircraft operator shall, in all operations, comply with all Federal Aviation Regulations, Part 135, which is

adopted by reference. Copies of the Federal Aviation Regulations are on file in the Bureau of Emergency Management offices, 1101 East Anderson Lane, Austin, Texas 78752, and may be reviewed during normal working hours.

(B) The helicopter shall have the following specifications:

(i) be configured in such a way that the medical attendants have adequate access for the provision of patient care within the cabin to give cardiopulmonary resuscitation;

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

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

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

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

(vi) have hooks and/or other appropriate devices for hanging the intravenous fluid bags.

(2) Requirements for a permit.

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

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

(C) The inspection shall include:

(i) visual inspection of the vehicle for the purpose of determining compliance with the specialized vehicle specifications of these sections; except however, if the vehicle is rented. Then, when in service the vehicle lessor, leasee, and operator shall comply with the vehicle specification in paragraph (1)(B) of this subsection; and

(ii) visual and mechanical inspection of equipment for the purpose of compliance with the equipment specifications of these sections. If the vehicle is rented or leased, all equipment required at the level to be permitted shall be available for inspection prior to the issuance of a permit.

(D) A vehicle shall fail the inspection if the requirements in paragraph (2)(C) of this subsection and the requirements of §157.66(d)(3)(A)-(D) of this title (relating to General Requirements for Vehicle Permits) are not met.

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

(3) Provision of basic life support.

(A) A helicopter may be permitted to provide basic life support.

(B) Staffing required for basic life support shall be:

(i) the medical director shall:

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

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

(ii) the medical flight crew, excluding the pilot, shall:

(I) consist of at least a Basic-Emergency Medical Technician (B-EMT);

(II) have additional training in altitude physiology; EMS communications, aircraft and flight safety, and the use of all patient care equipment on board as evidenced by inservice and/or continuing education records and approved by the medical director; and

(III) be familiar with survival techniques appropriate to the terrain as in Federal Aviation Regulations, Part 135, as adopted by reference in paragraph (1)(A) of this subsection.

(iii) the helicopter pilot shall comply with Federal Aviation Regulations, as adopted by reference in paragraph (1)(A) of this subsection, Part 91 or Part 135, whichever is applicable.

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

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

(ii) semi-open valveless, transparent oxygen masks in adult and child sizes;

(iii) suction unit with connecting tubing, operated by electric (battery) or gas-pressured power source;

(iv) two soft suction catheters;

(v) two tonsil tip suction catheters;

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

(vii) one stretcher capable of being secured to the aircraft frame, with restraining belts to safely secure the patient to the stretcher;

(viii) clean sheets, blanket, pillow, and pillow case;

(ix) patient personal care items to include:

(I) bed pan and urinal;

(II) receptacle for emesis;

(III) rain cover for protection during ground transport; and

(IV) drinking water;

(x) one adult sphygmomanometer;

(xi) stethoscope (a doppler or electronic stethoscope is acceptable);

(xii) flashlight or penlight;

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

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

(xv) one rigid, long spine board;

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

(xvii) cardiac arrest board; and

(xviii) one copy of the medical treatment protocols signed by the medical director.

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

(i) dressings and supply kit to include:

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

(II) sterile gauze pads in sizes and quantities as determined by the medical director;

(III) soft roller adhering bandages in sizes and quantities as determined by the medical director;

(IV) three sterile petroleum jelly impregnated gauze or suitable occlusive dressings;

(V) adhesive tape in quantities as determined by the medical director;

(VI) two triangular bandages; and

(VII) one pair bandage scissors.

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

(I) two sterile burn sheets;

(II) 1,000cc normal saline solution in nonbreakable pour bottles;

(III) two pair sterile gloves;

(IV) one 50cc irrigating syringe; and

(V) two packs fluffy gauze.

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

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

(I) two bulb syringes;

(II) two DeLee suction devices;

(III) pediatric sphygmomanometer; and

(IV) infant bag mask unit which can be used with external oxygen supply.

(4) Provision of advanced life support.

(A) A helicopter may be permitted to provide advanced life support.

(B) Staffing required for advanced life support shall be:

(i) the medical director shall meet the requirements of paragraph (3)(B)(i) of this subsection; and

(ii) the medical flight crew, excluding the pilot, shall:

(I) consist of one Paramedic Emergency Medical Technician (PEMT);

(II) have additional training in altitude physiology; EMS communications; aircraft and flight safety; and the use of all patient care equipment on board as evidenced by inservice and/or continuing education records;

(III) be familiar with survival techniques appropriate to the terrain as in Federal Aviation Regulations, Part 135, as adopted by reference in paragraph (1)(A) of this subsection.

(iii) the helicopter pilot shall comply with Federal Aviation Regulations, as adopted by reference in paragraph (1)(A) of this subsection, Part 91 or Part 135 whichever is applicable.

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

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

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

(iii) electrocardiogram monitor with defibrillator and the following additional equipment to be carried for a patient suspected of having a cardiac condition, to include:

(I) one spare electrocardiogram electrode for each lead;

(II) spare roll of electrocardiogram recording paper; and

(III) drugs in quantities and types as prescribed by the medical director.

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

(i) obstetric kit:

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

(II) episiotomy scissors; and

(III) ring forceps.

(ii) pediatric kit:

(I) one pediatric laryngoscope handle with blades;

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

(III) one pediatric Magill forceps;

(IV) two pediatric drip intravenous tubings; and

(V) one each feeding tubes in sizes 3.5, 5, 8 French.

(b) Fixed-wing aircraft EMS vehicle.

(1) General requirements. The aircraft operator shall in all operations comply with all Federal Aviation Regulations, as adopted by reference in subsection (a)(1)(A) of this section, Part 91 or Part 135, whichever is applicable.

(B) The fixed-wing aircraft shall have the following specifications:

(i) be configured in such a way that the medical attendants have adequate access for the provision of patient care within the cabin to give cardiopulmonary resuscitation;

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

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

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

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

(vi) have hooks and/or other appropriate devices for hanging the intravenous fluid bags.

(2) Requirements for a permit.

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

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

(C) The inspection shall include:

(i) visual inspection of the vehicle for the purpose of determining compliance with the specialized vehicle specifications of these sections, except however, if the vehicle is rented. Then, when in service the vehicle leasor, leasee, and operator will comply with the vehicle specifications in paragraph (1)(B) of this subsection; and

(ii) visual and mechanical inspection of equipment for the purpose of compliance with the equipment specifications of these sections. If the vehicle is rented, all equipment required at the level to be permitted, shall be available for inspection prior to the issuance of a permit.

(D) A vehicle shall fail the inspection if the requirements in paragraph (2)(C) of this subsection and the requirements of §157.66(d)(3)(A)-(D) of this

title (relating to General Requirements for Vehicle Permits) are not met.

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

(3) Provision of basic life support.

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

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

(i) the medical director shall meet the requirements of subsection (a)(3)(B)(i) of this section; and

(ii) the medical flight crew, excluding the pilot, shall:

(I) consist of at least a B-EMT;

(II) have additional training in altitude physiology, EMS communications, aircraft and flight safety, and the use of all patient care equipment on board as evidenced by inservice and/or continuing education records and approved by the medical director; and

(III) be familiar with survival techniques appropriate to the terrain as in Federal Aviation Regulations, Part 135, as adopted by reference in subsection (a)(1)(A) of this section.

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

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

(ii) semi-open valveless, transparent oxygen masks in adult and child sizes;

(iii) suction unit with connecting tubing operated by electric (battery) or gas-pressured power source;

(iv) two soft suction catheters;

(v) two tonsil tip suction catheters;

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

(vii) one stretcher capable of being secured to the aircraft frame with restraining belts to safely secure the patient to the stretcher;

(viii) clean sheets, blanket, pillow and pillow case;

(ix) patient personal care items to include:

(I) bed pan and urinal;

(II) receptacle for emesis;

(III) rain cover for protection during ground transport; and

(IV) drinking water;

(x) one adult sphygmomanometer;

(xi) stethoscope (a doppler or electronic stethoscope is acceptable);

(xii) flashlight or penlight;

(xiii) oropharyngeal airways (non metallic) in adult, child, and infant sizes;

(xiv) cardiac arrest board; and

(xv) one copy of the medical treatment protocols signed by the medical director.

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

(i) burn kit, to include:

(I) two sterile burn sheets;

(II) 1,000 cc normal saline solution in nonbreakable pour bottles;

(III) two pair sterile gloves;

(IV) one 50cc irrigating syringe; and

(V) two packs fluffy gauze.

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

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

(I) pediatric sphygmomanometer;

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

(III) two bulb syringes; and

(IV) two DeLee suction devices.

(iv) trauma kit to include:

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

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

(III) sterile gauze pads in sizes and quantities as determined by the medical director;

(IV) soft roller adhering bandages in sizes and quantities as determined by the medical director;

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

(VI) adhesive tape in sizes and quantities as determined by the medical director;

(VII) triangular bandages;

(VIII) one pair bandage scissors;

(IX) one rigid, long spine board; and

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

(4) Provision of advanced life support.

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

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

(i) the medical director shall meet the requirements of subsection (a)(3)(B)(i) of this section; and

(ii) the medical flight crew, excluding the pilot, shall:

(I) consist of a specially skilled-emergency medical technician (SS-EMT or P-EMT);

(II) have additional training in altitude physiology, EMS communications, aircraft and flight safety, and the use of all patient care equipment on board as evidenced by inservice and/or continuing education records and approved by the medical director; and

(III) be familiar with survival techniques appropriate to the terrain as in Federal Aviation Regulations, Part 135, as adopted by reference in subsection (a)(1)(A) of this section.

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

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

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

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

(i) pediatric kit to include:

(I) one pediatric laryngoscope handle with blades;

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

(III) two pediatric drip intravenous tubing;

(IV) one each feeding tubes in sizes 3.5, 5, and 8 French; and

(V) one pediatric Magill forceps.

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

(I) electrocardiogram monitor with defibrillator;

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

(III) one spare electrocardiogram electrode for each lead; and

(IV) spare roll of electrocardiogram recording paper.

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 June 4, 1985.

TRD-854984

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

Effective date: June 25, 1985

Proposal publication date: December 14, 1984

For further information, please call
(512) 485-2601.

★ ★ ★

TITLE 28. INSURANCE

Part I. State Board of Insurance

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

Rating and Policy Forms Deviation Procedure

★ 059.05.03.001

The State Board of Insurance adopts an amendment to Rule 059.05.03.001, with changes to the proposed text published in the April 19, 1985, issue of the *Texas Register* (10 TexReg 1256).

The amendment adopts a new page 11A for the automobile deviation application Form AD-77, which is adopted by reference. The adoption of this page incorporates a new separate expense table for commercial personal injury protection coverage. The board adopted effective May 1, 1985, different expense provisions for personal injury protection coverage, and the proposed amendment is necessary to reflect properly these difference expense provisions when companies are applying for automobile rate deviations. The only change from the proposal is that the effective date is moved to July 1, since the rule cannot go into effect by June 1 except on an emergency basis.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Insurance Code, Article 5.03, which provides the State Board of Insurance with the authority to prescribe rules and regulations necessary to accomplish the purposes of that article.

.001. *Deviation Rate Filing for Automobile Insurance.* This rule and the

form adopted herein by reference apply to all applications for permission to write automobile insurance in Texas on a deviated basis in accordance with the provisions of the Insurance Code, Article 5.03.

(1) Companies shall submit an original and one copy of the Texas automobile deviation application Form AD-77, as revised effective July 1, 1985, to the State Board of Insurance (board), 1110 San Jacinto Street, Austin, Texas 78786, setting out as a minimum the information called for in the form. Texas automobile deviation application Form AD-77 is incorporated herein by reference. Copies of the form may be obtained from the Automobile and Miscellaneous Lines Section, State Board of Insurance, 1110 San Jacinto Street, Austin, Texas 78786.

(2)-(10) (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 June 4, 1985.

TRD-855149

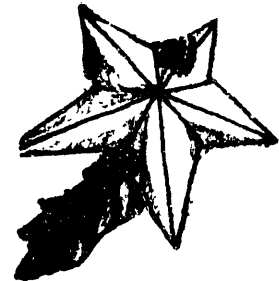
James W. Norman
Chief Clerk
State Board of
Insurance

Effective date: July 1, 1985

Proposal publication date: April 19, 1985

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

★ ★ ★



General Provisions Unfair Practices

★ 059.21.21.122

The State Board of Insurance adopts an amendment to Rule 059.21.21.122, with changes to the proposed text published in the April 26, 1985, issue of the *Texas Register* (10 TexReg 1317).

The rule concerns acts or practices which constitute unfair discrimination between individuals of the same class in violation of the Insurance Code, Article 21.21, §3 and §4(7). Article 21.21, §4(7), relates to unfair discrimination in life and accident and health insurance. This rule identifies more specifically certain acts or practices which are prohibited by that statute. This amendment prohibits discrimination against the blind or partial-

ly blind solely because of blindness or partial blindness. Evidence shows that blindness or partial blindness per se does not cause one to be a poorer risk. The amendment incorporates a National Association of Insurance Commissioners (NAIC) model regulation. A change in the text from the proposal adds the words "notwithstanding any other part of this rule" to make it clear that there may be no discrimination solely because of blindness or partial blindness.

One comment was received regarding adoption of the amendment. Northwestern Mutual Life Insurance Company suggested that the drafting notes to the NAIC model regulation be either included as part of the rule or included as an aid to interpretation of the rule as it applies to blindness or partial blindness. The board agrees with this comment and lists these drafting notes as an aid in interpreting the amendment:

With respect to all other conditions, including the underlying cause of the blindness or partial blindness, persons who are blind or partially blind shall be subject to the same standards of sound actuarial principles or actual or reasonably anticipated experience as are sighted persons. Refusal to insure includes denial by an insurer of disability insurance coverage on the grounds that the policy defines disability as being presumed in the event that the insured loses his/her eyesight. However, an insured may exclude from coverage disabilities, consisting solely of blindness or partial blindness, when such condition existed at the time the policy was issued.

The amendment is adopted under the Insurance Code, Article 21.21, §13, which authorizes the State Board of Insurance to adopt rules in conformity with the adopted procedures of the NAIC.

122. Unfairly Discriminatory Acts or Practices. The following are hereby identified as acts or practices in life and health insurance which constitute unfair discrimination between individuals of the same class: refusing to insure, or refusing to continue to insure, or limiting the amount, extent, or kind of coverage available to an individual, or charging a different rate for the same coverage solely because of a physical or mental impairment, except where the refusal, limitation, or rate differential is based on sound actuarial principles or is related to actual or reasonably anticipated experience; notwithstanding any other part of this rule, refusing to insure, or refusing to continue to insure, or limiting the amount, extent, or kind of coverage available to an individual, or charging an individual a different rate for the same coverage solely because of blindness or partial blindness. This rule does not specify a complete list of acts or practices in life and health insurance which constitute unfair discrimination between individuals of the same class.

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 June 6, 1985.

TRD-855148

James W. Norman
Chief Clerk
State Board of
Insurance

Effective date: June 28, 1985

Proposal publication date: April 26, 1985

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

★ ★ ★

TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part XIII. Board for Lease of University Lands

Chapter 401. Organization of the Board

★31 TAC §401.1, §401.5

The Board for Lease of University Lands adopts amendments to §401.5, with changes to the proposed text published in the March 1, 1985, issue of the *Texas Register* (10 TexReg 738). Section 401.1 is adopted without changes and will not be republished.

These amendments eliminate outdated language from the sections and correct an error in citation. An error in the printing of subsection (b) of §401.5 is corrected in the last sentence by changing the words "summary of review" to "summary or review."

The amendments to §401.1 correct an error in citing the Natural Resources Code. The amendments to §401.5 state concisely that the board will choose its meeting site and delete reference to the vice chancellor for lands management since the position no longer exists within the U.T. system.

No comments were received regarding adoption of the amendments.

The amendments are adopted under the Texas Education Code, §66.79, which authorizes the Board for Lease of University Lands to promulgate rules and regulations for the sale of oil and gas from University lands and to protect the university, its lands, and the income from the lands.

§401.5. Meetings.

(a) Time and place. The board shall hold meetings at such times as deemed necessary. Special meetings shall be upon the request of a majority of the members of the board or shall be at the request of the chair-

man. Two members of the board shall constitute a quorum for the transaction of business and, should a quorum not be present on the day designated for any meeting, those present may adjourn from day to day until a quorum is present. The board shall determine the place where its meetings will be held. The date, time, and place of all meetings approved by the board shall be stated in the notice or call issued for the meeting by the secretary of the board.

(b) Docket. All matters to be presented to the board, except those presented by a board member, shall be referred to the secretary of the board for lease, who shall submit the agenda for consideration by the board. The agenda shall contain all items recommended by board members and by the chancellor of the University of Texas System. The docket shall list all matters on the agenda and shall include a summary review of each of these matters.

(c) Attendance at meetings. The members of the staff to be in attendance at each meeting of the board shall be designated by the chancellor of the University of Texas System and the chairman of the board. Other persons who desire to be heard by the board may appeal only with the permission of the board.

(d) (No change.)

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

Issued in Austin, Texas, on June 6, 1985.

TRD-856111

Maxine R. Dean
Secretary
Board for Lease of
University Lands

Effective date: June 28, 1985

Proposal publication date: March 1, 1985

For further information, please call
(512) 499-4462.

★ ★ ★

★31 TAC §401.6

The Board for Lease of University Lands adopts an amendment to §401.6, without changes to the proposed text published in the March 1, 1985, issue of the *Texas Register* (10 TexReg 739).

The amendment deletes the outdated reference to the Office of Land Management, which no longer exists within the U.T. system. It effects no change in the custody of the minutes of board meetings, which remain with the secretary of the board.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Texas Education Code, §66.79, which authorizes the Board for Lease of Universi-

ty Lands to promulgate rules and regulations for the sale of oil and gas from university lands and to protect the university, its lands, and the income from the lands.

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 June 6, 1985.

TRD-855110 Maxine R. Dean
Secretary
Board for Lease of
University Lands

Effective date: June 28, 1985
Proposal publication date: March 1, 1985
For further information, please call
(512) 499-4462.

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Chapter 403. Sale of Oil and Gas Leases

★31 TAC §403.1

The Board for Lease of University Lands adopts amendments to §403.1, without changes to the proposed text published in the March 1, 1985, issue of the *Texas Register* (10 TexReg 739).

The amendments conform this section to the changes in the Texas Education Code, §66.64, amended in 1983 to permit sale of leases by sealed bids as well as by public auction. The section now states that the board may elect to see oil and gas leases by sealed bid, by public auction, or by a combination of both.

No comments were received regarding adoption of the amendments.

These amendments are adopted under the Texas Education Code, §66.79, which authorizes the Board for Lease of University Lands to promulgate rules and regulations for the sale of oil and gas from university lands and to protect the university, its lands, and the income from the lands.

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 June 6, 1985.

TRD-855109 Maxine R. Dean
Secretary
Board for Lease of
University Lands

Effective date: June 28, 1985
Proposal publication date: March 1, 1985
For further information, please call
(512) 499-4462.

★ ★ ★

★31 TAC §403.2, §403.3

The Board for Lease of University Lands adopts amendments to §403.3, with changes to the proposed text published in the March 1, 1985, issue of the *Texas Register* (10 TexReg 740). Section 403.2 is adopted without changes and will not be republished.

To provide better communication of oil and gas lease sale information, the board has amended the guidelines for contents of the notice of sale and the authorized brochure listing tracts for lease. Editorial changes in these sections were also needed for clarity. A change is made in §403.3(b) to make the issuance of a lease sale brochure discretionary.

If the board decides to issue a notice of contemplated sale of oil and gas leases, the notice will provide information on any nomination fees and include a nominations deadline. All sale procedures, terms, and conditions may be contained in an authorized lease sale brochure.

No comments were received regarding adoption of the amendments.

The amendments are adopted under the Texas Education Code, §66.79, which authorizes the Board for Lease of University Lands to promulgate rules and regulations for the sale of oil and gas from university lands and to protect the university, its lands, and the income from the lands.

§403.3. Advertising.

(a) Sales of oil and gas leases shall be advertised in two or more newspapers of general circulation in the State of Texas. Advertisements shall state the method, time, and place of sale; the primary term of the leases proposed to be executed covering any sale; the bonus or royalty to be paid; and that lists describing the land to be leased for oil and gas rights may be obtained from the board, as well as any other matters deemed advisable by the board. There may also be other and additional advertising of such sales of oil and gas leases as in the discretion of the board may be deemed advisable. Newspaper advertisements shall be published once, approximately three weeks prior to the date of the sale, and at any other times directed by the board.

(b) An authorized brochure listing the tracts to be offered for lease may be compiled, printed, and distributed an adequate period of time before the sale. The brochure will include lease sale procedures, terms, and conditions.

(c) The board may withdraw any advertised tract from the sale prior to the specified hour of sale.

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 June 6, 1985.

TRD-855108 Maxine R. Dean
Secretary
Board for Lease of
University Lands

Effective date: June 28, 1985
Proposal publication date: March 1, 1985
For further information, please call
(512) 499-4462.

★ ★ ★

★31 TAC §403.5

The Board for Lease of University Lands adopts the repeal of §403.5, without changes to the proposal published in the March 1, 1985, issue of the *Texas Register* (10 TexReg 740).

This section is repealed as part of a general reorganization of the procedural rules for oil and gas lease sales to accommodate the addition of rules for conducting sales by sealed bid as well as by public auction. All repealed language on auctioneers is reenacted in new §403.6, concerning public auction sales.

The repeal of this section, along with reorganization of the lease sale rules into separate sections of general rules, auction rules, and sealed bid rules, should provide a better understanding and easier reading of these sections.

No comments were received regarding adoption of the repeal.

The repeal is adopted under the Texas Education Code, §66.79, which authorizes the Board for Lease of University Lands to promulgate rules and regulations for the sale of oil and gas from university lands and to protect the university, its lands, and the income from the lands.

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 June 6, 1985.

TRD-855107 Maxine R. Dean
Secretary
Board for Lease of
University Lands

Effective date: June 28, 1985
Proposal publication date: March 1, 1985
For further information, please call
(512) 499-4462.

★ ★ ★

The Board for Lease of University Lands adopts new §403.5, without changes to the proposed text published in the March 1, 1985, issue of the *Texas Register* (10 TexReg 741).

This section is part of the revision necessary to accommodate new rules on sealed bid lease sales, as authorized by the 1983 amendment to the Texas Education Code, §66.64. All bidding rules have been reorganized into appropriate groupings by topic.

The new section contains those portions of former §403.6 which are generally applicable to oil and gas lease sales, either by public auction or by sealed bid.

No comments were received regarding adoption of the new section.

The new section is adopted under the Texas Education Code, §66.79, which authorizes the Board for Lease of University Lands to promulgate rules and regulations for the sale of oil and gas from university lands and to protect the university, its lands, and the income from the lands.

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 June 6, 1985.

TRD-855106 Maxine R. Dean
Secretary
Board for Lease of
University Lands

Effective date: June 28, 1985
Proposal publication date: March 1, 1985
For further information, please call
(512) 499-4462.

★ ★ ★

★31 TAC §403.6

The Board for Lease of University Lands adopts the repeal of §403.6, without changes to the proposal published in the March 1, 1985, issue of the *Texas Register* (10 TexReg 741).

This section is repealed as part of a general reorganization of the procedural sales for oil and gas lease sales to accommodate addition of rules for sales by sealed bid as well as by public auction. All repealed rules on bidding are reenacted and reorganized into topical groupings.

The repeal of this section on bidding rules, along with creation of separate sections of general rules, auction rules, and sealed bid rules, should provide a better understanding and easier reading of these sections.

No comments were received regarding adoption of the repeal.

The repeal is adopted under the Texas Education Code, §66.79, which authorizes the Board for Lease of University Lands to promulgate rules and regu-

lations for the sale of oil and gas from university lands and to protect the university, its lands, and the income from the lands.

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 June 6, 1985.

TRD-855105 Maxine R. Dean
Secretary
Board for Lease of
University Lands

Effective date: June 28, 1985
Proposal publication date: March 1, 1985
For further information, please call
(512) 499-4462.

★ ★ ★

The Board for Lease of University Lands adopts new §403.6, with changes to the proposed text published in the March 1, 1985, issue of the *Texas Register* (10 TexReg 742).

This section contains those portions of former §403.5 and §403.6, concerning public auction lease sales, as part of the reorganization to accommodate new rules on sealed bid lease sales. In subsection (e), the minimum amount of each raise in bidding is corrected to read "\$100 or more."

This section compiles all rules specifically applicable to oil and gas lease sales by public auction to provide easier reference by topic arrangement.

Comments were received from Exxon Corporation and from Gulf Oil Corporation, both inquiring whether the minimum raise in auction bidding (stated as \$100,000 in the *Texas Register*) was a typographical error, and both stating that this amount seemed too high.

The figure published in the *Texas Register* was a misprint; however, the official copy of this section on file with the secretary of state correctly reflects that each raise in auction bidding shall be \$100 or more.

The new section is adopted under the Texas Education Code, §66.79, which authorizes the Board for Lease of University Lands to promulgate rules and regulations for the sale of oil and gas from university lands and to protect the university, its lands, and the income from the lands.

§403.6. Public Auction Lease Sale Procedures.

(a) This section shall apply only to those oil and gas lease sales or portions thereof authorized by the board to be conducted by public auction.

(b) Applications of individuals interested in serving as auctioneer, together with proper credentials and recommendations,

shall be considered by the board at a duly held meeting.

(c) Appointment of the auctioneer who will officiate at an auction sale and the fee to be paid said auctioneer shall be based upon approval of a majority of the board at a duly held meeting.

(d) Minimum bids, determined and adopted by the board at a duly held meeting, shall be announced to prospective bidders prior to opening of a sale.

(e) In bidding for a tract, each raise shall be \$100 or more.

(f) When a tract offered at a sale has been passed because of no bid being offered or rejected because of a low bid, said tract or tracts will not again be offered for the sale in progress.

(g) The board may require an agent to produce a power of attorney, or other satisfactory evidence, that he is authorized to act for his principal.

(h) The board may require any bidder to submit satisfactory evidence that he has the cash in hand or an authenticated statement showing that the bidder has the means to purchase the tract or tracts on which he has bid.

(i) Successful bidders must make known at the time of the sale the name of the party or parties to whom the lease is to be issued.

(j) The highest successful bidder shall pay to the Board of Regents of the University of Texas System, on the day such bid is accepted, the full amount of the bonus and the special 1.0% fee, as required by law. Separate checks must be submitted for payment of the bonus and special 1.0% fee. Payments by successful bidders at public auction sales may be by cashier's checks, corporate or personal checks, or sight drafts. Any sight drafts presented may be drawn only on member banks of the Federal Reserve Bank System in certain Texas cities selected by the board and published in the sale brochure.

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 June 6, 1985.

TRD-855104 Maxine R. Dean
Secretary
Board for Lease of
University Lands

Effective date: June 28, 1985
Proposal publication date: March 1, 1985
For further information, please call
(512) 499-4462.

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★31 TAC §403.7

The Board for Lease of University Lands adopts new §403.7, without changes to

the proposed text published in the March 1, 1985, issue of the *Texas Register* (10 TexReg 743).

This new section is added to conform these rules to the 1983 amendments to the Texas Education Code, §66.64, which authorizes the sale of oil and gas leases by sealed bids as well as by public auction. The rules in this section establish required procedures and conditions for lease sales by sealed bid.

No comments were received regarding adoption of the new section.

The new section is adopted under the Texas Education Code, §66.79, which authorizes the Board for Lease of University Lands to promulgate rules and regulations for the sale of oil and gas from university lands and to protect the university, its lands, and the income from the lands.

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 June 6, 1985.

TRD-855103 Maxine R. Dean
Secretary
Board for Lease of
University Lands

Effective date: June 28, 1985
Proposal publication date: March 1, 1985
For further information, please call
(512) 499-4462.

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★31 TAC §403.8

The Board for Lease of University of Lands adopts an amendment to §403.8, without changes to the proposed text published in the March 1, 1985, issue of the *Texas Register* (10 TexReg 742).

Former §403.7 is renumbered to become §403.8 to accommodate the addition to this chapter of new rules in other sections and to effect a general reorganization of these rules according to topic.

The text of this section, which specifies certain required terms and conditions of oil and gas leases, is unchanged by this amendment.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Texas Education Code, §66.79, which authorizes the Board for Lease of University Lands to promulgate rules and regulations for the sale of oil and gas from university lands and to protect the university, its lands, and the income from the lands.

§403.8. *Terms of Lease.*

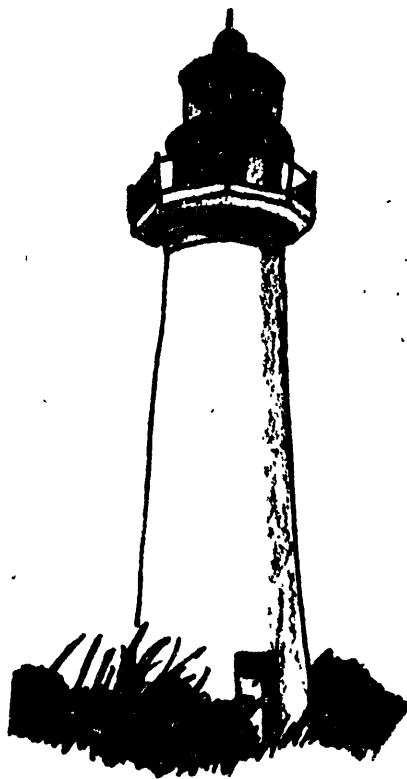
This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on June 6, 1985.

TRD-855102 Maxine R. Dean
Secretary
Board for Lease of
University Lands

Effective date: June 28, 1985
Proposal publication date: March 1, 1985
For further information, please call
(512) 499-4462.

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Chapter 405. Disposition of Bonuses, Rental, Royalties, Fees

★31 TAC §405.1

The Board for Lease of University Lands adopts amendments to §405.1, without changes to the proposed text published in the March 1, 1985, issue of the *Texas Register* (10 TexReg 743).

The amendments conform this section to the Texas Education Code, §66.64, amended in 1983 to authorize sale of leases by sealed bid as well as by public auction. This section specifies the scope of the rules governing form and manner of payments in connection with lease sales.

No comments were received regarding adoption of the amendments.

The amendments are adopted under the Texas Education Code, §66.79, which authorizes the Board for Lease of University Lands to promulgate rules and regulations for the sale of oil and gas from university lands and to protect the university, its lands, and the income from the lands.

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 June 6, 1985.

TRD-855101 Maxine R. Dean
Secretary
Board for Lease of
University Lands

Effective date: June 28, 1985
Proposal publication date: March 1, 1985
For further information, please call
(512) 499-4462.

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Chapter 407. Operational Matters

★31 TAC §§407.3-407.5, 407.8, 407.9, 407.11-407.13, 407.16, 407.17

The Board for Lease of University Lands adopts amendments to 407.16, with changes to the proposed text published in the March 1, 1985, issue of the *Texas Register* (10 TexReg 744) Sections 407.3-407.5, 407.8, 407.9, 407.11-407.13, and 407.17 are adopted without changes and will not be republished. The amendments to these sections, adopted with no changes, are editorial only, with no substantive change intended.

A change is made in the proposed text of §407.16(b) and (c). The portion of this section beginning subsection (b) at "with the director," and ending in subsection (c) at "board for filing," is retained intact, instead of being deleted as proposed.

The editorial changes to these sections should make them easier to understand, by using cleaner and simpler language to explain the requirements for operating leases on university lands.

No comments were received regarding adoption of the amendments.

The amendments are adopted under the Texas Education Code, §66.79, which authorizes the Board for Lease of University Lands to promulgate rules and regulations for the sale of oil and gas from university lands and to protect the university, its lands, and the income from the lands.

§407.16. Tank Cleaning Regulations.

(a) Whenever tanks are cleaned or tank residues are disposed of, tests shall be made to determine the quality of merchantable oil in said tanks. The manner of disposition and the results of such tests shall be reported to the manager of university lands—oil, gas, and mineral interests. Reports shall be made within 20 days following the end of the month of cleaning or other disposition.

(b) The regulations in subsection (a) of this section may be satisfied by filing with the director, University Lands Accounting Office, copies of the proper Railroad Commission of Texas forms containing the required information. Copies of tank cleaning requests (Forms G-ES-A) when issued, and ES-A forms must be furnished in order to comply with this requirement.

(c) The lessee is responsible to the board for filing all required forms, regardless of the tank cleaning procedures or disposition of the residue. When tank bottoms and/or residue are disposed of without filing the proper forms with the director, University Lands Accounting Office, royalty shall be due on the gross contents of such tank bottoms.

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 June 6, 1985.

TRD-855100 Maxine R Dean
Secretary
Board for Lease of
University Lands

Effective date: June 28, 1985
Proposal publication date: March 1, 1985
For further information, please call
(512) 499-4482.

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Chapter 409. Special Actions by the Board

★31 TAC §409.2, §409.3

The Board for Lease of University Lands adopts amendments to §409.2 and §409.3, without changes to the proposed text published in the March 1, 1985, issue of the *Texas Register* (10 TexReg 745).

The amendments are editorial changes intended to make the rules easier to read by improving the clarity and conciseness of wording. The adopted amendments make no substantive change in these sections concerning suspension of leases and approval of unit agreements.

No comments were received regarding adoption of the amendments.

The amendments are adopted under the Texas Education Code, §86.79, which authorizes the Board for Lease of University Lands to promulgate rules and regu-

lations for the sale of oil and gas from university lands and to protect the university, its lands, and the income from the lands.

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 June 6, 1985.

TRD-855099 Maxine R. Dean
Secretary
Board for Lease of
University Lands

Effective date: June 28, 1985
Proposal publication date: March 1, 1985
For further information, please call
(512) 499-4482.

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TITLE 37. PUBLIC SAFETY AND CORRECTIONS

Part III. Texas Youth Commission

Chapter 81. General Provisions Hearings

★37 TAC §81.251

The Texas Youth Commission adopts new §81.251, without changes to the proposed text published in the December 7, 1984, issue of the *Texas Register* (9 TexReg 6180).

The section standardizes the procedures and forms required for use in making a decision to transfer a student from one TYC program to another. The section provides specific procedures to conduct a student transfer hearing in compliance with §81.115 of this title.

No comments were received regarding adoption of the new section.

The new section is adopted under the Human Resources Code, §61.037, which provides the Texas Youth Commission with the authority to move students among its 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 June 6, 1985.

TRD-855098 Ron Jackson
Executive Director
Texas Youth
Commission

Effective date: June 27, 1985
Proposal publication date: December 17, 1984
For further information, please call
(512) 452-8111, ext. 390.

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TITLE 40. SOCIAL SERVICE AND ASSISTANCE

**Part XI. Texas Commission on Human Rights
Chapter 327. Administrative Review**

★40 TAC §327.3

The Texas Commission on Human Rights adopts amendments to §327.3, without changes to the proposed text published in the March 8, 1985, issue of the *Texas Register* (10 TexReg 825).

This section establishes an administrative procedure for insuring the accuracy and completeness of information supplied to the commission by a respondent in response to a complaint alleging employment discrimination. The section establishes uniform procedures for verifying the accuracy of information submitted to the commission by respondents.

In reference to §327.3(1), comments were submitted that the which contend that the commission is placing an undo burden on respondents by having to verify, as prescribed by this section, the information included in the respondent's position paper. Those who commented against the section were Jerald Terry of the Texas Employment Law Council and Howard Spiegel of Tenneco Oil.

It is the contention of the commission that a respondent is attempting to set forth in its position paper the true and accurate facts and evidence in response to the allegations or the complaint. Therefore, a respondent should not have reservations in signing and notarizing its position paper.

The amendments are adopted under Texas Civil Statutes, Article 5221(k), which provide the Texas Commission on Human Rights with the authority to adopt, issue, amend, and rescind procedural rules to carry out the purposes and policies of this 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 June 4, 1985.

TRD-855089 William M. Hale
Executive Director
Texas Commission on
Human Rights

Effective date: June 27, 1985
Proposal publication date: March 8, 1985
For further information, please call
(512) 459-0944.

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Open Meetings

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. Some notices may be received too late to be published before the meeting is held, but all notices are published in the *Register*.

Emergency meetings and agendas. Any of the governmental entities named above must have notice of an emergency meeting, 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

Posting of open meeting notices. 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, Austin. These notices may contain more detailed agendas than what is published in the *Register*.

Texas Aeronautics Commission

Tuesday, June 11, 1985, 1:30 p.m. The Texas Aeronautics Commission made an emergency addition to the agenda of a meeting held in Room 221, Anson Jones Building, 410 East Fifth Street, Austin. The addition concerned the consideration of an emergency airport construction grant to the City of Haskell. The emergency status was necessary because Community Airport had been forced to cease operations due to the failure of runway and taxiway pavement.

Contact: Thomas L. Butler, P.O. Box 12607, Austin, Texas 78711, (512) 476-9262.

Filed: June 6, 1985, 3:46 p.m.
TRD-855077

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Texas Amusement Machine Commission

Monday, June 24, 1985, 9:30 a.m. The Texas Amusement Machine Commission will meet at 1606 Headway Circle, Austin. According to the agenda summary, the commission will hear a report and discuss the final action of the 69th Legislature; the status of the correspondence to Plaza National Bank of Del Rio; administrative rule changes; the attorney general's New Collection Division; the leasing of music, skill, or pleasure coin-operated machines; current operations and recommendations of the Advisory Committee.

Contact: Jim Fusk, P.O. Box 13226, Austin, Texas 78711, (512) 835-4767.

Filed: June 11, 1985, 9:16 a.m.
TRD-855257

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Texas Commission on the Arts

Thursday, June 20, 1985, 9 a.m. The Assistance Review Committee of the Texas

Commission on the Arts will meet in the Terrace Room, Stephen F. Austin Hotel, 701 Congress Avenue, Austin. According to the agenda, the committee will conduct a public hearing; hear an appropriations report and a recommended fiscal year 1986 distribution report; and consider staff recommendations, organizational grants, project grants, and touring grants.

Contact: A. Patrice Walker, P.O. Box 13406, Austin, Texas 78711, (512) 475-6593.

Filed: June 7, 1985, 1:56 p.m.
TRD-855156

Friday, June 21, 1985, 9 a.m. The Texas Commission on the Arts will meet in the Terrace Room, Stephen F. Austin Hotel, 701 Congress Avenue, Austin. According to the agenda summary, the commission will conduct a public hearing, consent agenda, and consider items for individual consideration, and informational items only. The commission also will meet in executive session pursuant to Texas Civil Statutes, Article 6252 §(g), to consider the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employees, if necessary.

Contact: A. Patrice Walker, P.O. Box 13406, Austin, Texas 78711, (512) 475-6593.

Filed: June 7, 1985, 1:55 p.m.
TRD-855159

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Texas Conservation Foundation

Tuesday, June 18, 1985, 4 p.m. The Board of the Texas Conservation Foundation will meet at the Indian Lodge, Davis Mountains State Park, Fort Davis. Items on the agenda include the previous meeting minutes, the executive director's report, lakeshore cleanups, George West heritage park, Rockport Beach conservation easement, donations based on the sale of works of art, and the archeological publications program.

Contact: M. J. Hutchinson, Stephen F. Austin Building, Room 611, 1700 North

Congress Avenue, Austin, Texas, (512) 475-0342.

Filed: June 10, 1985, 9:56 a.m.
TRD-855188

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Texas State Board of Examiners of Professional Counselors

Saturday, June 15, 1985, 9 a.m. The Texas State Board of Examiners of Professional Counselors revised the agenda of meeting to be held in Room A, service building, Texas Department of Health, 1100 West 49th Street, Austin. According to the revised agenda summary, the board will approve the March 9, 1985, meeting minutes; hear reports from the executive secretary, the Examination Committee, the Continuing Education Committee, the Complaint Committee, and the Specialty Committee; consider licensure applications and procedures including reviews of disapproved files (applicants with disapproved files may appear for review of their applications); the request for rehearing on the application of Celia Koehn, rule changes regarding the fee structure for licensed counselors, and public education materials; set the dates and locations for licensure examinations; cancel licenses due to nonrenewal; consider other matters (not involving board action) relating to the licensure and regulation of professional counselors; and set the date and location for the next meeting.

Contact: Daniel L. Boone, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7511.

Filed: June 6, 1985, 4:20 p.m.
TRD-855084

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Texas Commission for the Deaf

Saturday, June 22, 1985, 8:30 a.m. The Texas Commission for the Deaf will meet in the Sheraton Hotel, Expressway 83 West

and Stuart Place Road, Harlingen. According to the agenda, the commission will approve the minutes; hear a report from the Board for Evaluation of Interpreters, a report on direct service activities, and the executive director report; consider fiscal matters; and receive public comment. The commission also will meet in executive session to discuss personnel matters.

Contact: Fred Tamman, 510 South Congress, Austin, Texas 78711, (512) 475-2492.

Filed: June 10, 1985, 2:14 p.m.
TRD-855209

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Texas School for the Deaf

Friday, June 14, 1985. A Committee and the Governing Board of the Texas School for the Deaf will meet in the board room, Administration Building, 1102 South Congress. Times and agendas follow.

9 a.m. The Policy Committee will review policy BE (board meetings), policy EFE (instructional materials-copyright), and proposed policy related to staff development and training.

10 a.m. The Governing Board will approve the May 11, 1985, meeting minutes; hear reports from individuals in the audience; consider business requiring board action; consider consultant contracts, communication philosophy, ECIA Chapter 2 funds, restructuring of board committees, policy BE (board meetings amendment), policy EFE (instruction resources-copyrighted materials amendment), business for information purposes, the monthly executive director's report, and new policy development concerning staff development. The board also will meet in executive session to consider personnel action.

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

Filed: June 6, 1985, 3:43 p.m.
TRD-855080, 855082

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Interagency Council on Early Childhood Intervention

Tuesday, June 18, 1985, 10:30 a.m. The Interagency Council on Early Childhood Intervention will meet in the conference room, second floor, Texas Department of Health, 1100 East Anderson Lane, Austin. According to the agenda summary, the council will approve minutes, hear an advisory commit-

tee report, approve fiscal year 1986 grant awards and hear a fiscal year 1986 budget update, and consider the proposal of rules for compliance with new legislation.

Contact: Mary Elder, 1100 West 49th Street, Austin, Texas 78756, (512) 465-2671.

Filed: June 10, 1985, 9:56 a.m.
TRD-855187

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Texas Economic Development Commission

Monday, June 17, 9:30 a.m. The Texas Small Business Industrial Development Corporation of the Texas Economic Development Commission will meet in Room 221, Anson Jones Building, 410 East Fifth Street, Austin. According to the agenda, the commission will discuss and possibly act on the maximum project costs to be funded under a proposed public offering.

Contact: John Kirkley, 410 East Fifth Street, Austin, Texas 78701, (512) 472-5059.

Filed: June 7, 1985, 1:03 p.m.
TRD-855146

Monday, June 17, 1985, 10 a.m. The Personnel Committee of the Texas Economic Development Commission will meet in Room 221, Anson Jones Building, 410 East Fifth Street, Austin. According to the agenda, the committee will consider resumes for the position of executive director of the Texas Economic Development Commission and formulate recommendations to present to the entire board of commissioners.

Contact: Alexa Richter, 410 East Fifth Street, Austin, Texas 78701, (512) 472-5059.

Filed: June 7, 1985, 1:04 p.m.
TRD-855154

Monday, June 17, 1985, 1 p.m. The Board of Commissioners of the Texas Economic Development Commission will meet in Room 221, Anson Jones Building, 410 East Fifth Street, Austin. According to the agenda, the board will consider possible action on the recommendation of the Texas Small Business Industrial Development Corporation regarding maximum project costs for projects to be funded under a proposed public offering. The board also will meet in executive session pursuant to Texas Civil Statutes, Article 6252-17, §2(e) and (g), to discuss personnel matters (no formal business discussions planned).

Contact: Alexa Richter, 410 East Fifth Street, Austin, Texas 78701, (512) 472-5059.

Filed: June 7, 1985, 1:03 p.m.
TRD-855153

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Texas Education Agency

Saturday, June 8, 1985, 8:30 a.m. The State Board of Education of the Texas Education Agency (TEA) made an emergency addition to the agenda of a meeting held in the board room, TEA North Building, 1200 East Anderson Lane, Austin. The addition concerned the goals and objectives for the State Board of Education's long-range plan. The emergency status was necessary for implementation of the goals for long-range planning to proceed.

Contact: W. N. Kirby, 201 East Anderson Lane, Austin, Texas 78701, (512) 475-3271.

Filed: June 6, 1985, 4:26 p.m.
TRD-855078

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Texas Employment Commission

Tuesday, June 18, 1985. The Texas Employment Commission (TEC) will meet in Room 644, TEC Building, 15th Street and Congress Avenue. Times and agendas follow.

8:30 a.m. The commission will consider prior meeting notes, the internal procedures of commission appeals, consider and act on higher level appeals in unemployment compensation cases on commission Docket 25, and set the date for the next meeting.

Contact: Courtenay Browning, 15th Street and Congress Avenue, TEC Building, Room 608, Austin, Texas 78778, (512) 463-2226.

Filed: June 10, 1985, 3:49 p.m.
TRD-855238

2:30 p.m. The commission will consider prior meeting notes; conduct a public comment period; consider a trust fund update and a legislative update; consider premises matters regarding offices in Houston, Dallas, San Angelo, and Longview regions; and the state office; discuss JM-306; hear reports of the administrative staff on program operations, funding, and legislation and consider the date and agenda for the next meeting. The commission also will meet in executive session to discuss with attorneys and possibly act on the Tullis v Grisham case and the Joiner merit system appeal.

Contact: C. Ed Davis, 15th Street and Congress Avenue, TEC Building, Room 660 Austin, Texas 78778, (512) 463-2291.

Filed: June 10, 1985, 3:51 p.m.
TRD-855237

Friday, June 21, 1985, 9 a.m. The Advisory Council of the Texas Employment Commission will meet in Room 644, TEC Building, 15th Street and Congress Avenue, Austin. According to the agenda summary, the council will approve the prior meeting notes; consider updates on the 69th Legislature,

the TEC budget outcome, and the impact on agency operations; consider a trust fund report regarding solvency, federal assessment and cap application; consider field activities; consider the federal update on the 99th Congress and federal budget; and establish the Long-Range Planning Committee and the Trust Fund Committee.

Contact: C. Ed Davis, 15th Street and Congress Avenue, TEC Building, Austin, Texas 78778, (512) 463-2291.

Filed: June 10, 1985, 3:51 p.m.
TRD-855236

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Office of the Governor

Friday, June 14, 1985, 10 a.m. The Governor's Task Force on the Advancement of Labor-Management Relations of the Office of the Governor will meet at the John E. Gray Institute, Beaumont. According to the agenda, the task force will discuss an update on recent legislative actions that pertain to the task force's charges; an update on activities of the Texas rapid response team; an update on the status of the brochure that the task force is producing on labor management relations in Texas; the role of area-wide labor-management committees; the possibility of working with the Department of Labor to co-sponsor a state-wide conference or a series of conferences on the need for labor-management cooperation; the trade adjustment assistance programs in Texas that are aiding workers who are adversely affected by imports; and a method to collect and disseminate information about successful examples of labor-management cooperation that have resulted in productivity improvements in Texas business.

Contact: Steve Spinner, Governor's Office of Economic Development, Austin, Texas, (512) 475-1147.

Filed: June 6, 1985, 1:14 p.m.
TRD-855064

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Texas Department of Health

Friday, June 14, 1985, 10 a.m. The Home Health Services Advisory Council of the Texas Department of Health will meet in Room G-107, commissioner's conference room, 1100 West 49th Street, Austin. According to the agenda summary, the council will review the minutes of the last meeting; review statistics on home health activities, January 1-May 30, 1985, on total number of Class A and Class B home health

agencies, total number of Class A and B home health agencies that have closed, total number of potential Class A and Class B home health agencies, and total number of Class A and Class B home health complaint investigations; consider the legal interpretation of what constitutes an unlicensed organization; hear a report of health care financing administration's interpretation of branch office supervision; discuss Advisory Council members duties; and consider announcements and comments not requiring council action.

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

Filed: June 6, 1985, 4:19 p.m.
TRD-855083

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Texas Historical Commission

Monday, June 24, 1985, 10 a.m. The Permanent Advisory Committee of the State Preservation Board of the Texas Historical Commission will meet at the Carrington-Covert House, 1511 Colorado Street, Austin. According to the agenda, the committee will consider a legislative update, the Goddess of Liberty, miscellaneous Capitol projects, the Ad Hoc Decorative Arts Committee, and museum assessment of United Daughters of the Confederacy. The board also will meet in executive session to discuss personnel.

Contact: Curtis Tunnell, 1511 Colorado Street, Austin, Texas 78701, (512) 475-3092.

Filed: June 6, 1985, 1:49 p.m.
TRD-855070

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Industrial Accident Board

Friday, July 12, 1985, 9 a.m. The Industrial Accident Board will meet in Room 255, second floor, Bevington A. Reed Building, 200 East Riverside Drive, Austin. According to the agenda summary, the board will discuss the approval of amendments to board Rules 061.01.00.015, 061.02.00.011, 061.06.00.005, 061.07.00.025, 061.07.00.035, and 061.08.00.200 and board policy pertaining to charges for medical reports; new board Rules 061.01.00.275, 061.05.00.337, 061.07.00.065, and 061.13.00.020(1)(V); the repeal of board Rules 061.08.00.190 and 061.08.00.210; Texas Civil Statutes, Article 8309h, §5(a); board Rule 061.01.00.220 (cost of medical reports); and consider a policy statement from the board on maintaining records of violations for the purpose of establishing a record of general business practice.

Contact: William Treacy, 200 East Riverside Drive, Austin, Texas 78704, (512) 448-7962.

Filed: June 10, 1985, 4:49 p.m.
TRD-855254

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State Board of Insurance

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

Tuesday, June 18, 1985, 9 a.m. In Room 342, the board will consider Docket 8088—application of Carl Michael Williams for a Group I legal reserve life insurance agent's license.

Contact: Staci Copelin, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-1076.

Filed: June 10, 1985, 11:31 a.m.
TRD-855190

Tuesday, June 18, 1985, 1:30 p.m. In Room 353, the board will consider Docket 9000—application of Dat Chau Nguyen, Garland, for a Group I legal reserve life, health, and accident insurance agent's license.

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

Filed: June 10, 1985, 11:31 a.m.
TRD-855191

Tuesday, June 18, 1985, 1:30 p.m. In Room 342, the board will consider Docket 8013—whether disciplinary action should be taken against Taylor and Austin Agency, Inc., Brownsville, holder of a surplus lines agent's license issued by the State Board of Insurance

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

Filed: June 10, 1985, 11:31 a.m.
TRD-855192

Tuesday, June 18, 1985, 2 p.m. The State Board of Insurance will meet in Room 414, 1110 San Jacinto Street, Austin. Items on the agenda summary include decisions on pleas to the jurisdiction in the appeals of Ruby Rowden, doing business as Aloha Motel, and Philip Matranga, *et ux*, from action of the Texas Catastrophe Property Insurance Association; the fire marshal's report concerning personnel; the commissioner's report concerning litigation, personnel, and the report to the Job Injury Interagency Council on the State Board of Insurance workers' compensation data; final action on amendments to Rules 059.09.07.001 and 059.05.53.102; the repeal of Rules 059.10.01.001-.011; the renewal of effect of emergency amendments to Rules

059.01.11.041-.045.; and board orders on several different matters.

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

Filed: June 10, 1985, 2:51 p.m.
TRD-855206

Thursday, June 20, 1985, 9 a.m. The State Board of Insurance will meet in Room 414, 1110 San Jacinto Street, Austin. According to the agenda, the board will reconvene the public hearing begun at 9 a.m. on May 29, 1985, to consider an appeal by Flag-Redfern Oil Company of an application of experience modifier.

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

Filed: June 10, 1985, 2:52 p.m.
TRD-855207

Thursday, June 20, 1985, 9 a.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 353, 1110 San Jacinto Street, Austin. According to the agenda, the section will conduct a public hearing to consider whether disciplinary action should be taken against Earl Wayne Fletcher, Kingsville, holder of a Group I, legal reserve life insurance agent's license and local recording agent's license issued by the State Board of Insurance.

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

Filed: June 10, 1985, 11:31 a.m.
TRD-855194

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

Thursday, June 20, 1985, 9 a.m. Docket 9003—whether the stock redemption proposal of Tower Life Insurance Company, San Antonio, should be approved.

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

Filed: June 10, 1985, 11:31 a.m.
TRD-855193

Thursday, June 20, 1985, 1:30 p.m. Docket 8082—whether disciplinary action should be taken against Gilbert G. Tenorio, Austin, holder of a solicitor for local recording agent's license issued by the State Board of Insurance.

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

Filed: June 10, 1985, 11:31 a.m.
TRD-855195

Friday, June 21, 1985, 1:30 p.m. Docket 9007—whether disciplinary action should be taken against Jay S. Levine, Carrollton, holder of a Group I legal reserve life insurance agent's license issued by the State Board of Insurance.

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

Filed: June 10, 1985, 11:31 a.m.
TRD-855196

Monday, June 24, 1985, 9 a.m. Docket 8069—whether United International Life Insurance Company, Fort Worth, has complied with commissioner's Order 85-1377, dated April 25, 1985.

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

Filed: June 10, 1985, 11:31 a.m.
TRD-855197

Monday, June 24, 1985, 10 a.m. The State Board of Insurance will meet in Room 414, 1110 San Jacinto Street, Austin. According to the agenda, the board will reconvene the May 29, 1985, hearing, concerning proposed Rules 059.05.26.103 and .104, published in the January 18, 1985, issue of the *Texas Register* (10 Tex Reg 200). The rules, in large part, deal with the situation of rate-regulated insurers under the Insurance Code, Chapter 5, Subchapter C, circumventing or avoiding the effects of mandatory rating laws through the use of, control of, or any sort of arrangement with non-rate-regulated insurers such as lloyds and reciprocal exchanges.

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

Filed: June 7, 1985, 4:23 p.m.
TRD-855170

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Lamar University

Thursday, June 13, 1985, noon. The Board of Regents of Lamar University made an emergency additon to the agenda of a meeting held in the Gray Library, Lamar and Spindletop Room, Beaumont. The additon concerned consideration of bids and an award contract for the re-roofing of the Science Auditorium Building, Lamar University—Beaumont. The emergency status was necessary because this item was omitted on the original agenda dated June 4, 1985.

Contact: Andrew J. Johnson, P.O. Box 10014, Lamar University, Beaumont, Texas 77710, (713) 838-7533.

Filed: June 10, 1985, 9:53 a.m.
TRD-855261

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Texas State Library and Archives Commission

Thursday, June 27, 1985, 2 p.m. The Records Management and Preservation Advisory Committee of the Texas State Library and Archives Commission will meet in Room 202, Lorenzo de Zavala Archives and Library Building, 1201 Brazos Street, Austin. According to the agenda, the committee will discuss the status of the Subcommittee on Revision of Recommended Retention Schedule, the awareness campaign for state agencies, future direction of the committee, and other business.

Contact: Susan Tennon, P.O. Box 2960, Austin, Texas 78769.

Filed: June 11, 1985, 9:10 a.m.
TRD-855256

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Natural Fibers and Food Protein Commission

Thursday, June 20, 1985, 8:30 a.m. The Industry Advisory Committee of the Natural Fibers and Food Protein Commission (NFFPC) will meet in the Sheraton Hotel, Dallas/Fort Worth Airport, Highway 114 and Esters Road, Dallas. According to the agenda, the committee will draft budget and project recommendations for the biennium, beginning September 1985, for the NFFPC's contracting universities.

Contact: Jean L. VandeLune, 17360 Coit Road, Dallas, Texas 78752, (214) 231-0852.

Filed: June 7, 1985, 2:07 p.m.
TRD-855155

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Texas Board of Licensure for Nursing Home Administrators

Wednesday, July 17, 1985, 10 p.m. The Texas Board of Licensure for Nursing Home Administrators will meet at 3407 IH 35 North, Austin. According to the agenda, the board will approve the April 17, 1985, meeting minutes; hear reports from the Suitability Committee, the Education Committee, the Texas Department of Health, the Texas Department of Human Resources, the executive director, and the chair; and hear a report on House Bill 593 and the appropriations bill.

Contact: Dottie Mathieson, 3407 IH 35 North, Austin, Texas 78722, (512) 479-0922.

Filed: June 6, 1985, 1:49 p.m.
TRD-855072

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Board of Pardons and Paroles

Monday-Friday, June 17-21, 1985, 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 and inmates and administrative releases subject to the board's jurisdiction and initiate and carry through with appropriate action.

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

Filed: June 6, 1985, 10:14 a.m.
TRD-855059

Tuesday, June 18, 1985, 1:30 p.m. The Board of Pardons and Paroles will meet at 8610 Shoal Creek Boulevard, Austin. According to the agenda, the board will consider executive clemency recommendations and related actions, other than out-of-country conditional pardons, including full pardons and restoration of civil rights of citizenship; emergency medical reprieves; commutations of sentence; and other reprieves, remissions, and executive clemency actions.

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

Filed: June 6, 1985, 10:14 a.m.
TRD-855060

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State Board of Plumbing Examiners

Friday, June 21, 1985, 11:30 a.m. The State Board of Plumbing Examiners will meet on the east side of the ballroom, Maude Cobb Activity Center, Longview. According to the agenda, the board will consider the previous meeting minutes, review the financial report, discuss hardship cases, discuss a request for a cross connection seminar at Texas Tech University, consider the legislative summary of the 69th Legislature, discuss an appliance dealer exemption, and hear a report on the review of examination.

Contact: Lynn Brown, P.O. Box 4200, Austin, Texas 78765, (512) 458-2145.

Filed: June 7, 1985, 2:08 p.m.
TRD-855160

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Texas State Board of Examiners of Psychologists

Thursday-Saturday, June 13-15, 1985, 9 a.m. daily. The Texas State Board of Examiners of Psychologists met in emergency

session in Suite C-270, 1300 East Anderson Lane, Austin. According to the agenda, the board considered minutes, legislative reports, a mock hearing report, I/O supervision guidelines, exempt agency guidelines, an oral exam report, rules, reconsideration of application files, Norman Kagan's application for certification, opinion letters, application files, the election of a vice chairman, interview, complaint files, meeting with the Executive Committee of the the Texas Psychological Association, supervision guidelines for schools, and dual licensure. The emergency status was necessary because the information to be discussed was timely.

Contact: Patti Bizzell, 1300 East Anderson Lane, Suite C-270, Austin, Texas 78752, (512) 835-2036.

Filed: June 6, 1985, 1:58 p.m.
TRD-855079

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Public Utility Commission of Texas

Monday, June 10, 1985, 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 held an emergency prehearing conference in Docket 6200—petition of Southwestern Bell Telephone Company for authority to change rates. The emergency status was necessary because of statutory deadlines.

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

Filed: June 7, 1985, 2:57 p.m.
TRD-855150

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

Friday, June 14, 1985, 10 a.m. A rescheduled prehearing conference in Docket 6281—petition of Texas Industrial Energy Consumers against Central Power and Light Company regarding standby and maintenance tariffs.

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

Filed: June 6, 1985, 3:17 p.m.
TRD-855073

Tuesday, June 18, 1985, 9 a.m. Dockets 6166, 6279, 6072, 6075, 6087, 5967, 6053, 6077, 5980, 6238, 6090, 6211, 5342, 5343, 5365, 5368, 5370, 5378, 5392, 5396, 5738, 5264, 6135, 5364, 5442, 5625, 6134, 6107,

6100, 6126, and 6239. The division also will meet in executive session to consider pending litigation and personnel matters.

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

Filed: June 10, 1985, 2:54 p.m.
TRD-855212

Tuesday, June 18, 1985, 10 a.m. Docket 6322—complaint of Tim Weiswasser against Gulf Utility Company.

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

Filed: June 7, 1985, 2:56 p.m.
TRD-855151

Wednesday, June 19, 1985, 10 a.m. Docket 6331—application of Southwest Rural Electric Association, Inc., for authority to change rates.

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

Filed: June 10, 1985, 2:55 p.m.
TRD-855210

Thursday, June 20, 1985, 1:30 p.m. A prehearing conference in Docket 6326—complaint of Rob L. Harbison on behalf of Orion Homes against the City of Austin.

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

Filed: June 7, 1985, 2:56 p.m.
TRD-855152

Friday, June 21, 1985, 1:30 p.m. A rate hearing in Docket 6317—customer protest in the matter of the PURA, §43(h) rate increase of Parkside Shores Water Company in Henderson County.

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

Filed: June 10, 1985, 2:54 p.m.
TRD-855211

Friday, July 12, 1985, 10 a.m. A prehearing conference in Docket 5994—petition of inquiry into rates paid by Houston Lighting and Power Company to qualifying facilities for the purchase of nonfirm capacity.

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

Filed: June 6, 1985, 3:16 p.m.
TRD-855074

Wednesday, July 17, 1985, 10 a.m. A hearing on the merits in Docket 6295—complaint of Russell Whitehouse against Guadalupe Valley Electric Cooperative, Inc.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757,

(512) 458-0100.

Filed: June 6, 1985, 3:17 p.m.
TRD-855075

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Railroad Commission of Texas

Monday, June 10, 1985, 9 a.m. Divisions of the Railroad Commission of Texas submitted emergency revised agendas for a meeting held in Room 309, 1124 IH 35 South, Austin. Divisions and revised agendas follow.

Consideration of Gas Utilities Division Docket 5021—Btu measurement refund under 16 TAC §7.42. The emergency status was necessary because the matter was properly posted for conference on June 3, 1985, and was approved but requires revision.

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

Filed: June 7, 1985, 4:35 p.m.
TRD-855172

Consideration of Oil and Gas Division items including existing practices in oil wells and gas wells with regard to the interval open to production; the proper application of laws and commission rules to such practices; appropriate methods to enforce the rules and laws with regard to such practices; whether it is necessary to investigate facts as to such practices; appropriate methods for so investigating; the proper application of Natural Gas Policy Act regulations to gas produced from wells in which the interval open to production overlaps the interval open to production in another well in the same proration unit; the definition of "casinghead gas"; the facts, issues, and procedural status of Federal Energy Regulatory Commission (FERC) Docket GP84-23-00, Stowers Oil & Gas Co., *et al* and the relationship of such FERC docket to Railroad Commission of Texas oil and gas Docket 10-77,314; the implications of such FERC docket for any railroad commission action on the issues listed and the implications on the FERC docket of any railroad commission action on the issues listed. For any or all of the issues listed, the railroad commission may determine the action to be taken by the commission and direct that such action commence. The emergency status was necessary because this item was properly noticed for the meeting of June 3, 1985, and was passed.

Contact: Susan Cory, P.O. Box 12967, Austin, Texas 78711, (512) 445-1285.

Filed: June 7, 1985, 4:06 p.m.
TRD-855168

Consideration of Oil and Gas Docket 20-84,258—whether to adopt statewide rule 36 (16 TAC §3.36) for the State of Texas. The emergency status was necessary because

this item was properly noticed for the meeting of June 3, 1985, and was passed.

Contact: Kim Kiplin, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1180.

Filed: June 7, 1985, 12:23 p.m.
TRD-855129

Consideration of Transportation Division matters including Docket 00112PA2SP—UTE Corporation, to show cause why agricultural carrier Permit 112P should not be canceled or suspended because of the acts, omissions, and violation alleged in a complaint. The emergency status was necessary because the matter was properly posted for the meeting of June 3, 1985, and was passed.

Contact: Mike James, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1330.

Filed: June 7, 1985, 12:37 p.m.
TRD-855130

Monday, June 17, 1985, 9 a.m. The Railroad Commission of Texas will meet in Room 309, 1124 IH 35 South, Austin. The commission will consider and act on division agendas as follows.

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

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

Filed: June 7, 1985, 12:39 p.m.
TRD-855140

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: June 7, 1985, 12:36 p.m.
TRD-855133

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: June 7, 1985, 12:38 p.m.
TRD-855136

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: June 7, 1985, 12:39 p.m.
TRD-855143

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, (512) 445-1231.

Filed: June 7, 1985, 12:38 p.m.
TRD-855137

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, (512) 475-1301.

Filed: June 7, 1985, 12:39 p.m.
TRD-855141

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

Contact: Timothy A. Poe, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1283.

Filed: June 7, 1985, 12:34 p.m.
TRD-855132

Additions to the previous agenda:

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

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

Filed: June 7, 1985, 12:33 p.m.
TRD-855131

Consideration of Rule 37 Cases 99,297 and 99,298—request of Kelly E. Richey to produce Bronaugh Unit Well 2 and Bronaugh Unit A Well 3, Megan Richey (Woodbine) field, Limestone County, pending resolution of court proceedings and/or a Rule 37 exception request for the subject wells.

Contact: Susan Cory, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1285.

Filed: June 7, 1985, 4:07 p.m.
TRD-855167

Consideration of Oil and Gas Docket 10-77,314—motions for rehearing on the application of Phillips Petroleum Company to amend special field rules applicable to the Panhandle (Osborne); Panhandle, Carson County; Panhandle, Collingsworth County; Panhandle, Gray County; Panhandle, Hutchinson County; Panhandle, Moore County; Panhandle, Potter County; Panhandle, Wheeler County; Panhandle, East; Panhandle, West; and Panhandle, East (Albany Dolomite, Lower) fields.

Contact: Susan Cory, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1285.

Filed: June 7, 1985, 4:07 p.m.
TRD-855166

The Personnel Division director's report on division administration, budget, procedures, and personnel matters.

Contact: Mark K. Bogan, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1120.

Filed: June 7, 1985, 12:38 p.m.
TRD-855139

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, (512) 445-1391.

Filed: June 7, 1985, 12:38 p.m.
TRD-855138

The Office of the Special Counsel director's report relating to pending litigation, state and federal legislation, and other budget, administrative, and personnel matters, and a subscriber agreement with West Publishing Company to place Westlaw into service at the commission.

Contact: Walter Earl Lillie, 1124 IH 35 South, Austin, Texas 78704, (512) 445-1186.

Filed: June 7, 1985, 12:37 p.m.
TRD-855135

The Surface Mining and Reclamation Division director's report on division administration, budget, procedures, and personnel matters, and consideration of the adjustment of a bond amount required under Permit 15, Northwestern Resources Company (Jewett Mine).

Contact: J. Randel (Jerry) Hill, 105 West Riverside Drive, Austin, Texas, (512) 475-8751.

Filed: June 7, 1985, 12:39 p.m.
TRD-855142

Various matters falling within the Transportation Division's regulatory jurisdiction.

Contact: Michael A. James, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1330.

Filed: June 7, 1985, 12:36 p.m.
TRD-855134

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Texas Rehabilitation Commission

Friday, June 21, 1985, 9:30 a.m. The Board of the Texas Rehabilitation Commission will meet at 118 East Riverside Drive, Austin. According to the agenda summary, the board will approve the March 22, 1985, meeting minutes; consider the commissioner's report on operations, the controller's report on fiscal matters, the assistant commissioner's report on legislation, and the deputy commissioner's report on administrative and support services, the Vocational Rehabilitation Program, and the Disability Determination Division. The board also will meet in executive session.

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

Filed: June 7, 1985, 2:09 p.m.
TRD-855161

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State Securities Board

Tuesday, June 18, 1985, 9:30 a.m. The State Securities Board will meet in Conference

Room 4142, 4100 First City Center, 1700 Pacific Avenue, Dallas. According to the agenda, the board will approve the May 24, 1985, meeting minutes; discuss the requirement to file a notice on Form D pursuant to 7 TAC §109.13(k)(7); consider a general update on agency operations; and hear reports from Peggy Peters, Dealer Registration Division director, Jim Ellisor, Enforcement Division director, Ken Huff, Staff Services staff, and Richard D. Latham, securities commissioner. The board also will meet in executive session pursuant to Texas Civil Statutes, Article 6252-17, §2(g), to discuss personnel matters.

Contact: Richard D. Latham, P.O. Box 13167, Austin, Texas 78711, (512) 474-2233.

Filed: June 7, 1985, 4:28 p.m.
TRD-855171

Tuesday, June 25, 1985, 10 a.m. The securities commissioner of the State Securities Board rescheduled a meeting to be held at 1800 San Jacinto Street, Austin. According to the agenda summary, the commissioner will conduct a hearing to determine whether a cease and desist order should be issued prohibiting the sale of securities issued by Dunn Petroleum, Inc., Michael Dundee, Stephen Tashman, and Archie Tashman, and offered through Atlantex Associates and Ernest Frederick Lockamy. Originally the meeting was scheduled for May 21, 1985, as published at 10 TexReg 1696.

Contact: A. J. Ellisor, 1800 San Jacinto Street, Austin, Texas.

Filed: June 6, 1985, 2:12 p.m.
TRD-855062

Thursday, July 11, 1985, 10 a.m. The securities commissioner of the State Securities Board rescheduled a meeting to be held in Suite 114, 3100 West Alabama Street, Houston. According to the agenda summary, the commissioner will conduct a hearing to determine whether a cease and desist order should be issued prohibiting the sale of securities issued by Central Mortgage and Trust, Inc.; John Signorelli, both individually and as president of Central Mortgage and Trust, Inc.; Sue Frericks, and Carolyn Thornton. The meeting originally was scheduled for June 11, 1985, as published at 10 TexReg 756.

Contact: A. J. Ellisor, 1800 San Jacinto Street, Austin, Texas 78701.

Filed: June 6, 1985, 12:13 p.m.
TRD-855063

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Boards for Lease of State-Owned Lands

Friday, June 14, 1985, 10 a.m. The Board for Lease of Texas Indian Commission of the Boards for Lease of State-Owned Lands

will meet in Room 833, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the board will approve the previous meeting minutes; consider easement applications, applications for amendments to easements, and nominations, terms, conditions, and procedures for the October 1, 1985, oil, gas, and other minerals lease sale.

Contact: Linda K. Fisher, Room 837, 1700 North Congress Avenue, Austin, Texas 78711, (512) 475-0352.

Filed: June 6, 1985, 4:41 p.m.
TRD-855081

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Commission on Standards for the Teaching Profession

Committees of the Commission on Standards for the Teaching Profession and the full commission will meet in the Texas Education Agency North Building, 1200 East Anderson Lane, Austin. Days, times, rooms, committees, and agendas follow.

Thursday, June 20, 1985, 1 p.m. In Room 101-E, the Committee on Certification Programs and Requirements will review programs under the 1984 standards from Southern Methodist University, Huston-Tillotson College, Texas College, Incarnate Word College, University of Dallas, Wiley College, Pan American University (Edinburg), University of Houston—Clear Lake, Angelo State University, University of St. Thomas, Sam Houston State University, Jarvis Christian College, Texas Christian University, McMurry College, Texas Lutheran College, and Texas A&M University.

Thursday, June 20, 1985, 4:30 p.m. In Room 105, the Teacher Education Conference Planning Committee will discuss the site for the 1987 conference to be held October 22-24 and discuss preliminary plans for the 1985 conference to be held October 24-26 at the Hyatt Regency Hotel, San Antonio.

Friday, June 21, 1985, 8:15 a.m. In Room 105, the Executive Committee will review agenda items with committee chairmen.

Friday, June 21, 1985, 9 a.m. In Room 101, the commission consider a summary of legislative and State Board of Education actions; a proposed amendment to 19 TAC Chapter 137, concerning teacher education; the report from the Committee on Certification Programs and Requirements concerning the programs under the 1984 standards from Southern Methodist University, Huston-Tillotson College, Texas College, Incarnate Word College, University of Dallas, Wiley College, Pan American University (Edinburg), University of Houston—Clear Lake, Angelo State University, University of St. Thomas, Sam Houston State University, Jarvis Christian

College, Texas Christian University, McMurry College, Texas Lutheran College, and Texas A&M University; and a report from the Teacher Education Conference Planning Committee on the site for the 1987 conference to be held October 22-24 and preliminary plans for the 1985 conference to be held October 24-26 at the Hyatt Regency Hotel, San Antonio.

Contact: Dr. Edward M. Vodicka, 201 East 11th Street, Austin, Texas 78701, (512) 834-4042.

Filed: June 10, 1985, 4:17 p.m.
TRD-855242, 855241, 855240,
855239

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University of Texas System

Thursday and Friday, June 13 and 14, 1985, 1:30 a.m. and 9 a.m. respectively. The Board of Regents and standing committees of the University of Texas System (UT) will meet in the regent's meeting room, ninth floor, Ashbel Smith Hall, 201 West Seventh Street, Austin. According to the agenda summary, the board and committees will consider the issuance of permanent university fund bonds, Series 1985-A; tuition payments and loans as authorized by the 69th Legislature; the proposed 1985-1986 budget policies and limitations, budgetary amendments; buildings and grounds matters, including authorization for projects and approval of preliminary and final plans; the award of contracts; the chancellor's docket (submitted by system administration); appointments to endowed positions and to development boards and advisory councils; proposed rate increases in university housing (UT-Austin and UT-El Paso); proposed increases in fees; affiliation agreements; land and investment matters; acceptance of gifts, bequests, and estates; the establishment of endowed positions and funds; pending litigation; personnel matters; and land acquisition and negotiated contracts.

Contact: Arthur H. Dilly, P.O. Box N, Austin, Texas 78713-7328, (512) 499-4402.

Filed: June 7, 1985, 1:29 p.m.
TRD-855144

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University Interscholastic League

Tuesday and Wednesday, June 11 and 12, 1985, 9 a.m. daily. The Standing Committee on Policy of the University Interscholastic League met in Room 1.126, Thompson Conference Center, 26th and Red River Streets, University of Texas campus, Austin. According to the agenda summary, the board heard proposals from educational associations, school officials, and individuals that are applicable to policy matters. The committee took appropriate

action in preparation for the October legislative council meeting.

Contact: Bonnie Northcutt, P.O. Box 8/28, Austin, Texas 78712, (512) 471-5883.

Filed: June 6, 1985, 4:16 p.m.
TRD-855076

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Texas Water Commission

The Texas Water Commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. Days, times, and agendas follow.

Monday, June 17, 1985, 2 p.m. Application of the City of Gonzales, P.O. Box 547, Gonzales, Texas 78629, to the Texas Department of Water Resources, for a temporary order to authorize the discharge of partially treated domestic wastewater effluent at a volume not to exceed an average flow of 1.2 million gallons per day from its wastewater treatment facility which is located approximately ½ mile east of U.S. Highway 183, approximately 1,000 feet south of Gonzales in Gonzales County. The applicant proposes to perform necessary construction and renovation work to the wastewater treatment plant.

Contact: Paula Hilsenbeck, P.O. Box 13087, Austin, Texas 78711, (512) 463-8087.

Filed: June 7, 1985, 1:36 p.m.
TRD-855162

Tuesday, June 18, 1985, 10 a.m. Consideration of water district bond issues, release from escrow, setting creation hearing dates, water quality proposed permits, amendments and renewals, production area authorization, water use applications, amendment to a weather modification license, and the filing and setting of hearing dates.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: June 7, 1985, 1:34 p.m.
TRD-855163

Wednesday, June 26, 1985, 9:30 a.m. A hearing on Application TA-5195 of Vulcan Materials Company for a permit to divert and use 120 acre-feet of water for a one-year period from South Fork San Gabriel River, tributary of San Gabriel River, tributary of Little River, tributary of Brazos River, Brazos River Basin, for mining purposes in Williamson County.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: June 10, 1985, 1:43 p.m.
TRD-855201

Wednesday, June 26, 1985, 9:30 a.m. A hearing on Application TA-5208 of William J. Gavranovic and David Doguet for a permit to divert and use 250 acre-feet of water for a one-year period from Ten Mile Creek,

tributary of Trinity River, Trinity River Basin, for irrigation purposes in Dallas County.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: June 10, 1985, 1:42 p.m.
TRD-855202

Wednesday, June 26, 1985, 9:30 a.m. A hearing on Application TA-5215 of R. E. Hable Company, Inc., for a permit to divert and use eight acre-feet of water for 30 months from No Name Creek, tributary of Loy Creek and a reservoir on Loy Creek, tributary of Iron Ore Creek, tributary of Chocktow Creek, tributary of Red River, Red River Basin, for industrial purposes in Grayson County.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: June 10, 1985, 1:41 p.m.
TRD-855203

Wednesday, June 26, 1985, 9:30 a.m. A hearing on Application TA-5216 of R. W. McKinney and T. L. Jones & Company, Inc., for a permit to divert and use 10 acre-feet of water for 18 months from an unnamed tributary of Post Oak Creek, tributary of Richland Creek, tributary of Trinity River, Trinity River Basin, for construction purposes in Navarro County.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: June 10, 1985, 1:41 p.m.
TRD-855204

Wednesday, June 26, 1985, 9:30 a.m. Application TA-5221 of Hays County Precinct 3 for a permit to divert and use six acre-feet of water for a three-year period from Blanco River, tributary of San Marcos River, tributary of Guadalupe River, Guadalupe River Basin, for industrial purposes in Hays County.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: June 10, 1985, 1:40 p.m.
TRD-855205

Wednesday, June 26, 1985, 10 a.m. Adjudication of claims of water rights of the Brazos River Authority, Fort Bend County WCID 1 and Galveston County Water Authority and the adjudication of claims of water rights in the Nueces-Rio Grande Coastal Basin.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: June 7, 1985, 1:34 p.m.
TRD-855164

Tuesday, July 2, 1985, 2 p.m. A hearing on the petition for conversion of Tom Green County Fresh Water Supply District 3 into a municipal water district.

Contact: Mary Ann Hefner, P.O. Box 13067, Austin, Texas 78711, (512) 463-7898.

Filed: June 6, 1985, 1:59 p.m.
TRD-855071

Tuesday, July 9, 1985, 2 p.m. A revised agenda concerning a hearing on the petition for creation of Harris County Municipal Utility District 240 containing revised metes and bounds and vicinity map.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: June 7, 1985, 1:38 p.m.
TRD-855165

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Regional Agencies Meetings Filed June 6

The Capitol Area Rural Transportation System, Board of Directors, met in the conference room, Suite 100, 2520 IH 35 South, Austin, on June 11, 1985, at 9:30 a.m. Information may be obtained from Nancy Kowieski, 2520 IH 35 South, Austin, Texas, (512) 385-7473.

The Cherokee County Appraisal District, Board of Directors, met at 107 East Sixth Street, Rusk, on June 13, 1985, at 2:30 p.m. Information may be obtained from S. R. Danner, P.O. Box 494, Rusk, Texas 75785, (214) 683-2296.

The Garza County Appraisal District, Board of Directors, met at the courthouse, Post, on June 11, 1985, at 9 a.m. Information may be obtained from Jean M. Westfall, P.O. Drawer F, Post, Texas 79356, (806) 495-3518.

The Hansford County Appraisal District, Board of Directors, met at 709 West Seventh Street, Spearman, on June 12, 1985, at 9 a.m. Information may be obtained from Alice Peddy, P.O. Box 567, Spearman, Texas 79081, (806) 659-5575.

The Hockley County Appraisal District, Board of Directors, will meet at 913 Austin, Levelland, on June 17, 1985, at 7 p.m. Information may be obtained from Keith Toomire, P.O. Box 1090, Levelland, Texas 79336, (806) 894-9654.

The Hunt County Tax Appraisal District, Board of Directors, met in the board room, 4815-B King Street, Greenville, on June 13, 1985, at 7 p.m. Information may be obtained from Henry J. Popp, 4815-B King Street, Greenville, Texas 75401, (214) 454-3510.

The Lavaca County Central Appraisal District, Appraisal Review Board, met at 113 North Main Street, Hallettsville, on June 10, 1985, at 10 a.m. The Board of Directors met at the same location on the

same day at 4 p.m. Information may be obtained from Joe Pat Davis, P.O. Box 386, Hallettsville, Texas 77964, (512) 798-4396.

The Nolan County Central Appraisal District, Board of Directors, met in Suite 317A, Nolan County Courthouse, Sweetwater, on June 12, 1985, at 1:30 p.m. Information may be obtained from Patricia Davis, P.O. Box 1256, Sweetwater, Texas 79556, (915) 235-8421.

The Rockwall Central Appraisal District, Board of Directors, met in the small courtroom, Rockwall County Courthouse, Rockwall, on June 13, 1985, at 7:30 p.m. Information may be obtained from Ray E. Helm, 106 North San Jacinto, Rockwall, Texas 75087, (214) 722-2034.

The San Patricio County Appraisal District, Appraisal Review Board, will meet in Room 226, Courthouse Annex, Sinton, on June 20, 1985, at 9 a.m. Information may be obtained from Bennie L. Stewart, P.O. Box, Sinton, Texas 78387, (512) 364-5402.

The Swisher Appraisal District, Board of Directors, met at 130 North Armstrong, Tulia, on June 13, 1985, at 7:30 p.m. Information may be obtained from Rose Lee Powell, 130 North Armstrong, Tulia, Texas 79088, (806) 995-4118.
TRD-855061

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Meetings Filed June 7

The Bastrop County Appraisal District, Board of Directors, met at 1200 Cedar Street, Bastrop, on June 10, 1985, at 2 p.m. Information may be obtained from Lorraine Perry, P.O. Drawer 578, Bastrop, Texas 78602, (512) 321-3925.

The Bexar Appraisal District, Board of Directors, met at 535 South Main Street, San Antonio, on June 10, 1985, at 4:55 p.m. Information may be obtained from Bill Burnette, 535 South Main Street, San Antonio, Texas 78204, (512) 224-8511.

The Dewitt County Appraisal District, Appraisal Review Board, will meet at 103 Bailey Street, Cuero, on June 20, 1985, at 9 a.m. Information may be obtained from Wayne K. Woolsey, P.O. Box 4, Cuero, Texas 77954, (512) 275-5753.

The Dallas Rapid Area Transit Authority, Service Plan/Work Program Committee, met at 601 Pacific Avenue, Dallas, on June 7, 1985, at 3:30 p.m. The Legal Committee, the Board, and the Personnel Committee met at the same location on June 11, 1985, at 8 a.m., 5:30 p.m., and 8:30 p.m. respectively. The Special Needs Committee met at the same location on June 12, 1985, at 1 p.m. Information may be obtained from Nancy McKethan, 601 Pacific

Avenue, Dallas, Texas 75202, (214) 748-3278.

The Region XVI Education Service Center, Board of Directors, will meet in the Petroleum Room, Amarillo Club, Texas American Bank Building, Seventh and Tyler Streets, Amarillo, on June 20, 1985, at 12:45 p.m. Information may be obtained from Dr. Kenneth M. Laycock, 1601 South Cleveland, Amarillo, Texas 79120, (806) 376 5521.

The Ellis County Tax Appraisal District, met at 406 Sycamore Street, Waxahachie, on June 13, 1985, at 7 p.m. Information may be obtained from Gray Chamberlain, P.O. Box 878, Waxahachie, Texas 75165, (214) 937-3552.

The Grayson Appraisal District, Board of Directors, will meet at 205 North Travis Street, Sherman, on June 19, 1985, at noon. Information may be obtained from Sandra Bollier, 124 South Crockett, Sherman, Texas 75090, (214) 893-9673.

The Henderson County Appraisal District, Board of Directors, met at 101 East Corsicana, Athens, on June 10, 1985, at 7:30 p.m. Information may be obtained from Ron Groom, 101 East Corsicana, Athens, Texas 75751, (214) 675-9296.

The Lamar County Appraisal District, Board of Directors, met at 1523 Lamar Avenue, on June 10, 1985, at 4 p.m. Information may be obtained from Rodney Anderson, 1523 Lamar Avenue, Paris, Texas 75460, (214) 785-7822.

The Middle Rio Grande Development Council, Regional Health Planning and Advisory Committee, met in the district courtroom, Dimmit County Courthouse, Carrizo Springs, on June 13, 1985, at 10 a.m. Information may be obtained from Ramon S. Johnston, P.O. Box 702, Carrizo Springs, Texas 78834, (512) 876-3533.

The Parmer County Appraisal District, Board of Directors, will meet at 305 Third Street, Bovina, on July 1, 1985, at 8:30 p.m. Information may be obtained from Ron Procter, P.O. Box 56, Bovina, Texas 79009, (806) 238-1405.
TRD-855097

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Meetings Filed June 11

The Dallas Area Rapid Transit Authority, Real Estate Committee, met in emergency session at 601 Pacific Avenue, Dallas, on June 11, 1985, at 3:30 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237.

The Gonzales County Appraisal District, Board of Directors, met in emergency session at 928 St. Paul Street, Gonzales, on June 13, 1985, at 7 p.m. The Appraisal Review Board will meet at the same location on June 20, 1985 at 6 p.m. Information may be obtained from Nancy Seitz, P.O. Box 867, Gonzales, Texas 78629, (512) 672-2879.

The Gray County Appraisal District, Board of Directors, met in emergency session in Suite 196-A, Hughes Building, Pampa, on June 13, 1985, at 5:30 p.m. Information may be obtained from Charles Buzzard, P.O. Box 836, Pampa, Texas 79065, (806) 665-0791.

The West Central Texas Council of Governments, Texas Community Development Program Regional Review Committee, will meet at 1025 East North 10th at Judge Ely Boulevard, Abilene, on July 2, 1985, at 9 a.m. Information may be obtained from James K. Compton, P.O. Box 3195, Abilene, Texas 79604.
TRD-855255

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Meetings Filed June 10

The Capital Area Planning Council, General Assembly, will meet in the Quality Inn South, 2200 IH 35 South, Austin, on June 18, 1985, at noon. The Executive Committee will meet at the same location on the same day at 1:30 p.m. Information may be obtained from Richard G. Bean, 2520 IH 35 South, Suite 100, Austin, Texas 78704, (512) 443-7653.

The Concho Valley Council of Governments, Executive Committee, will meet at 5002 Knickerbocker Road, San Angelo, on June 19, 1985, at 7 p.m. Information may be obtained from Robert R. Weaver, P.O. Box 60050, San Angelo, Texas 76906, (915) 944-9666.

The East Texas Council of Governments, Executive Committee, met at 3800 Stone Road, Kilgore, on June 13, 1985, at 2 p.m. Information may be obtained from Glynn J. Knight, 3800 Stone Road, Kilgore, Texas 75662, (214) 894-8641.

The Education Service Center Region III, Board of Directors, will meet at 1905 Leary Lane, Victoria, on June 17, 1985, at 1 p.m. Information may be obtained from Dr. Dennis Grizzle, 1905 Leary Lane, Victoria, Texas 77901, (512) 573-0731.

The Region VI Education Service Center, Board of Directors, will meet at the Briarcrest Country Club, Bryar, on June 20, 1985, at 5 p.m. Information may be obtained from M. W. Schlotter, 3332 Montomery Road, Huntsville, Texas 77340, (409) 295-9161.

The Region XIV Education Service Center, Board of Directors, will meet at 1850 State Highway 351, Abilene, on June 27, 1985, at 5:30 p.m. Information may be obtained from Bettye Evans, Route 1, Box 70A, Abilene, Texas 79601.

The Region XVII Education Service Center, Board of Directors, will meet at 4000 22nd Place, Lubbock, on July 2, 1985, at 10 a.m. Information may be obtained from Ray Lanier, 4000 22nd Place Lubbock, Texas 79410, (806) 792-4000.

The Hockely County Appraisal District, Appraisal Review Board, will meet in the board room, 913 Austin Street, Levelland, on June 24-26 and June 28, 1985, and at the Middle School Library, 1100 Avenue D, Levelland, on June 27, 1985, at 9 a.m. Information may be obtained from Keith Toomire, P.O. Box 1090, Levelland, Texas 79336, (806) 894-9654.

The Jasper County Appraisal District, Board of Directors, will meet at the Evadale ISD Administration Building, Highway 105, Evadale, on June 20, 1985, at 6:30 p.m. Information may be obtained from David W. Luther, Jasper County Appraisal District, County Courthouse Annex, Jasper, Texas 75951, (409) 384-2544.

The Johnson County Central Appraisal District, Board of Directors, will meet at 109 North Main, Cleburne, on June 26, 1985, at 7:30 p.m. Information may be obtained from Don Gilmore, 109 North Main Street, Cleburne, Texas 76031, (817) 645-3987.

The Jones County Appraisal District, Board of Directors, will meet at 1137 East Court Plaza, Anson, on June 20, 1985, at 9 a.m. Information may be obtained from John Steele, 109 North Main, Cleburne, Texas 76031, (915) 823-2422.

The Lamb County Appraisal District, Board of Directors, will meet at 318 Phelps Avenue, Littlefield, on June 20, 1985, at 8:30 p.m. The Board of Review will meet at the same location on the same day at 1:30 p.m. Information may be obtained from Jack Samford, P.O. Box 552, Littlefield, Texas 79339, (806) 385-6474.

The Lone Star Municipal Power Agency will meet at 1212 Avenue M, Huntsville, on June 17, 1985, at 5:30 p.m. Information may be obtained from Cathy Locke, 8240 MoPac Boulevard, Austin, Texas 78759, (409) 764-3509.

The Nortex Regional Planning Commission will meet in the Clipper Room, Trade Winds Motor Hotel, 1212 Broad Street, Wichita Falls, on June 20, 1985, at noon. Information may be obtained from Edwin B. Daniel, 2101 Kemp Boulevard, Wichita Falls, Texas 76309, (817) 322-5281.

The Nortex Regional Planning Commission, North Texas Planning Region Consortium, will meet in the Clipper Room, Trade Winds Motor Hotel, 1212 Broad Street, Wichita Falls, on June 20, 1985, at 1 p.m. Information may be obtained from Edwin B. Daniel, 2101 Kemp Boulevard, Wichita Falls, Texas 76309, (817) 322-5281.

The San Antonio River Authority, Board of Trustees of the Employees Retirement Trust, will meet in the conference room, 100 East Guenther Street, San Antonio, on June 19, 1985, at 1:30 p.m. The Board of Directors will meet at the same location on the same day at 2 p.m. Information may be obtained from Fred N. Pfeiffer, P.O. Box 9284, San Antonio, Texas 78204, (512) 227-1373.

The South East Texas Regional Planning Commission, Executive Committee, will meet in the council chambers, Beaumont, on June 19, 1985, at 7:30 p.m. Information may be obtained from Don Kelly, P.O. Drawer 1387, Nederland, Texas 77627, (409) 727-2384.

The West Central Texas Council of Governments, Regional Alcoholism and Drug Abuse Advisory Council, will meet at 1025 East North 10th Street, Abilene, on June 18, 1985, at 10 a.m. Information may be obtained from Sue Smith, P.O. Box 3195, Abilene, Texas 79604, (915) 672-8544.

The West Central Texas Municipal Water District, Board of Directors, will meet in Suite 300, First National West Building, 401 Cypress, Abilene, on June 17, 1985, at 9 a.m. Information may be obtained from Virginia Duncan, 401 Cypress, Suite 300, Abilene, Texas 79601, (915) 673-8254.

The West Texas Council of Governments, EMSS Department, will meet in the conference room, eighth floor, Two Civic Center Plaza, El Paso, on June 25, 1985, at 2:30 p.m. Information may be obtained from Jim Fynquist, Two Civic Plaza, El Paso, Texas 79999.

The Wise County Appraisal District, Board of Directors, met in emergency session at 206 South State Street, Decatur, on June 13, 1985, at 9 a.m. Information may be obtained from Angela Caraway, P.O. Box 509, Decatur, Texas 76234, (817) 627-3081.
TRD-855199

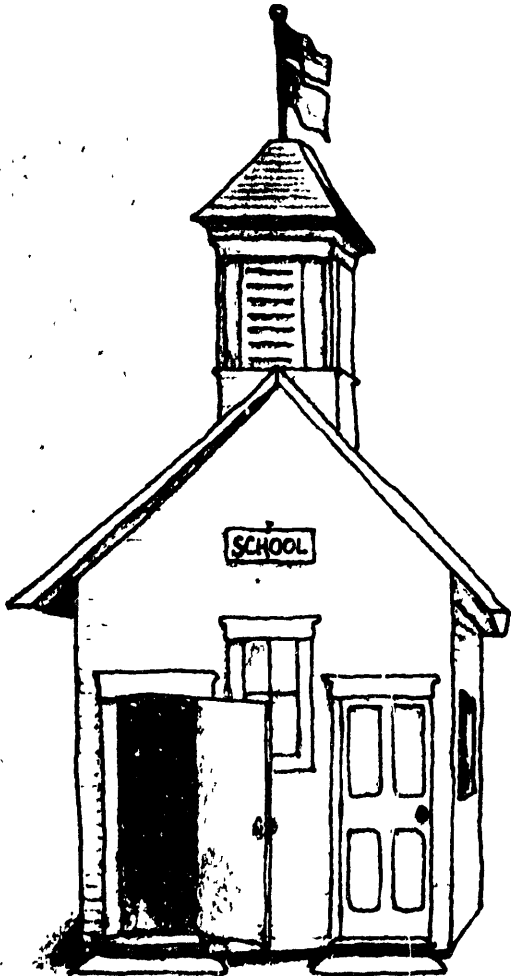
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In Addition

The *Register* is required by statute to publish certain documents, including applications to purchase control of state banks, notices of rate ceilings, changes in interest rate and applications to install remote service units, and consultant proposal requests and awards.

To aid agencies in communicating information quickly and effectively, other information of general interest to the public is published as space allows.



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 May 20-24, 1985.

Information relative to the applications listed, 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.

Copies of all material submitted by the applicants are available for public inspection at the central office of the Texas Air Control Board at the address previously stated, 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; types of facilities; loca-

tions of the facilities (if available); permit numbers; and types of applications—new sources or modifications.

DuPont, Orange; adipic acid plant modification; DuPont Drive, Loop 1006, Orange County; 9737; modification

Brown & Root Development, Inc., Ingleside; abrasive blast cleaning facility; Bishop Road, San Patricio County; 9738; new source

Ralph Wilson Plastics Company, Temple; laminate manufacturing facility; Temple Industrial Park, Bell County; 9739; new source

Chico Crushed Stone, Inc., Chico; wash plant; County Road east of FM Road 2952; 981C; modification

Union Equity Cooperative Exchange, Saginaw; grain elevator; 624 Burlingame Road, Tarrant County; 3350B; modification

Union Equity Cooperative Exchange, Saginaw; grain elevator; Burlingame Road, Tarrant County; 6422A; modification

Union Equity Cooperative Exchange, Galveston; grain elevator; 3100 Wharf Road, Galveston County; 2199D; modification

Pioneer Aggregates, Weatherford; asphalt concrete; Weatherford, Parker County; 566A; modification

Issued in Austin, Texas, on June 4, 1985.

TRD-855087

Paul M. Shinkawa
Director of Hearings
Texas Air Control Board

Filed: June 6, 1985

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



The Texas Air Control Board gives notice of applications for construction permits received during the period of May 23-31, 1985.

Information relative to the applications listed, 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.

Copies of all material submitted by the applicants are available for public inspection at the central office of the Texas Air Control Board at the address previously stated,

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 types of applications—new sources or modifications.

Pioneer Concrete, Richmond; concrete batch; Crabbe River Road, Fort Bend County; 430C; modification

Baker Tubular Services, Inc., Odessa; pipe coating facility; Ector County; 8370A; modification

C-Kol Aluminum, Inc., Euless; secondary aluminum smelter; 3528 House Anderson Road, Tarrant County; 6549A; modification

Duinich Brothers & Gilchrist, Weatherford; hot mix asphalt; 5.8 miles west of Weatherford, Parker County; 9284C; modification

Issued in Austin, Texas, on June 4, 1985.

TRD-855086 Paul Shinkawa
Director of Hearings
Texas Air Control Board

Filed: June 6, 1985
For further information, please call (512) 461-5711,
ext. 354.

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State Banking Board Public Hearing

The hearing officer of the State Banking Board will conduct a hearing at 9 a.m. on Monday, July 22, 1985, at 2601 North Lamar Boulevard, Austin, on the charter application for Bee Cave State Bank, located in an unincorporated area of Travis County.

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

Issued in Austin, Texas, on June 3, 1985.

TRD-855030 William F. Aldridge
Director of Corporate Activities
State Banking Board

Filed: June 5, 1985
For further information, please call (512) 475-4451.

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Banking Department of Texas Public Hearing

The Banking Department of Texas will hold a public hearing to determine whether the Mount Olivet Cemetery Association Prepaid Funeral Plan, carried out under Permit 61 and issued on March 1, 1985, complies with the provisions of the Texas Civil Statutes, Article 548b.

The hearing will be held at 9 a.m. on July 15, 1985, in the Banking Department of Texas hearing room, 2601 North Lamar Boulevard, Austin, Texas 78705.

On March 27, 1985, the banking commissioner moved and ordered that the Mount Olivet Cemetery Association (MOCA) be allowed to withdraw \$700,000 in accrued interest from the MOCA trust, to allow MOCA to continue operations under Permit 61, pending the results of a hearing. The accrued interest represented interest earned in excess of 100% of the amount paid in by purchasers of pre-need funeral contracts. Pursuant to the March 27, 1985, motion and order authorizing withdrawal of funds, a hearing is being set to afford MOCA an opportunity to present evidence to allow the department to determine whether the order issued on October 27, 1981, wherein the MOCA Prepaid Funeral Plan was initially approved, should be rescinded or modified and/or whether Permit 61 should be canceled. The 1981 order provided that prior to the withdrawal of funds, the department shall determine that the safeguards established in the 1981 order are still in effect.

The department has jurisdiction over this proceeding pursuant to Texas Civil Statutes, Article 548b, and Chapter 25 of the rules and regulations of the Banking Department of Texas, published at 9 TexReg 2235.

It is therefore directed, pursuant to Texas Civil Statutes, Article 548, §§1a, 4, 5, and Article 6252-13a, §13(a), that representatives of MOCA shall appear at a public hearing scheduled to commence on the date and place as indicated previously. The MOCA shall present all relevant facts, evidence, information, and data necessary for the department to determine whether the conditions specified in the previously referenced §1a are being met.

It is further directed that the MOCA shall file a copy of all pleadings, testimony, and exhibits, which are to be presented in connection with this proceeding and at the hearing with all parties of record and three copies with the hearing officer, no later than June 24, 1985. MOCA will be allowed to present rebuttal testimony at the hearing.

Anyone wishing to participate in the proceeding, other than MOCA, must file with the hearing officer a written notice of intent to appear, including a brief statement of position, on or before June 17, 1985. If, in addition to cross-examination of witnesses, such intervening party plans to present testimony and exhibits at the hearing, then one copy of the documents must be filed with all parties, and three copies must be filed with the hearing officer on or before July 18, 1985.

The inclusion in evidence of any additional testimony that may be offered during the hearing, by any party, may be allowed at the discretion of the hearing officer, upon a showing of good cause as to why the testimony was not prefiled as directed herein. The hearing officer may request that briefs be filed by the parties participating in this proceeding.

Margaret Bennett has been appointed hearing officer in this matter.

Issued in Austin, Texas, on June 7, 1985

TRD-855145 Jorge A. Gutierrez
General Counsel
Banking Department of Texas

Filed: June 7, 1985
For further information, please call (512) 475-4451.

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Texas Department of Community Affairs Consultant Contract Award

Contractors. The Texas Department of Community Affairs (TDCA) announces that the Mexican American Research Center, Inc., Ark-Tex Council of Governments, University of Texas at San Antonio, and CareerWorks, Inc., have been awarded contracts under the provisions of Texas Civil Statutes, Article 6252-11(c), for the period of March 18, 1985-July 31, 1986. Contractors will demonstrate how to link Job Training Partnership Act (JTPA) and economic development resources to create job opportunities for JTPA eligibles in Cameron, Dallas, El Paso, Garza, Hidalgo, Lubbock, Morris, Presidio, Starr, and Tarrant Counties and will develop guides to provide technical assistance to JTPA contractors. The consultant proposal request was published in the September 28, 1984, issue of the *Texas Register* (9 TexReg 5069).

Description of Services. The Mexican American Research Center, Inc., shall perform services which include training and assistance in community economic development to community groups, elected officials, municipalities and small businesses; training on block grant financing; assistance in the formation of public/private partnerships; and linking economic development activities with local employment and training projects to create 50 to 100 employment opportunities for JTPA participants.

The Ark-Tex Council of Governments shall perform services which include creation of a county-wide industrial development board, assistance in the creation of 400 new jobs in Morris County, providing training opportunities for 150 JTPA eligibles, assistance to 50 small businesses in starting or expanding, and assistance in the preparation of at least two community development block grants (CDBG) and urban development action grant (UDAG) proposals.

The University of Texas at San Antonio shall perform services which include management and technical assistance to establish 15 new businesses and to expand 15 existing businesses, a minimum of eight workshops on business training to small businesses, and assistance in placing a minimum of 30 JTPA participants in the business established or expanded.

CareerWorks, Inc., shall perform services to include securing 225 job opportunities for JTPA participants, developing first source for employee agreements between national semiconductor and area service delivery areas (SDAs) publicizing JTPA opportunities to other employers, and developing a customized training model for JTPA.

Each contractor will also develop a technical assistance guide to be used by TDCA in planning and duplicating their projects in other service delivery areas.

Business Addresses. The business addresses of the contractors are Mexican American Research Center, Inc., 2525 Wallingwood Drive, Suite 115, Austin, Texas 78746; Ark-Tex Council of Governments, P.O. Box 5307, Texarkana, Texas 75505; University of Texas at San Antonio, San Antonio, Texas 78285; and CareerWorks, Inc., 1108 East Lancaster, Fort Worth, Texas 76102.

Contract Amounts. The total costs of services to be performed under each contract are Mexican American Research Center, Inc.—\$150,000; Ark-Tex Council of

Governments—\$48,522; University of Texas at San Antonio—\$101,478; and CareerWorks, Inc.—\$150,000.

Projects Reports. Reports to be generated under these contracts shall be submitted to the TDCA upon completion.

Issued in Austin, Texas, on June 5, 1985.

TRD-855039 Douglas C. Brown
General Counsel
Texas Department of Community
Affairs

Filed: June 5, 1985
For further information, please call (512) 443-4100
ext. 210.

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Texas Education Agency Consultant Proposal Request

Description. In accordance with Texas Civil Statutes, Article 6252-11(c), the Texas Education Agency is requesting proposals to assist the agency's Division of Services for the Deaf, which is charged with the responsibility to develop and administer a statewide program of educational services for deaf students, in the refinement and continued implementation of an objective data-based accountability system for measuring educational outcomes within the regional day school programs for the deaf. The system must include the revision or design of data collection instruments which will, when data so collected has been entered on computer, provide ready access to individual and composite pupil profiles. Pupil data to be collected may include, but shall not necessarily be limited to name, sex, date of birth, address, audiological findings, cause of hearing loss, age at onset of hearing loss, additional handicapping conditions, ethnic background, and results of standardized achievement tests. A plan for output products and data analyses appropriate to local, regional, state, and national levels will be required.

Continuation of Service Previously Performed. This is a continuation of a service previously performed by the Center for Assessment and Demographic Studies, Gallaudet College, Washington, D.C. This agency intends to award a contract to Gallaudet College unless a better offer is submitted.

Procedure for Selecting Consultant. The organization demonstrating the broadest and deepest knowledge of demographic and educational performance data analysis of the deaf will be selected for cost and contract negotiations.

Contact. Further information may be obtained by writing or calling Gary A. Curtis, Director, Division of Services for the Deaf, Texas Education Agency, 201 East 11th Street, Austin, Texas 78701, (512) 834-4428.

Deadline. Proposals must be received in the agency no later than June 30, 1985.

Issued in Austin, Texas, on June 6, 1985.

TRD-855085 W. N. Kirby
Commissioner of Education

Filed: June 6, 1985
For further information, please call (512) 475-7077.

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Texas Department of Health Opportunity to Comment

Red River Army Depot has submitted a proposed partial closure/post closure plan for the Ordinance Training Center (OTC) landfill operated under interim status as Texas Department of Health Registration 67004. This interim status facility is located at Red River Army Depot, Texarkana. The public and the owner or operator are entitled to submit written comments on the plan and request modifications to the plan within 30 days of the date of publication of this notice in a newspaper of general circulation. A public hearing on the proposed partial closure/post closure plan may also be requested by a person affected during the 30-day comment period. The applicable rule can be found in 25 TAC §325.338(c)(4). Comments or requests for a public hearing on the proposed hazardous waste facility closure/post closure plan should be submitted in writing to the Bureau of Solid Waste Management, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756-3199. Copies of the proposed closure/post closure plan are available from the Bureau of Solid Waste Management, at the previously mentioned address and at (512) 458-7271. A copy of the proposed closure/post closure plan may be reviewed at the Bureau of Solid Waste Management or at the department's Public Health Region 7 headquarters, located at Cotton Belt Office Building, 1517 West Front Street, Tyler, Texas 75702, (214) 595-3585.

Issued in Austin, Texas, on June 6, 1985

TRD-855093 Robert A. MacLean, M.D.
Deputy Commissioner
Professional Services
Texas Department of Health

Filed: June 7, 1985

For further information, please call (512) 458-7271.

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Public Hearings

The following are notices of opportunity for public hearing on two permit applications for solid waste sites:

(1) Hidalgo County has filed Application 1727 with the Texas Department of Health for a permit to operate a proposed Type III municipal solid waste disposal site to be located approximately 0.4 mile west of Penitas, 0.5 mile west of the junction of FM Road 1427 and the Military Highway, on the north side and adjacent to the Military Highway, in Hidalgo County. The applicant proposes to use a progressive trench method of landfilling. Sides and bottoms of trenches will be lined with reconstructed on-site clay to prevent groundwater contamination. The site consists of approximately 44.07 acres of land and is to receive, daily, approximately 3.75 tons of solid waste under the regulatory jurisdiction of the Texas Department of Health (DOH).

(2) Western Waste Industries of Texas, Inc., has filed Application 1757 with the DOH for a permit to operate a proposed Type I municipal solid waste disposal site to be located 1.25 miles northeast of the northeast city limits of Conroe, 1.1 miles north of the junction of FM Road 3083 with State Highway 105, 1,100 feet south of the Montgomery County airport, on the northeast side of Loop 336, and adjacent to and southwest of an existing landfill site in Montgomery County. The site consists of approximately 100.9201 acres of land, and is to receive, daily, approximately 1,300 tons of solid waste under the

regulatory jurisdiction of the DOH. The applications are being processed, and the final decisions will be made by the department pursuant to the provisions of the Texas Solid Waste Disposal Act (Texas Civil Statutes, Article 4477-7), the DOH's municipal solid waste management regulations, and the Administrative Procedure and Texas Register Act (Texas Civil Statutes, Article 6252-13a). No public hearings will be held on these applications, unless a person affected has requested a public hearing. Any such request for a public hearing shall be in writing and contain the name, mailing address, and phone number of the person making the request; and a brief description of how the requester, or persons represented by the requester, has suffered or will suffer actual injury or economic damage by the granting of the application. If a hearing is requested by a person affected, notice of such hearing will be provided to the requester and will also be published in a newspaper of general circulation in the area where the site is located at least 30 days prior to the date of such hearing. If no request for a hearing is received within 30 days of the date of publication of the said notice in a newspaper of general circulation, the department will make a decision. Requests for a public hearing and/or requests for a copy of the technical summary of the application prepared by the Bureau of Solid Waste Management shall be submitted in writing to the Chief, Bureau of Solid Waste Management, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756. A copy of the complete application may be reviewed at the Bureau of Solid Waste Management or at the department's public health region headquarters. The Hidalgo County application may be reviewed at Public Health Region 8, 1401 South Rangeville Road, Harlingen, Texas 78550, (512) 423-0130; the Western Waste Industries of Texas, Inc., application may be reviewed at Public Health Region 11, 1110 Avenue G, Rosenberg, Texas 77471, (713) 342-8685.

Issued in Austin, Texas, on June 6, 1985

TRD-855094 Robert A. MacLean, M.D.
Deputy Commissioner
Professional Services
Texas Department of Health

Filed: June 7, 1985

For further information, please call (512) 458-7271.

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The Texas Department of Health will conduct public hearings on proposed actions on rules, as follows:

(1) New 25 TAC §§61.1-61.10, 61.12 and 61.13, concerning Kidney Health Care Program benefits. The rules have been revised for clarity and consistency of language and to facilitate compliance with an administration of the rules. More specifically, the rules concern out-of-state facilities, applying for benefits through military hospitals, authorizing a drug formulary, and changing the appeals process. Under the new language for establishing benefit categories, the department is authorized to discontinue co-insurance payments for Method II home patients. The new rules were published in the June 7, 1985, issue of the *Texas Register* (10 TexReg 1845). The public hearing will be held at 1:30 p.m. on Monday, June 24, 1985, at 1:30 p.m., in the auditorium, Texas Department of Health, 1100 West 49th Street, Austin, Texas. For further information, contact Manuel Zapata, Director, Kidney Health Care Program, Texas Department of

Health, 1100 West 49th Street, Austin, Texas 78756, (512) 465-2654.

(2) New 25 TAC 37.81-37.96, 37.98 and 37.107, concerning the Crippled Children's Services Program. The sections cover eligibility for patient services; services provided to patients; the application process; authorization of services, denial, modification, and termination of services; rights and responsibilities of parents, guardians, and conservators; providers and facilities; payment for services; development and improvement of standards and services; appeal procedures; and miscellaneous sections. The rules were published in the June 7, 1985, issue of the *Texas Register* (10 TexReg 1825). The public hearing will be held at 9 a.m. on Tuesday, June 25, 1985, in the auditorium, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756. For further information, contact Punam Myer, M.D., M.P.H., chief, Bureau of Crippled Children's Services Program, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756-3179, (512) 465-2680.

(3) New 25 TAC §73.11, concerning serologic testing for antibodies to human T-cell lymphotropic virus, type III (HTLV-III). The new section will authorize the department's laboratory to provide serologic testing for the detection of antibodies to HTLV-III, the virus which may cause Acquired Immunodeficiency Syndrome (AIDS). The new section also will authorize the department to charge fees for the testing, depending on the cost of the reagents. The new section was published in the June 7, 1985, issue of the *Texas Register* (10 TexReg 1851). The public hearing will be held at 9 a.m. on Thursday, June 27, 1985, at 9 a.m., in the auditorium, Texas Department of Health 1100 West 49th Street, Austin, Texas. For further information, contact Charles E. Sweet, Dr.P.H., Chief, Bureau of Laboratories, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7318.

(4) New 25 TAC §§229.231-229.239, concerning retail food store sanitation. These rules, developed by the Association of Food and Drug officials and the U.S. Food and Drug Administration as a model code, provide uniform minimum standards for food store operations. The rules were published in the May 21, 1985, issue of the *Texas Register* (10 TexReg 1607). Two public hearings will be held on these rules. The first will be at 9 a.m. on Thursday, June 27, 1985, at the High Plains Underground Water Conservation District #1, 2930 Avenue Q, Lubbock Texas; and the second on Friday, June 28, 1985, at 1 p.m., in the council chambers, Grand Prairie City Hall, 317 College Street, Grand Prairie, Texas. For further information, contact Robert L. Hen-

na, R.Ph., Director, Division of Food and Drugs, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7248.

Issued in Austin, Texas, on June 7, 1985.

TRD-855095

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

Filed: June 7, 1985

For further information, please call (512) 458-7238.

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Texas Historical Commission Consultant Proposal Request

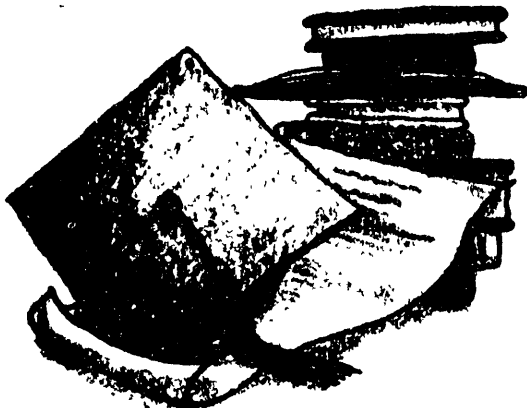
Notice of Invitation for Program Proposals. The Texas Historical Commission (THC) announces a consultant proposal request to perform the services described herein. The THC is soliciting proposals to administer and operate a downtown revitalization program in cooperation with the Texas Main Street Project at the THC under the provisions of Texas Civil Statutes, Article 6252-11(c).

Qualifications Desired by THC. Offerors must evidence their capability to accomplish the requested services. Offerors may be requested to include specific items and documents which attest to the applicant's capability to provide the desired services. Offerors must be a municipality of under 50,000 population in the State of Texas.

Deadline for Submission of Requests. The request will close as of 5 p.m. on Friday, August 30, 1985, and complete proposals must be at the Main Street Department Office of the Texas Historical Commission at that time.

Application for Proposals. Applications for proposals will be mailed to offerors upon request by writing or telephoning the Texas Historical Commission, P.O. Box 12276, Austin, Texas 78711, (512) 475-3092. The Main Street Project format, which is the basis for the request, is as follows: up to five cities with population under 50,000 will be selected as 1986 main street cities. They will be contracted to employ a local main street project manager (for three years) who will receive training and assistance from the Texas main street project at the Texas Historical Commission. The period of performance for all categories shall begin on January 1, 1986, and shall extend through December 31, 1988.

General Information. The THC reserves the right to accept or reject any (or all) proposals submitted. The THC is under no legal requirement to execute a resulting contract on the basis of this advertisement and intends the material provided herein only as a means of identifying the various contractors alternatives and the general cost of the services desired by the THC. The THC intends to use responses hereto as a basis for further negotiation of specific project details with potential contractors. In the event that the THC selects a contractor to provide the delivery of service provided herein, the THC will base its choice on demonstrated competence and qualifications and the reasonableness of the fee for services. Where other considerations are equal, preference in selection will go to an in-state offeror. The request does not commit the THC to pay for any costs incurred prior to execution of a contract. Issuance of this material in no way obligates the THC to award a contract or to pay any costs incurred in the preparation of a response hereto. The THC specifically reserves the right to vary all provisions set forth herein at any time prior to execution of a contract where



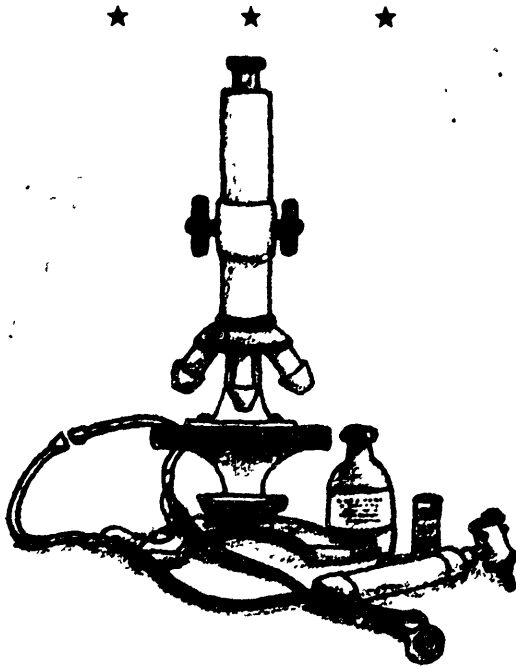
the THC deems such variance to be in the best interest of the State of Texas and to act otherwise as it determines in its sole discretion.

Person to Contact. For further information regarding this notice, please contact Anice Read or Kay Harvey Mosley at (512) 475-4407.

Issued in Austin, Texas, on May 31, 1985.

TRD-855086 Curtis Tunnell
Executive Director
Texas Historical Commission

Filed: June 6, 1985
For further information, please call (512) 475-3092.



Texas Department of Human Resources Consultant Proposal Requests

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

Description of Services. Specific services to be performed are:

- (a) aid with the development, implementation, evaluation, and revision of an automated cost reporting method for all provider systems submitting cost reports to the Economic Analysis Division;
- (b) provide research, methodological and statistical consultation, or a research project to develop a case mix reimbursement system for the Texas SNF/ICF Program.
- (c) assist Economic Analysis Division staff in special analysis of cost data for all program areas in conjunction with any litigated issue;
- (d) Assist Economic Analysis Division staff in the use and interpretation of multi-variate forecasting statistics.

Evaluation procedures. Procedures used to evaluate the offers include:

- (a) background, experience, and knowledge of the operation of DHR's Texas Medicaid Long-term Care Program and case mix reimbursement systems;
- (b) background and knowledge in analyzing cost data for primary home care, family care, 24-hour child care facilities and other DHR programs;

(c) knowledge and experience in developing long-term care facility cost reporting methodology;

(d) detailed knowledge of all aspects of the most recent changes in long term care cost reporting methodology;

(e) reasonableness of proposed cost of service in relation to the work described;

(f) background and experience in research design techniques, computer programming, and multi-variate statistical techniques;

Closing Date. The closing date to receive offers in 5 p.m. on July 15, 1985. All bids must be quoted at an hourly rate charged and must estimate the number of hours anticipated to complete the previously mentioned tasks.

Effective Dates and Amount of Contract. The contract begins September 1, 1985, and ends August 31, 1986. The total amount of the contract will not exceed \$35,000.

Contact Person. Prospective bidders may contact Robert K. Conkright, Administrator, Economic Analysis Division 513-E, Texas Department of Human Resources, P. O. Box 2960, Austin, Texas 78769, (512) 450-4046.

Final Selection. Final selection will be made by the department, using the previously mentioned evaluation procedures. Award will not necessarily be made to the bidder offering the lowest price, but to the lowest and best bidder, considering price and the results of the department's evaluation criteria. This invitation for bids is a continuation of work performed under a previous contract. The department intends to award the contract to the current contractor, unless a substantially better offer is received.

Issued in Austin, Texas, on June 10, 1985.

TRD-855173 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Filed: June 10, 1985
For further information, please call (512) 450-3788.

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

Description of Service. Service to be provided is the implementation and refinement of a pre-employment workshop program for recipients of aid to families with dependent children (AFDC). The program will run from July 1985, through September 30, 1986. The contractor will be responsible for providing 15-25 workshops during that time. The contractor will also be responsible for training eight to twelve leaders in the skills necessary to lead successful workshops and to recruit and train effective workers. The contractor will develop the marketing strategies and materials to enlist employers for AFDC recipients in the job training work experience pilot and provide training for DHR staff on employer recruitment. A job bank of 100 employers participating in the grant diversion aspect of the pilot will be established. The contractor will provide several training sessions for family self-support (FSS) staff on recruiting clients for the pre-employment workshop program, will develop brochures and other materials necessary for the successful implementation of this program, and must plan activities in conjunction with FSS staff selected by the department.

Contract Limitations. The contract period will be July 22, 1985, through September 30, 1986. Funding will not exceed \$50,000 and is contingent upon federal approval.

Contact person. The contact person is Candice B. Mallard, contract specialist, Texas Department of Human Resources, 2405 Cedar Springs, Suite 201, Dallas, Texas 75201, (214) 871-7169.

Evaluation and Selection Criteria. The following procedures will be used to evaluate offers: previous relevant experience; plan for provision of procured services; and cost.

Final selection will be based on the department's evaluation of this criteria. This proposed contract is conditional upon approval and receipt of federal funds.

Closing Date. Closing date to receive offers is June 30, 1985.

Issued in Austin, Texas, on June 5, 1985.

TRD-855031 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Filed: June 5, 1985
For further information, please call (512) 450-3700.

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Requests for Proposals

The Texas Department of Human Resources (DHR) furnishes this notice of request for proposals. The DHR will contract with public agencies and private companies for the provision of nonambulance medical transportation services to Medicaid recipients. Transportation services will be provided in one or more of the following counties: Bastrop, Bell, Blanco, Bosque, Brazos, Burleson, Burnet, Caldwell, Coryell, Falls, Fayette, Freestone, Grimes, Hamilton, Hays, Hill, Lampasas, Lee, Leon, Limestone, Llano, Madison, McLennan, Milam, Mills, Robertson, San Saba, Travis, Washington, and Williamson. Requests for application packages should be mailed to Jimmie Mitchell, Texas Department of Human Resources, P.O. Box 2960, Austin, Texas 78761. Requests for applications should be received by 5 p.m. on July 10, 1985, to assure adequate response time. Completed application packages must be received by DHR by 5 p.m. on July 31, 1985. An offer's conference will be held July 1, 1985, at 10 a.m. at the Texas Department of Human Resources, Region 06 Headquarters, 7901 Cameron Road, Building B, Room 267, Austin, Texas.

Issued in Austin, Texas, on June 10, 1985.

THD-855174 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Filed: June 10, 1985
For further information, please call (512) 450-3700.

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The Texas Department of Human Resources (DHR) invites all interested parties to respond to a request for proposals (RFP) to contract to provide services for the developing, editing, and miscellaneous management function for the *Texas Child Care Quarterly*.

Description of Service. The *Texas Child Care Quarterly* is a newsletter written for caregivers in child-care

facilities which are licensed, certified, and registered by DHR. The newsletter is published four times a year, and its content is divided equally between feature and child building articles. Articles address child-care related issues, theories, events, and resources. Child building articles describe and illustrate activities for infants, toddlers, preschool, and school-age children and are related to such areas as social, cognitive or physical development or nutrition.

Evaluation Criteria. The following procedures will be used to evaluate the proposals: qualifications of the editor designee; quality of the performance plan; general capability of the contractor; and cost.

Contract Terms. The contract will be awarded for up to four years. Availability of funding for any year beyond the first is not confirmed, and continuation of the contract after the first year is contingent upon the availability of funds and contractor performance. The contract begins September 1, 1985.

Funding. Funding will not exceed \$15,000 per issue, subject to annual renegotiation based on cost, availability of funds, and product specifications.

Closing Date for Receipt of Offers. Proposals must be received at Texas Department of Human Resources Community Resources, Division 523E, P.O. Box 2960, Austin, Texas 78769, no later than 5 p.m., Monday, July 15, 1985.

Contact Person. Interested persons may obtain additional information by contacting Marian Monroe, Ph.D., Child Development Director, Community Resources Division, 523-E, Texas Department of Human Resources, 701 West 51st Street, P.O. Box 2960, Austin, Texas 78769, (512) 450-4167. The service to be provided under this contract is a continuation of a current contract. The department intends to contract with the current contractor unless a substantially better offer is received.

Issued in Austin, Texas, on June 5, 1985.

TRD-855032 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Filed: June 5, 1985
For further information, please call (512) 450-3700.

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State Board of Insurance Hearing on Fire and Allied Lines Insurance

The State Board of Insurance gives notice of a public hearing to be held at 9 a.m., on Wednesday, June 26, 1985, in the hearing room of the DeWitt Greer Building, 11th and Brazos Streets, Austin, for the purpose of considering revisions of the fire and allied lines, commercial multi-peril, homeowners and farm and ranch owners manual rules, policy and endorsement forms, clauses, permits, warranties, classes, rating plans, amendments to the general basis schedules, and other matters pertaining to the writing of fire and allied lines, commercial multi-peril, homeowners and farm and ranch owners insurance. The hearing will be held pursuant to the provisions of the Insurance Code, Articles 5.25-5.52, 5.54, 5.81, 5.96 and 21.49, pertinent portions of the rules of practice and procedures before the State Board of Insurance, and perti-

ment portions of Rules 059.05.96.001-.004. The items to be considered by the board are as follows:

Agenda Item 85-2. The professional insurance agents of Texas request that the board consider extending coverage currently provided for residential condominiums, for the perils of wind-driven rain and water which backs up through sewers and drains, to other types of commercial property.

Agenda Item 85-3. The professional insurance agents of Texas request that the board consider the adoption of a business owners policy designed to provide a combination of coverages for certain types of small businesses with the premium based on a simplified rating approach.

Agenda Item 85-4. The independent insurance agents of Texas request that the board consider adopting an endorsement for attachment to the Texas standard homeowners policy to provide for the actual cost of replacement in total losses to the dwelling, regardless of policy limit.

Agenda Item 85-5. The independent insurance agents of Texas request that the board consider promulgating a new endorsement for the Texas commercial multi-peril policy, applicable to Section II, to provide for notice of cancellation or material change in coverage to the person or entity named on the endorsement for the days specified on the endorsement.

Agenda Item 85-6. The independent insurance agents of Texas request that the board consider providing an endorsement for attachment to Section II of the Texas standard homeowners policy, Form HO-319 or Form Fro-419 to provide liability coverage for hunting activities on the insured's premises with an additional charge.

Agenda Item 85-7. The Texas Insurance Advisory Association requests that the board consider developing an endorsement amending all property policies and forms to provide clarification to the term "all risk" in connection with excluded perils.

Agenda Item 85-8. The Texas Insurance Advisory Association requests that the board consider allowing for the optional exclusion of the perils of flood and/or earthquake from the electronic equipment protection policy.

Agenda Item 85-9. The Padre Isles Property Owners' Association requests that the board consider amending the rules in the Texas Catastrophe Property Insurance (TCPA) Association section of the Texas general basis schedules to provide that any dwelling (as defined under paragraph 2A of the general rules of the TCPA section in the Texas general basis schedules) within the city limits of Corpus Christi be eligible for coastal rates, regardless of the property's specific location being seaward of the Intercoastal Canal.

Agenda Item 85-10. Kenneth G. Johnson requests that the board consider amending the rules of the Texas general basis schedules to provide for the rating of dog and cat hospitals as hospital risks under the minor special hazards rating schedule in lieu of the current rating under the mercantile rating schedule.

Agenda Item 85-11. The professional insurance agents of Texas request that the board consider amending the Texas Commercial Multi-Peril Policy Forms TxCMP-130 and TxCMP-131 to provide coverage for carpets as a part of the building without deduction for depreciation, and include coverage for domestic appliances as part of the building.

Agenda Item 85-12. The professional insurance agents of Texas request that the board consider amending the Texas townhouse policy to provide coverage for carpets as a part of the building, without deduction for depreciation and include coverage for domestic appliances as part of the building under Forms THO-100 and THO-101.

Agenda Item 85-13. The independent insurance agents of Texas request that the board consider revising the rules of the Texas general basis schedules to clarify that outside satellite dishes are to be rated the same as radio and television towers and antennas.

Agenda Item 85-14. The independent insurance agents of Texas request that the board consider amending the Form 79C to provide a space to show items to which the peril of vandalism and malicious mischief applies.

Agenda Item 85-15. The independent insurance agents of Texas request that the board consider revising the valuation provision in Forms TxCMP-100, 107 and 108 to provide the basis of valuation for prepackaged computer software to be the actual cash value, in lieu of the cost in blank form.

Agenda Item 85-16. The Texas Townhouse Advisory Committee requests that the board consider amending Forms THO-100 and THO-101 to allow Coverage A-1, townhouse building(s), to be all inclusive of any private garages, outbuildings, or structures.

Agenda Item 85-17. The Texas Townhouse Advisory Committee requests that the board consider amending the rate schedule for townhouses as contained in the Texas general basis schedules, as follows:

(A) eliminate the use of the .25 credit for no private club, as provided under the Townhouse rating schedule;

(B) reduce the basis charges under the Townhouse rating schedule by the .25 credit for no private club; increase the resultant basis charges by 10% for the inclusion of garages, outbuildings, and structures as part of Coverage A-1, townhouse building(s);

(C) eliminate the application of public housing credits and/or debits for all townhouse buildings as are defined in the townhouse manual, but use such existing public housing credits and/or debits as the new experience factor for townhouse buildings; and

(D) provide separate extended coverage rate tables for townhouses using the latest existing applicable extended coverage rates with an adjustment to building extended coverage rates to allow for the elimination of the 40% public housing credit applicable to extended coverage.

Agenda Item 85-18. The Texas Townhouse Advisory Committee requests that the board consider adopting a specific rule in the homeowners section of the Texas general basis schedules prohibiting the use of a Homeowners HO-A, HO-B, or HO-C Policy for any individually owned townhouse or condominium unit located in a building containing more than two units, unless a standard approved firewall exists between each one of each two of the units.

Agenda Item 85-19. The Texas Townhouse Advisory Committee requests that the board consider a recommendation that the rating schedule designed for the Texas Townhouse Program be extended to include residential condominiums to produce a creditable statistical base for future rate adjustments.

Agenda Item 85-20. The Texas Insurance Advisory Association requests that the board consider providing a new rating classification for convenience stores selling gasoline by establishing new occupancy table charges for convenience stores with or without gasoline pumps. Both

classifications would be subject to the experience class 053.

Agenda Item 85-21. The Texas Insurance Advisory Association requests that the board consider amending, by endorsement, the limit of liability provisions of all property policies to track the Texas standard homeowners policy as it refers to the application of depreciation to losses.

Agenda Item 85-22. The State Farm Fire and Casualty Company requests that the board consider developing an endorsement under the Texas commercial multi-peril policy to provide coverage for a pastor's business personal property, which is usual and incidental to the ministerial profession, under the institutional coverage forms.

Agenda Item 85-23. The State Farm Fire and Casualty Company requests that the board consider developing an endorsement for the Section II liability coverage of the Texas commercial multi-peril policy to provide donated labor coverage for institutional risks. The endorsement would delete exclusion (C)(3), Section III, medical payments coverage under Form TxCMP-205, and the comparable exclusions under Forms TxCMP-200 and TxCMP-203.

Agenda Item 85-24. The State Farm Fire and Casualty Company requests that the board consider developing an endorsement for Section II—liability coverage of the Texas commercial multi-peril policy to provide for sports team coverage for institutional risks. The endorsement would delete the exclusion, under medical payments, to any person practicing, instructing or participating in any physical training, sport, athletic activity, or contest.

Agenda Item 85-25. Dr. K. E. Shipper, Dean, College of Technical Arts, Lamar University, requests that the board consider amending Item 24 of the key rate schedule for grading cities and towns of Texas to allow credit to be provided for attendance of firemen's training classes at Lamar University.

Agenda Item 85-26. The professional insurance agents of Texas request that the board consider amending the rules of the Texas general basis schedules to allow waiver of premium adjustments under \$20.

Agenda Item 85-27. The professional insurance agents of Texas request that the board consider amending the basic limits of liability for coverage F, physical damage to property of others under the Texas standard homeowners policy to \$500 in lieu of the present \$250.

Agenda Item 85-28. The professional insurance agents of Texas request that the board consider amending the coverage for glass, under the Texas commercial multi-peril policy coverage forms, from a limitation of \$50 per pane to \$100 per pane with a maximum limitation of \$500 per occurrence.

Agenda Item 85-29. The professional insurance agents of Texas request that the board consider clarifying coverage for damage to swimming pools and outbuildings for the peril of freezing, under the Texas standard homeowners and Texas standard farm and ranch owners policies.

Agenda Item 85-30. The Texas Insurance Advisory Association requests that the board consider adding a new exclusion for Coverage A under the Texas standard homeowners and Texas standard farm and ranch owners policies to clarify that damage by freezing to certain property is excluded from coverage.

Agenda Item 85-31. The independent insurance agents of Texas request that the board consider amending the wording in the Texas standard homeowners and Texas standard farm and ranch owners policy forms to specifically provide coverage for freeze damage to swimming pools.

Agenda Item 85-32. The independent insurance agents of Texas request that the board consider amending the glass endorsement, Form TxCMP-179, to remove the \$75 limitation on losses involving the replacement of framing or the temporary boarding up measures.

Agenda Item 85-33. The independent insurance agents of Texas request that the board consider amending the Texas standard homeowners policy forms to increase the limit of liability applicable to business personal property from the present \$2,500 to \$10,000 with an additional charge.

Agenda Item 85-34. The independent insurance agents of Texas request that the board consider amending the notice of cancellation provisions of all standard property policies to provide for 30 days' notice of cancellation to the insured, except when cancellation is for nonpayment of premium. The exception for the notice of cancellation for nonpayment of premium should provide for 10 days' notice of cancellation to the insured.

Agenda Item 85-35. The State Farm Fire and Casualty Company requests that the board consider providing for hired and nonowned automobile coverage under the Texas townhouse policy.

Agenda Item 85-36. The independent insurance agents of Texas request that the board consider promulgation of a new Texas commercial multi-peril endorsement providing hired and nonowned automobile liability coverage.

Agenda Item 85-37. The Texas Insurance Advisory Association requests that the board consider elimination of the current short rate tables contained in the Texas general basis schedules and amend the short rate rules to provide that short rate procedures shall be 90% of the applicable pro rata factor.

Agenda Item 85-38. The Texas Veterinary Medical Association requests that the board consider amending the rules in the Texas commercial multi-peril section of the Texas general basis schedules to reflect the classification of veterinarians and veterinary hospitals as an office classification in lieu of a processing and service classification for the determination of the applicable Commercial Multi-Peril Program.

Agenda Item 85-39. The professional insurance agents of Texas request that the board consider amending the deductible provisions of the Texas commercial multi-peril policy to provide for a single deductible of \$250 for all perils included in the policy and eliminate the application of a separate windstorm and hail deductible per building.

Agenda Item 85-40. The professional insurance agents of Texas request that the board consider elimination of the different deductible clauses (Deductible Clause 1, Clause 2 and Clause 3) under the Texas standard homeowners policies and establish a single deductible clause for all perils included in the policy.

Agenda Item 85-41. The independent insurance agents of Texas request that the board consider amending the rules in the Texas commercial multi-peril section of the Texas general basis schedules to allow Form TxCMP-105B to be attached on policies insuring schools and

churches, when written with a single amount of insurance on buildings and contents.

Agenda Item 85-42. The independent insurance agents of Texas request that the board consider amending the Homeowners Form HO-309 to provide coverage for named perils, in addition to windstorm, hurricane and hail for an additional charge.

Agenda Item 85-43. The independent insurance agents of Texas request that the board consider amending endorsements 224, TxCMP-32 and HO-361 to cover property which, at the time of loss, is outside the catastrophe area as defined by the State Board of Insurance.

Agenda Item 85-44. The independent insurance agents of Texas request that the board consider amending Form TxCMP-190, specified power failure loss assumption endorsement, to include loss caused by change temperature resulting from vandalism and malicious mischief.

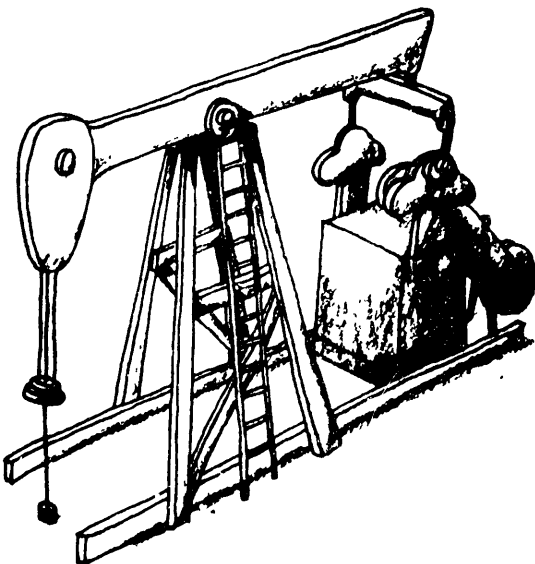
Agenda Item 85-45. The independent insurance agents of Texas request that the board consider amending the other insurance clause of the electronic equipment protection policy to clarify that the coverage afforded by the policy is primary and not excess.

Agenda Item 85-46. The Hartford Steam Boiler Inspection and Insurance Company requests that the board consider the adoption of a new UNITECH insurance policy which provides building and contents all risk coverage for large industrial and commercial operations and includes boiler and machinery coverage, transportation coverage, and difference conditions coverage.

Agenda Item 85-47. The independent insurance agents of Texas request that the board consider amending the rules of the Texas commercial multi-peril section of the Texas general basis schedules to allow the "all risk" mercantile Forms TxCMP-107 and 108 to be written on pet stores.

Agenda Item 85-48. The independent insurance agents of Texas request that the board consider revising the statistical plan to allow the recording of the experience of condominium risks separately and independently of the apartment house experience.

Agenda Item 85-49. The independent insurance agents of Texas request that the board consider amending Rule 8.3.1 in the homeowners section of the Texas general basis schedules to eliminate the wording for Section I deducti-



ble, in regard to the rating of the Unit Owners Rental to Others Endorsements HO-CON-12 and HO-CON-12A.

Agenda Item 85-50. The independent insurance agents of Texas request that the board consider revising Form TxCMP-124 to include water damage coverage in the same manner as is provided under Form TxCMP-123, at no additional charge.

Agenda Item 85-51. The independent insurance agents of Texas request that the board consider revising the additional insured Endorsements HO-301 and FRO-401 to provide coverage for any person or organization for Section I and any occupant for Section II of the policy.

Agenda Item 85-52. The independent insurance Agents of Texas request that the board consider amending the homeowners, farm and ranch owners, and townhouse policy forms to increase the money limitation from \$100 to \$200 and to add coverage for bank fund transfer cards.

Issued in Austin, Texas, on June 7, 1985

TRD-855147 James W. Norman
 Chief Clerk
 State Board of Insurance

Filed: June 7, 1985

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



Railroad Commission of Texas Public Hearing

The Railroad Commission of Texas will conduct a public hearing on the proposed new 16 TAC §5.102, concerning parcel carrier operation, and proposed new §5.114 and §5.136, concerning the collection of cash on delivery charges and weights to be used in assessing freight charges, respectively. The public hearing will commence at 9 a.m. on July 10, 1985, in Room 309, Railroad Commission Building, 1124 IH 35 South, Austin.

This hearing will be conducted in compliance with the general and special rules of practice and procedure before the Transportation Division. Any interested member of the public may appear and offer comments. Cross-examination of witnesses will not be allowed, although the presiding examiner may ask questions of any person testifying.

For further information, please contact Renee V. McCright, Hearings Examiner, Transportation Division, Railroad Commission of Texas, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1331.

Issued in Austin, Texas, on June 7, 1985.

TRD-855128 Walter Earl Lille
 Special Counsel
 Railroad Commission of Texas

Filed: June 7, 1985

For further information, please call (512) 445-1186.



Rule-Making Hearing

On March 11, 1985, the Railroad Commission of Texas approved the publication of rules proposed for the regulation of certain intrastate pipelines which transport hazardous liquids. These proposed rules were published in the

March 19, 1985, issue of the *Texas Register* at 10 Tex-Reg 904. The rules proposed as 16 TAC §§7.61-7.69 are authorized by the Texas Natural Resources Code, Chapter 117, and are intended to implement the statutory provisions set out therein.

Subsequent to publication of these proposed rules, several written comments were filed with the Gas Utilities Division. Accompanying its comments, the Texas Mid-Continent Oil and Gas Association requested that a formal rule-making hearing be held. This request was filed by an association having at least 25 members. Consequently, opportunity for a public hearing is required by Texas Civil Statutes, Article 6252-13a, §5(c).

It is therefore directed that a public hearing is scheduled to commence at 9 a.m. on Wednesday, June 26, 1985, in Room 221, Railroad Commission Building, 1124 IH 35 South, Austin. This hearing is held to receive oral and/or written comments, exhibits, and any other information relevant to the topic being considered.

It is further directed that no witnesses may be cross-examined other than by duly authorized representatives of the Railroad Commission of Texas to develop a complete and accurate record. The procedures to be follow-

ed are set out in the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, §5. Rules pertaining to contested cases will not apply.

In the event the Railroad Commission of Texas and its members are not present to preside over this rule-making hearing, the director or an examiner of the Gas Utilities Division hereby is empowered to do so and to perform any act authorized by Texas Civil Statutes, Article 6519a.

To accommodate all participants adequately, notification of intention to appear at this hearing will be helpful. Those intending to appear are requested to notify Lucia Sturdevant at (512) 475-0461. Questions should be referred to Michael George, who may be contacted at the same telephone number.

Issued in Austin, Texas, on June 6, 1985.

TRD-885085 Walter Earl Lille
Special Counsel
Railroad Commission of Texas

Filed: June 6, 1985
For further information, please call (512) 445-1186.

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